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Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Agriculture Department
Army Department
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Highway Administration
Federal Maritime Commission
Federal Reserve System
Fiscal Service
Food and Drug Administration
Hazardous Materials Regulations
Board
Interagency Textile Administrative
Committee
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Mines Bureau
Narcotics and Dangerous Drugs
Bureau
Public Health Service
Securities and Exchange Commission
Tariff Commission

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[Revised as of January 1, 1970]

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Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 7—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees are hereby consolidated and reissued, as set forth below. They supersede all previous regulations relating to the selection and functions of county and community committees which have been published in Part 7, Subtitle A, 7 CFR, and shall be in force and effect until amended or superseded by regulations hereafter made.

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7.37 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

AUTHORITY: The provisions of this Part 7, issued under sec. 4, 8, 49 Stat. 164, 1149, as amended; 16 U.S.C. 590d, 590h (b).

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

Each local committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this part as the "community committee."

§ 7.2 County committee.

Each county committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this part as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Sugar Act of 1948 except in the State of Hawaii, the Soil Bank Act, and any amendments to such acts, such other acts of Congress as the Secretary of Agriculture or the Congress may designate, and to perform such other functions as may be designated by the Secretary. This shall be done through community committees and committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected in accordance with the provisions of this part.

§ 7.5 Who may vote for community committeemen and delegates.

(a) Any person, regardless of race, color, religion, sex, or national origin, who has an interest in a farm as owner, tenant, or sharecropper and who is of legal voting age in the State in which the farm is located, and any person not of such legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm, shall be eligible to vote for community committeemen and delegates in the community in which he has such an interest if any one or more of the following is applicable:

(1) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this part as the "State committee";

(2) A marketing quota or acreage allotment is currently established for the farm;

(3) Such person is eligible for a co-operator's loan or other price support with respect to the farm;

(4) Such person is eligible for a payment under the Sugar Act program with respect to the farm;

(5) Such person is eligible for a payment under the National Wool Act program with respect to the farm; or

(6) Such person is eligible to participate with respect to the farm in any other program administered by the county committee.

(b) In any State having a community property law, the spouse of a person who is eligible to vote under paragraph (a) of this section shall also be eligible to vote.

(c) The term "person" as used in this section means an individual, partnership, association, corporation, estate, trust, other business enterprise or legal entity, or a State, political subdivision of a State or any agency thereof.

(d) The vote may be cast by:

(1) An individual for himself.

(2) A duly authorized partner of a partnership for the partnership.

(3) A duly authorized officer of a corporation for the corporation.

(4) A guardian who is legally appointed for a minor or incompetent person.

(5) A duly authorized representative of any other eligible voter entity, except an individual.

(e) Each county office shall have a prepared list of eligible voters for each community within the county available for public inspection in advance of the election.

§ 7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties. The county committee shall give public notice of the community boundaries in advance of the election.

§ 7.8 Calling of elections.

(a) Each election of community committeemen shall be held on a date or within a period of time fixed by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service (called "Deputy Administrator" in this part) which will in his judgment best afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30, each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community committee has not been held substantially in accordance with official instructions, the State committee shall declare such election void and call a new election.

§ 7.9 Conduct of community elections.

(a) The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with official instructions issued by the Deputy Administrator.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, community elections shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of how, when, and

where eligible voters may vote, when and where the votes will be counted, and the right to witness the vote counting.

(d) All nominees shall be notified in writing of the outcome of the election by the county executive director.

§ 7.10 Conduct of county convention.

(a) The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with official instructions issued by the Deputy Administrator, which shall be available for examination in each county office.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, county conventions shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of the county convention. It shall be open to the public.

(d) The county executive director shall notify in writing all newly elected county committee members, alternates, and county committeemen with unexpired terms, of the election results.

§ 7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall also elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. The State committee shall approve the election method to be used, which shall be either by mail, by meeting, or by polling place. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however*, That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not

invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) Where there is only one community in the county, at the first election held on or after January 1, 1965, one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, one committeeman shall be elected to hold office for a term of 2 years or until his successor is elected and qualified, and one committeeman shall be elected to hold office for a term of 1 year or until his successor is elected and qualified. At each annual election held thereafter, one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of the committee. In the event an alternate fills a permanent vacancy on the committee, he shall not thereby assume the unexpired term of the committeeman he replaced. An acting member shall have the same duties and authority as a member.

(d) The community committee shall select a secretary who shall be either the county agricultural extension agent for the county or an employee of the county committee.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11(a) shall meet in a convention held before the close of the same calendar year in which they were elected to elect committeemen for vacancies on the county committee. The Deputy Administrator may fix the exact date. Each delegate shall be entitled to only one vote on any ballot, and there shall be no voting by proxy. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee shall consist of three members. At the first county convention held on or after January 1, 1965, one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, one committeeman shall be elected to hold office for a term of 2 years or until his successor is elected and qualified, and one committeeman shall be elected to hold office for a term of 1 year or until his successor is elected and qualified. At each annual county convention held thereafter, one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year.

(b) One member shall be elected annually by the delegates as chairman, and one member as vice chairman.

(c) At each convention, the delegates shall also elect annually a first and second alternate to the county committee to serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, he shall not thereby assume the unexpired term of the committeeman he replaced. An acting member of the county committee shall have the same duties and authority as a member.

(d) The county committee shall select a secretary who shall be either the county executive director or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 Tie votes.

(a) Tie votes in community committee elections may, at the discretion of the county committee and with the consent of the contestants, be settled by lot. Except in a one community county, if election is by mail or polling place and there is a tie vote by the three regular members in determining among themselves who shall be chairman and who shall be vice chairman of the committee and such tie cannot be broken by further balloting on the same day, it shall be broken by lot.

(b) In the county convention, tie votes shall be broken by further balloting.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section, and approved by the State committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county

committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

§ 7.14a Appeals.

(a) Any eligible voter in the county may appeal to the county committee in writing or in person, or both:

(1) The eligibility or ineligibility of persons to vote,

(2) The eligibility of persons to hold office, and

(3) The validity of the community committee elections. Such appeals must be made within 15 days of the election date, except that appeals on a determination of eligibility of a person nominated by petition must be made within 15 days of the date of notification of ineligibility.

(b) Any eligible voter in the county may appeal to the State committee in writing, in person, or both:

(1) A county committee decision on an election appeal, and

(2) The validity of a county convention. An appeal of a county committee decision must be made within 15 days of the notification of the decision. An appeal on the validity of a county convention must be made within 15 days of the county convention.

ELIGIBILITY REQUIREMENTS

§ 7.15 County committeemen, community committeemen, and delegates.

To be eligible to hold office as a county committeeman, a community committeeman, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if proposed for county committeeman or alternate and in the community in which the election is held if proposed for community committeeman or alternate;

(b) Be residing in the county in which the election is held if proposed for county committeeman; and, unless waived by the State committee, be residing in the community in which the election is held if proposed for community committeeman: *Provided, however*, That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.27;

(d) Not have been dishonorably discharged from any branch of the armed services; not have been removed for cause from any public office; not have been convicted of any fraud, larceny,

embezzlement, or felony; unless any such disqualification is waived by the State committee or the Deputy Administrator.

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administered in the county, or refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during his term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committeeman or alternate county committeeman, not have passed his 70th birthday by the date his term of office, or new term of office begins, unless this provision is waived by the State committee;

(i) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(j) If the office is that of delegate to the county convention, not have been a county committeeman for that county during the 90 days preceding the community election;

(k) If the office is that of county committeeman, not be serving as a county committeeman with one or more years following the current election remaining in his term of office;

(l) If the office is that of county committeeman, not have served three consecutive terms as county committeeman just prior to the current election: *Provided, however*, That any term which began on or prior to January 1, 1965, or any partial year served thereafter by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation. The tenure of office of any county committeeman, community committeeman, delegate, or alternate to any such office, shall be terminated as soon as any

such person becomes ineligible for office under the provisions of this section.

§ 7.16 All other personnel.

(a) The county executive director or any other employee must not be ineligible under § 7.27.

(b) The county executive director and other employees must not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county executive director or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county executive director, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county executive director or any other employee must not have been disqualified for future employment because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment; or committed, attempted, or conspired to commit fraud; or impeded the effectiveness of any program administered in the county; or refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or interfered with others in carrying out such policy; or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county executive director or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.17 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

- (1) A member of a community committee;
- (2) A delegate to a county convention;
- (3) The secretary to or the treasurer of a county committee;
- (4) A member of the State committee; or
- (5) County executive director or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

- (1) A member of a county committee;
 - (2) The secretary to or the treasurer of a county committee;
 - (3) A member of the State committee; or
 - (4) County executive director.
- (c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such office shall begin on a date fixed by the Deputy Administrator which shall be after their election and not later than the first working day in the next January: *Provided, however,* That before any such county committeeman or alternate county committeeman may take office he shall sign a pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman. A term of office shall continue until a successor has been elected and qualified as provided in §§ 7.11 and 7.12.

§ 7.19 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue until their respective successors have been elected and qualified.

DUTIES

§ 7.20 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, the programs under the Soil Bank Act, and, except in the State of Hawaii, the sugar program, formulated pursuant to the acts of Congress specified in § 7.3, and any other program or functions assigned to it by the Secretary of Agriculture. In so doing the committee shall:

- (a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures of the Deputy Administrator;
- (b) Employ the county executive director, subject to standards and qualifications furnished by the State committee, to serve at the pleasure of the county committee, except that incumbent directors shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided also,* That there shall be no employment discrimination due to race, religion, color, sex, or national origin. The county executive director may not be

removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Direct the activities of the community committees elected in the county;

(d) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(e) Recommend to the State committee needed changes in boundaries of communities;

(f) Make available to farmers and the public information concerning the objectives and operations of the programs administered through the county committee;

(g) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with instructions issued by the Deputy Administrator;

(h) Give public notice of the designation and boundaries of each community within the county not less than 50 days prior to the election of community committeemen and delegates;

(i) Direct the giving of notices in accordance with applicable regulations and instructions;

(j) Recommend to the State committee desirable changes in or additions to existing programs;

(k) Conduct such hearings and investigations as the State committee may request; and

(l) Perform such other duties as may be prescribed by the State committee.

§ 7.21 Chairman of the county committee.

The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State committee.

§ 7.22 Community committee.

The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.23 Chairman of the community committee.

The chairman of the community committee or the person acting in his stead

shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

§ 7.24 Delegate to the county convention.

Each delegate shall meet with other delegates in a county convention within a period of time fixed by the Deputy Administrator and at the place designated by the county committee to elect county committeemen for the county.

§ 7.25 County executive director.

The county executive director shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office, in accordance with standards and qualifications furnished by the State committee, to serve at his pleasure: *Provided, however,* That there shall be no employment discrimination due to race, religion, color, sex, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairman on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

§ 7.26 All personnel.

(a) No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

(b) County committeemen, community committeemen, delegates, or alternates, and any person employed in the county office shall be subject to the official instructions of the Deputy Administrator issued with respect to conflicts of interest and proper conduct.

POLITICAL ACTIVITY

§ 7.27 All personnel.

(a) No person may be a member of the county governing body or hold a Federal, State, or county office filled by an election held pursuant to law and also hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards,

drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committeeman, community committeeman, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committeeman, community committeeman, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(f) No county committeeman, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations;

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on

behalf of individual candidates in township and municipal elections;

(3) Any other political purpose.

REMOVAL FROM OFFICE OR EMPLOYMENT

§ 7.28 County and community committeemen, and delegates to county convention.

(a)(1) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who fails to perform the duties of his office; or who commits or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.27 (e) or (f); or who refuses to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instructions, shall be suspended by the State committee. Any such person who is under formal investigation for any of the above cited reasons may be suspended by the State committee. Any person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the State committee in writing, in person, or both, why he should be restored to duty.

(2) The State committee, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise the State committee why he should be restored to duty. In the event a person under suspension submits his resignation, or his term expires, acceptance thereof shall not prevent a determination by the State committee that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(b) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

(c) Any former county committeeman, community committeeman, delegate, or

any alternate to any such office, who during such term of office failed to perform the duties of his office; or committed, attempted, or conspired to commit fraud; or who impeded the effectiveness of any program administered in the county; or who violated the provisions of § 7.27 (e) or (f); or who refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interfered with others in carrying out such policy; or who violated official instructions, may be disqualified by the State committee from future service or employment. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, the person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, who, prior to taking his present office, committed, or attempted or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the State committee. Any such person who is under formal investigation for any of the above cited reasons may be suspended by the State committee. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

§ 7.29 County office personnel.

(a)(1) Any county executive director who fails to perform the duties of his employment or who commits, or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.27 (e) or (f); or who refuses to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instructions, shall be suspended by the county committee or State committee. Any county executive director who is under formal investigation for any of the above cited reasons may be suspended by the county committee or State committee. A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the committee which made the suspension, in writing, in person, or both, why he should be restored to duty.

(2) The committee which made the suspension following such further in-

vestigation as is deemed necessary shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee or State committee that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(b)(1) Any employee, other than the county executive director, who fails to perform the duties of his employment; or who commits, or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.27 (e) or (f); or who refuses to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instructions, shall be suspended by the county executive director, county committee, or State committee. Any employee who is under formal investigation for any of the above cited reasons may be suspended by the county executive director, county committee or State committee.

(2) A person suspended under the provisions of this paragraph shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he should be restored to duty. The county committee, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall either restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of

such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee or the State committee that he would have been removed had he remained in the position and such a determination shall constitute removal within the meaning of §§ 7.15(e), 7.16(c), and 7.31. The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any former county executive director or other employee who during his term of employment failed to perform the duties of his employment; or who committed, attempted, or conspired to commit fraud; or who impeded the effectiveness of any program administered in the county; or who violated the provisions of § 7.27 (e) or (f); or who refused to carry out the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interfered with others in carrying out such policy; or who violated official instructions, may be disqualified from future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, a person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county executive director who, prior to taking his present office or employment, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the county committee or State committee. Any county executive director who is under formal investigation for any of the above cited reasons may be suspended by the county committee or State committee. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

(e) Any employee, other than the county executive director, who, prior to taking his present office or employment, committed, or attempted, or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended by the county executive director, county committee or State committee. Any employee who is under formal investigation for any of the above cited reasons may be suspended by the county executive director, county committee, or State committee. The proceedings under this paragraph shall be the same as in paragraph (b) of this section.

§ 7.30 Delegation of authority to Deputy Administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county executive director by this part, the Deputy Administrator shall have authority to suspend and remove any county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county executive director, or other county employee, for any and all of the reasons and causes authorizing such suspension and removal by the State committee, the county committee, or the county executive director. When the Deputy Administrator suspends any person hereunder he shall give a written statement of the reasons for such action. Any person suspended shall have 15 days from date of mailing in which to advise the Deputy Administrator in writing, in person, or both, why he should be restored to duty. The Deputy Administrator following such further investigation as he deems necessary shall either restore to duty or remove the suspended person. In the event further investigation develops reasons for the action taken, in addition to those disclosed in the suspension notice, the suspended person shall be given written notification of such additional reasons and 15 days from date of mailing within which to advise the Deputy Administrator why he should be restored to duty.

§ 7.31 Right of review.

(a) Any person removed from employment by the county committee under the provisions of § 7.27 (e) or (f), or § 7.29 (a) or (b) shall have the right to present to the State committee reasons in writing, in person, or both, as to why he should be restored to duty. The State committee may either uphold the decision of the county committee or order the person restored to duty. If the person removed is dissatisfied with the decision of the State committee, he may present the reasons in writing, in person, or both, to the Deputy Administrator as to why he should be restored to duty. The Deputy Administrator may uphold the decision or order the person restored to duty. Any person removed from office or employment or disqualified for future office or employment by the State committee under the provisions of § 7.27 (e) and (f), § 7.28, § 7.29, or § 7.30 shall have the right to present to the Deputy Administrator reasons in writing, in person, or both, as to why he should be restored to duty or have the disqualification removed. The Deputy Administrator may uphold the decision or order the person restored to duty or order the disqualification removed. Any person removed from office or employment by the Deputy Administrator under the provisions of § 7.30 shall have the right to request of the Deputy Administrator a reconsideration of his decision, and to present reasons therefor in writing, in person, or both.

(b) Any presentation under this section shall be in accordance with such procedures as the Deputy Administrator

may prescribe. Notice of intent to make any presentation under this section must be filed within 30 days of the date the notice of removal or disqualification decision is mailed to any such person.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.32 Custody.

(a) All books, records, and documents of or used by the county committee in the administration of programs assigned to it, or in the conduct of elections, shall be the property of the United States Department of Agriculture and shall be maintained in good order in the county office.

(b) For polling and mail type elections, ballots shall remain in sealed boxes until the prescribed date for counting. Following the counting of ballots in all types of elections, the ballots shall be placed in sealed containers and retained for 30 days unless otherwise determined by the State committee.

§ 7.33 Use.

The books, records, and documents referred to in § 7.33 shall be available for use and examination:

(a) At all times by authorized representatives of the Secretary of Agriculture, the Administrator and Deputy Administrator, Agricultural Stabilization and Conservation Service;

(b) By State, county, and community committeemen, and authorized employees of the State and county office in the performance of duties assigned to them under this part, subject to any limitations prescribed by the Deputy Administrator in instructions;

(c) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected, subject to any limitations prescribed by the Deputy Administrator in instructions; and

(d) To any other person only in accordance with instructions issued by the Deputy Administrator.

GENERAL PROVISIONS

§ 7.34 Administrative operations.

The administrative operations of county committees including but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with instructions issued by the Deputy Administrator:

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.35 Implementation.

The Deputy Administrator is authorized to issue instructions implementing the regulations in this part.

§ 7.36 Applicability.

The regulation in this part shall apply to each State of the United States.

§ 7.37 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

Nothing in these regulations shall preclude the Secretary; Administrator, Agricultural Stabilization and Conservation Service; or Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee. In exercising this authority either the Secretary, Administrator, or Deputy Administrator may designate a person or persons of his choice to be in charge with full authority to carry on the programs or other functions without regard to the committee, committees, or their employees for such period of time as he may deem necessary.

Effective date. Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 29, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-8490; Filed, July 2, 1970; 8:46 a.m.]

PART 20—LIMITATION ON IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

Sec.	
20.1	General.
20.2	Definitions.
20.3	Restrictions.
20.4	Effective date.

AUTHORITY: The provisions of this subpart issued pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854, and E.O. 11539).

§ 20.1 General.

The regulations set forth in this subpart are issued by the Secretary of Agriculture, with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations. The regulations are to assist in carrying out bilateral agreements negotiated pursuant to section 204 of the Agricultural Act of 1956, as amended, with governments of foreign countries limiting the export from the respective countries and the importation into the United States of meat. By E.O. 11539, dated June 30, 1970, the Secretary of Agriculture was authorized, with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations, to issue regulations governing the entry or withdrawal from warehouse for consumption in the United States of meat to carry out such bilateral agreements and to request the Commissioner of Customs to implement such action.

§ 20.2 Definitions.

The following terms shall have the meaning set forth in this section:

(a) "Meat" means fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States)

and fresh, chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States).

(b) "United States" means the 50 States of the United States, the District of Columbia, and Puerto Rico.

§ 20.3 Restrictions.

No meat which is the product of Australia, New Zealand, or Ireland may be entered, or withdrawn from warehouse, for consumption in the United States during the remainder of the calendar year 1970, except direct shipments of such meat destined to the United States on an original through bill of lading. Appendix A hereto sets forth a letter to the Commissioner of Customs dated July 1, 1970, from the Secretary of Agriculture requesting that this limitation be placed in effect.

§ 20.4 Effective date.

The actions taken herewith have been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 (Supp. V, 1969). This regulation shall become effective upon publication in the FEDERAL REGISTER but shall not apply to meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date.

Issued at Washington, D.C., this first day of July 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

APPENDIX A

HONORABLE MYLES J. AMBROSE,
Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20220.

DEAR MR. AMBROSE: Bilateral agreements have been negotiated with the Governments of Australia, New Zealand, and Ireland pursuant to section 204 of the Agricultural Act of 1956, limiting the export from the respective countries and the importation into the United States of fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States). In accordance with the authority delegated by E.O. 11539, dated June 30, 1970, I am, with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations, issuing a regulation to assist in carrying out these bilateral agreements.

This regulation provides that no meat of the above description, the product of Australia, New Zealand, or Ireland, may be entered, or withdrawn from warehouse, for consumption in the United States during the remainder of the calendar year 1970 except direct shipments of such meat destined to the United States on an original through bill of lading. A copy of the regulation, which will be published in the FEDERAL REGISTER, is enclosed.

In accordance with E.O. 11539, you are requested to take such action as is necessary to implement this regulation. This request is made with the concurrence of the Secretary

of State and the Special Representative for Trade Negotiations.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-8576; Filed, July 2, 1970;
8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

Basis and purpose. Section 725.1 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the Act, to proclaim national marketing quotas for flue-cured tobacco for the 1971-72, 1972-73, and 1973-74 marketing years. Section 725.2 is issued, pursuant to the Act, to determine and announce the reserve supply level for flue-cured tobacco; and to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1971, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor.

Since the 1970-71 marketing year is the last of the 3 consecutive years for which marketing quotas, previously proclaimed on an acreage-poundage basis, will be in effect, section 317(d) of the Act provides that the Secretary shall proclaim marketing quotas for flue-cured tobacco on either an acreage basis or an acreage-poundage basis for the 1971-72, 1972-73, and 1973-74 marketing years, whichever he determines would result in a more effective quota. It is hereby determined that, in view of the better supply control resulting from the acreage-poundage quota program beginning in 1965, a more effective quota would result from marketing quotas on an acreage-poundage basis.

The determinations by the Secretary contained in §§ 725.1 and 725.2 have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views, and recommendations received from flue-cured tobacco producers and others pursuant to a notice (35 F.R. 7075) given in accordance with the provisions of 5 U.S.C. 553. Respondents to the notice preponderantly recommended the proclamation of quotas on an acreage-poundage basis and holding the referendum at polling places before

the opening of the 1970 marketing season. As to the national marketing quota, national average yield goal, and national acreage allotment for the 1971-72 marketing year, respondents preponderantly recommended keeping the quota, yield goal and allotment about the same as for the 1970-71 marketing year.

Since the Act requires the holding of a referendum of flue-cured tobacco producers within 30 days after the issuance of the proclamation of quotas to determine whether the producers favor quotas, and the Act requires, insofar as practicable, the mailing of farm allotment notices to farmers prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1970-71 marketing year (including estimate for the 1969-70 marketing year) was 734.5 million pounds, and the 10-year average exports during such period (including estimate for the 1969-70 marketing year) was 495.1 million pounds. After adjustment for trends, a normal year's domestic consumption of 685.0 million pounds and a normal year's exports of 520 million pounds appear reasonable, and result in a reserve supply level of 2,878.9 million pounds.

The carryover of flue-cured tobacco in the hands of dealers and manufacturers and under Government loan on July 1, 1970 are estimated at 1,953 million pounds, farm sales weight. The 1970 crop is currently estimated at 1,082 million pounds. The sum of these, 3,035 million pounds, represents the total supply of flue-cured tobacco for the 1970-71 marketing year. Compared with present estimates for the 1969-70 marketing year of 650 million pounds for domestic utilization and 550 million pounds for export, it is estimated that 640 million pounds of

Flue-cured tobacco will be utilized in the United States during the 1970-71 marketing year and 550 million pounds will be exported in such marketing year. The estimated carryover of flue-cured tobacco at the beginning of the 1971-72 marketing year is, therefore, estimated at 1,845 million pounds. With an estimated 1971 production of 1,100 million pounds, the resulting total supply of flue-cured tobacco for the 1971-72 marketing year would be 2,945 million pounds or 66 million pounds above the reserve supply level.

It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in the national marketing quota of 108.6 million pounds should be made. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1971, is determined to be 1,071.4 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because a greater reduction would not effect an orderly reduction to the reserve supply level.

It is determined that the national marketing quota of 1,071.4 million pounds, in view of the anticipated carryover, will insure an adequate supply of flue-cured tobacco for the 1971-72 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in the flue-cured tobacco area.

The community average yields have been determined for flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34a (30 F.R. 6207, 9875, 14487).

The national acreage allotment is 577,885.65 acres, determined in accordance with provisions of the Act by dividing the national marketing quota of 1,071.4 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the Act, a reserve from the national acreage allotment is established in the amount of 224.47 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965-66 marketing year for flue-cured tobacco was determined (30 F.R. 6144), and it was determined that types 11, 12, 13, and 14 constitute

one kind of tobacco for purposes of the Act for the 1965-66, 1966-67, 1967-68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 F.R. 881), and that determination was sustained in the case of Brown et al., v. Freeman. This finding was made applicable for the 1968-69, 1969-70, and 1970-71 marketing years (32 F.R. 9817), and is determined to be applicable also to the 1971-72, 1972-73, and 1973-74 marketing years.

No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of section 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of flue-cured tobacco and, therefore, no action was taken for the 1965-66 marketing year (nor for subsequent marketing years) under this section. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965-66 and subsequent marketing years and, therefore, no action is being taken under section 313(i) of the Act for the 1971-72 marketing year. In addition, section 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 317(4) of the Act, the better view is that section 313(i) of the Act should not be applied to acreage allotments and marketing quotas determined under section 317 of the Act.

PROCLAMATION OF QUOTAS

§ 725.1 1971-72, 1972-73, and 1973-74 marketing years.

Since marketing quotas have been made effective for flue-cured tobacco for the 1968-69, 1969-70, and 1970-71 marketing years (32 F.R. 9817), and since the 1970-71 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for flue-cured tobacco, and since it is determined that a marketing quota program on an acreage-poundage basis will result in a more effective program for flue-cured tobacco, marketing quotas on an acreage-poundage basis are hereby proclaimed for flue-cured tobacco for the 1971-72, 1972-73, and 1973-74 marketing years.

DETERMINATIONS AND ANNOUNCEMENTS, 1971-72 MARKETING YEAR

§ 725.2 Flue-cured tobacco.

(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 2,878.9 million pounds, calculated, as provided in the Act, from a normal year's

domestic consumption of 685.0 million pounds and a normal year's exports of 520.0 million pounds.

(b) *National marketing quota.* A national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1971 is hereby determined and announced in the amount of 1,071.4 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 640 million pounds and exports in such marketing year of 540 million pounds, with a downward adjustment which is determined to be desirable for the purpose of effecting an orderly reduction of supplies to the reserve supply level.

(c) *National average yield goal.* The national average yield goal for flue-cured tobacco for the marketing year beginning July 1, 1971, is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1971, is determined and announced to be 577,885.65 acres. This allotment was determined by dividing the national marketing quota of 1,071.4 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 224.47 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 224.47 acres, 50 acres are hereby set aside to be available for new farms. The remainder, 174.47 acres, is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for the 1971 crop of flue-cured tobacco is determined and announced to be 1.0.

(g) *National yield factor.* The national yield factor for the 1971 crop of flue-cured tobacco is determined and announced to be 0.9316.

(Secs. 301, 313, 317, § 5, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on June 24, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-8523; Filed, July 1, 1970; 9:19 a.m.]

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

[Lemon Reg. 434]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.734 Lemon Regulation 434.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, 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 rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 30, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and

Arizona which may be handled during the period July 3, 1970, through July 11, 1970, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 279,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-574)

Dated: July 1, 1970.

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

[F.R. Doc. 70-8571; Filed, July 2, 1970; 8:49 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rate of Assessment

On June 17, 1970, notice of rule making was published in the FEDERAL REGISTER (35 F.R. 9930) regarding proposed expenses, and the related rate of assessment for the period beginning April 1, 1970, through March 1, 1971, pursuant to the marketing agreement, as amended, and order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south 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 Avocado Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 915.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses which are reasonable and likely to be incurred by the Avocado 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 § 915.41, is fixed at \$0.04 per bushel of avocados.

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 avocados 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 avocados 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 avocados beginning with such date.

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

Dated: June 30, 1970.

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

[F.R. Doc. 70-8518; Filed, July 2, 1970; 8:48 a.m.]

[945.329]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER June 25, 1970 (35 F.R. 10363). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations by the Idaho-Eastern Oregon Potato Committee reflects its appraisal of the crop and prospective market conditions. Shipments of new crop potatoes from the production area are expected to begin about mid-July, however, storage potatoes from last year's crop will be shipped during the first 2 weeks of July. The proposed regulation provided herein is necessary to prevent potatoes of lower grades, undesirable sizes, and immature potatoes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the act.

The proposed regulation with respect to special purpose shipments for other than fresh market use is designed to meet

the different requirements for such outlets.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers. Idaho-Eastern Oregon Potato Committee held an open meeting June 12, 1970, to consider recommendations for a limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.329 Limitation of shipments.

During the period beginning the effective date hereof through June 30, 1971, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—
(1) *Grade*—All varieties. U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties*. 1½ inches minimum diameter.

(ii) *All other varieties*. 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*. Size B if U.S. No. 1, or better grade.

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	Weight range
Larger than 50 count	15 ounces or larger.
50 count	12-19 ounces.
60 count	10-16 ounces.
70 count	9-15 ounces.
80 count	8-13 ounces.
90 count	7-12 ounces.
100 count	6-10 ounces.
110 count	5-9 ounces.
120 count	4-8 ounces.
130 count	4-8 ounces.
140 count	4-8 ounces.
Smaller than 140 count	4-8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(a) Not to exceed 5 percent for undersize; and,

(b) Not to exceed 10 percent for oversize.

(3) *Cleanliness*—All varieties. "Generally fairly clean."

(b) *Minimum maturity requirements*.—

(1) *White Rose and red skin varieties*: During the period beginning the effective date of this section through December 31, 1970, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements.

(2) *All other varieties*. "Slightly skinned."

(3) *Exception*. (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements. (ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regarded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph. (iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments*. (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (i) Charity;
- (ii) Certified seed;
- (iii) Seed pieces cut from stock eligible for certification as certified seed;
- (iv) Experimentation;
- (v) Canning, freezing, and "other processing" as hereinafter defined: *Provided*, That shipments of potatoes for the purposes specified in subdivision (v) of this subparagraph shall be exempt from inspection requirements specified in § 945.65 and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export*: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling*: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards*. Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, canning, freezing, and "other processing" as hereinafter defined, export, or for prepeeling

pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a certificate of privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable certificate of privilege;

(3) At the time of applying to the committee for a certificate of privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each certificate of privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

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

(f) *Definitions*. The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421-52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and order No. 945, both as amended.

(g) *Applicability to imports*. Pursuant to § 608e-1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during

the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: July 1, 1970, to become effective July 7, 1970.

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

[F.R. Doc. 70-8537; Filed, July 2, 1970; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Rye Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations (35 F.R. 10355) and any amendments to such regulations, are further supplemented for the 1970 crop of rye by adding §§ 1421.350—1421.354 to read as follows:

Sec.	
1421.350	Purpose.
1421.351	Availability.
1421.352	Maturity of loans.
1421.353	Warehouse charges.
1421.354	Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.350 Purpose.

This supplement contains program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and the 1970 and Subsequent Crops Rye, Loan and Purchase Program regulations, and any amendments thereto, apply to price support loans and purchases with respect to the 1970 crop of rye.

§ 1421.351 Availability.

A producer desiring a price support loan must request a loan on his eligible rye on or before March 31, 1971. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office, on or before April 30, 1971, a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1970 crop rye he will sell to CCC.

§ 1421.352 Maturity of loans.

Unless demand is made earlier, all loans on rye will mature on April 30, 1971.

§ 1421.353 Warehouse charges.

Subject to the provision of § 1421.342, the schedules of deductions set forth in this section shall apply to rye stored in an approved warehouse operating under the Uniform Grain Storage Agreement and an approved warehouse operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES

Maturity date April 30, 1971	Deduction (cents per bushel)
(¹)	
Prior to May 16, 1970.....	13
May 16-June 12.....	12
June 13-July 10.....	11
July 11-Aug. 7.....	10
Aug. 8-Sept. 4.....	9
Sept. 5-Oct. 2.....	8
Oct. 3-Oct. 30.....	7
Oct. 31-Nov. 27.....	6
Nov. 28-Dec. 25.....	5
Dec. 26, 1970-Jan. 22, 1971.....	4
Jan. 23-Feb. 19.....	3
Feb. 20-Mar. 19.....	2
Mar. 20-Apr. 30, 1971.....	1

¹ Dates storage charges start, all dates inclusive.

(b) *Warehouse operated by an Eastern common carrier.* (1) Eligible rye stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC:

Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9-2151, Baltimore, Md.

(2) Schedule of deductions for storage charges:

Maturity date April 30, 1971	Deduction (cents per bushel)
(¹)	(²)
Prior to June 25, 1970.....	16
June 25-July 14.....	15
July 15-Aug. 3.....	14
Aug. 4-Aug. 23.....	13
Aug. 24-Sept. 12.....	12
Sept. 13-Oct. 2.....	11
Oct. 3-Oct. 22.....	10
Oct. 23-Nov. 11.....	9
Nov. 12-Dec. 1.....	8
Dec. 2-Dec. 21.....	7
Dec. 22, 1970-Jan. 10, 1971.....	6
Jan. 11-Jan. 30.....	5
Jan. 31-Feb. 19.....	4
Feb. 20-Mar. 11.....	3
Mar. 12-Mar. 31.....	2
Apr. 1-Apr. 30, 1971.....	1

¹ Storage commence date, all dates inclusive.

² Charges shall be reduced by 2½ cents per bushel if producer presents evidence that elevation charges were prepaid.

§ 1421.354 Support rates.

(a) *Basic support rates (counties).* Basic county support rates per bushel for loan and settlement purposes for rye

are established for rye grading U.S. No. 2 or better, or U.S. No. 3 on the factor of test weight only and are as follows:

ALABAMA		Rate per bushel
County		
All counties.....		\$1.15
ARIZONA		
All counties.....		\$1.05
ARKANSAS		
All counties.....		\$1.03
CALIFORNIA		
Alameda.....	1.22	Riverside..... 1.17
Alpine.....	1.08	Sacramento... 1.22
Amador.....	1.20	San Benito... 1.17
Butte.....	1.17	San Bernar-
Calaveras.....	1.20	dino..... 1.19
Colusa.....	1.18	San Diego.... 1.22
Contra Costa..	1.20	San.....
Eldorado.....	1.20	Francisco... 1.22
Fresno.....	1.18	San Joaquin.. 1.22
Glenn.....	1.17	San Luis.....
Humboldt.....	1.06	Obispo..... 1.16
Imperial.....	1.17	San Mateo... 1.20
Inyo.....	1.13	Santa.....
Kern.....	1.19	Barbara..... 1.16
Kings.....	1.18	Santa Clara... 1.20
Lake.....	1.17	Santa Cruz... 1.17
Lassen.....	1.06	Shasta..... 1.06
Los Angeles... 1.22		Sierra..... 1.10
Madera.....	1.20	Siskiyou... 1.06
Merced.....	1.20	Solano..... 1.19
Marin.....	1.20	Sonoma..... 1.18
Mariposa.....	1.20	Stanislaus... 1.21
Mendocino... 1.12		Sutter..... 1.18
Modoc.....	1.06	Tehama..... 1.12
Monterey.....	1.16	Tulare..... 1.17
Napa.....	1.19	Tuolumne... 1.20
Orange.....	1.22	Ventura..... 1.19
Placer.....	1.18	Yolo..... 1.19
Plumas.....	1.09	Yuba..... 1.18
COLORADO		
Adams.....	0.87	La Plata..... .88
Alamosa.....	.88	Larimer..... .87
Arapahoe.....	.87	Las Animas... .87
Archuleta... .88		Lincoln..... .87
Baca.....	.89	Logan..... .88
Bent.....	.88	Mesa..... .88
Boulder.....	.87	Moffat..... .88
Chaffee.....	.88	Montezuma... .88
Cheyenne.....	.90	Montrose... .88
Conejos.....	.88	Morgan..... .87
Costilla.....	.88	Otero..... .87
Crowley.....	.87	Ouray..... .88
Custer.....	.88	Park..... .88
Delta.....	.88	Phillips... .90
Denver.....	.87	Pitkin..... .88
Douglas.....	.87	Prowers... .89
Dolores.....	.88	Pueblo..... .87
Eagle.....	.88	Rio Blanco... .88
Elbert.....	.87	Rio Grande... .88
El Paso.....	.87	Routt..... .88
Fremont.....	.88	Saguache... .88
Garfield.....	.88	San Miguel... .88
Grand.....	.88	Sedgwick... .90
Gunnison.....	.88	Summit..... .88
Huerfano.....	.88	Teller..... .88
Jackson.....	.88	Washington... .87
Jefferson.....	.87	Weld..... .87
Kiowa.....	.89	Yuma..... .89
Kit Carson... .89		
CONNECTICUT		
All counties.....		\$1.14
DELAWARE		
All counties.....		\$1.14
FLORIDA		
All counties.....		\$1.20
GEORGIA		
All counties.....		\$1.20

RULES AND REGULATIONS

10843

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	\$1.03	Gem	\$1.03
Adams	1.03	Gooding	.98
Bannock	.94	Idaho	1.09
Bear Lake	.91	Jefferson	.91
Benewah	1.12	Jerome	.98
Bingham	.92	Kootenai	1.11
Blaine	.96	Latah	1.12
Boise	1.01	Lemhi	.91
Bonner	1.06	Lewis	1.09
Bonneville	.91	Lincoln	.98
Boundary	1.04	Madison	.90
Butte	.92	Minidoka	.98
Camas	.96	Nez Perce	1.12
Canyon	1.03	Oneida	.95
Caribou	.93	Owyhee	1.03
Cassia	.98	Payette	1.03
Clark	.90	Power	.95
Clearwater	1.09	Shoshone	.95
Custer	.92	Teton	.90
Elmore	1.01	Twin Falls	.98
Franklin	.94	Valley	1.01
Fremont	.90	Washington	1.03

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	1.11	Lee	1.16
Alexander	1.09	Livingston	1.15
Bond	1.14	Logan	1.12
Boone	1.17	McDonough	1.11
Brown	1.11	McHenry	1.17
Bureau	1.16	McLean	1.12
Calhoun	1.12	Macon	1.11
Carroll	1.14	Macoupin	1.14
Cass	1.09	Madison	1.17
Champaign	1.13	Marion	1.12
Christian	1.11	Marshall	1.15
Clark	1.07	Mason	1.09
Clay	1.09	Massac	1.08
Clinton	1.14	Menard	1.10
Coles	1.10	Mercer	1.13
Cook	1.17	Monroe	1.14
Crawford	1.08	Montgomery	1.14
Cumberland	1.10	Morgan	1.11
De Kalb	1.17	Moultrie	1.12
De Witt	1.11	Ogle	1.16
Douglas	1.11	Peoria	1.13
Du Page	1.17	Perry	1.11
Edgar	1.10	Platt	1.12
Edwards	1.08	Pike	1.11
Efingham	1.10	Pope	1.07
Fayette	1.12	Pulaski	1.09
Ford	1.15	Putnam	1.15
Franklin	1.09	Randolph	1.11
Fulton	1.12	Richland	1.07
Gallatin	1.05	Rock Island	1.13
Greene	1.13	Saint Clair	1.17
Grundy	1.17	Saline	1.07
Hamilton	1.07	Sangamon	1.11
Hancock	1.11	Schuyler	1.11
Hardin	1.04	Scott	1.11
Henderson	1.12	Shelby	1.11
Henry	1.14	Stark	1.14
Iroquois	1.15	Stephenson	1.15
Jackson	1.09	Tazewell	1.11
Jasper	1.10	Union	1.09
Jefferson	1.11	Vermilion	1.13
Jersey	1.14	Wabash	1.08
Jo Daviess	1.12	Warren	1.13
Johnson	1.08	Washington	1.14
Kane	1.17	Wayne	1.09
Kankakee	1.16	White	1.05
Kendall	1.17	Whiteside	1.15
Knox	1.13	Will	1.17
Lake	1.17	Williamson	1.09
La Salle	1.16	Winnebago	1.16
Lawrence	1.07	Woodford	1.13

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	1.02	Brown	1.00
Allen	1.02	Carroll	1.06
Bartholomew	.99	Cass	1.06
Benton	1.10	Clark	.97
Blackford	1.04	Clay	1.05
Boone	1.02	Clinton	1.05

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Crawford	\$1.09	Monroe	\$1.06
Davless	1.04	Montgomery	1.04
Dearborn	.99	Morgan	.99
Decatur	.98	Newton	1.12
De Kalb	1.02	Noble	1.03
Delaware	1.02	Ohio	.99
Dubois	1.06	Orange	1.08
Elkhart	1.05	Owen	1.02
Fayette	.99	Parke	1.05
Floyd	1.08	Perry	1.06
Fountain	1.06	Pike	1.06
Franklin	1.01	Porter	1.11
Fulton	1.06	Posey	1.06
Gibson	1.08	Pulaski	1.08
Grant	1.04	Putnam	1.02
Greene	1.04	Randolph	1.03
Hamilton	1.02	Ripley	.98
Hancock	1.01	Rush	1.00
Harrison	1.08	Saint Joseph	1.06
Hendricks	1.02	Scott	.97
Henry	1.03	Shelby	.99
Howard	1.05	Spencer	1.06
Huntington	1.02	Starke	1.08
Jackson	.98	Stueben	1.02
Jasper	1.11	Sullivan	1.08
Jay	1.02	Switzerland	.99
Jefferson	.97	Tippecanoe	1.06
Jennings	.98	Tipton	1.04
Johnson	1.00	Union	.99
Knox	1.06	Vanderburgh	1.06
Kosciusko	1.05	Vermillion	1.09
Lagrange	1.03	Vigo	1.08
Lake	1.14	Wabash	1.05
La Porte	1.08	Warren	1.09
Lawrence	1.04	Warrick	1.06
Madison	1.03	Washington	.96
Marion	1.01	Wayne	1.02
Marshall	1.06	Wells	1.02
Martin	1.02	White	1.09
Miami	1.05	Whitley	1.04

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	0.98	Harrison	1.01
Adams	.99	Henry	1.05
Allamakee	1.03	Howard	1.02
Appanoose	1.04	Humboldt	.96
Audubon	.99	Ida	1.01
Benton	1.03	Iowa	1.03
Black Hawk	1.02	Jackson	1.08
Boone	.98	Jasper	1.00
Bremer	1.01	Jefferson	1.03
Buchanan	1.02	Johnson	1.05
Buena Vista	.97	Jones	1.06
Butler	1.01	Keokuk	1.02
Calhoun	.98	Kossuth	.99
Carroll	.98	Lee	1.08
Cass	1.01	Linn	1.04
Cedar	1.06	Louisa	1.06
Cerro Gordo	1.01	Lucas	1.01
Cherokee	1.00	Lyon	.97
Chickasaw	1.01	Madison	.99
Clarke	1.00	Mahaska	1.02
Clay	.96	Marion	1.01
Clayton	1.03	Marshall	1.01
Clinton	1.08	Mills	1.01
Crawford	.99	Mitchell	1.02
Dallas	.99	Monoma	1.01
Davis	1.04	Monroe	1.03
Decatur	1.00	Montgomery	1.01
Delaware	1.03	Muscatine	1.08
Des Moines	1.07	O'Brien	.98
Dickinson	.99	Osceola	.99
Dubuque	1.05	Page	1.00
Emmet	.99	Palo Alto	.96
Fayette	1.02	Plymouth	1.01
Floyd	1.01	Pocahontas	.96
Franklin	1.00	Polk	1.00
Fremont	1.01	Pottawat-	
Greene	.97	tamie	1.04
Grundy	1.01	Poweshiek	1.02
Guthrie	.97	Ringgold	1.00
Hamilton	.99	Sac	.98
Hancock	.99	Scott	1.08
Hardin	1.00	Shelby	1.01

IOWA—Continued.

County	Rate per bushel	County	Rate per bushel
Sloux	\$0.98	Washington	\$1.03
Story	.99	Wayne	1.02
Tama	1.02	Webster	.98
Taylor	1.00	Winnebago	1.02
Union	1.00	Winneshiek	1.03
Van Buren	1.05	Woodbury	1.04
Wapello	1.03	Worth	1.02
Warren	1.00	Wright	.97

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	1.04	Linn	1.07
Anderson	1.06	Logan	.93
Atchison	1.07	Lyon	1.03
Barber	.97	McPherson	.99
Barton	.97	Marion	.99
Bourbon	1.06	Marshall	1.03
Brown	1.06	Meade	.93
Butler	.99	Miami	1.07
Chase	1.02	Mitchell	.99
Chautauqua	1.02	Montgomery	1.03
Cherokee	1.03	Morris	1.01
Cheyenne	.92	Morton	.89
Clark	.93	Nemaha	1.04
Clay	1.01	Neosho	1.04
Cloud	1.00	Ness	.97
Coffey	1.04	Norton	.97
Comanche	.95	Osage	1.05
Cowley	.99	Osborne	.99
Crawford	1.04	Ottawa	.99
Decatur	.95	Pawnee	.97
Dickinson	.99	Phillips	.97
Doniphan	1.06	Pottawatomie	1.04
Douglas	1.07	Pratt	.97
Edwards	.97	Rawlins	.93
Elk	1.02	Reno	.99
Ellis	.97	Republic	1.00
Ellsworth	.99	Rice	.99
Finney	.93	Riley	1.03
Ford	.96	Rooks	.98
Franklin	1.07	Rush	.97
Geary	1.02	Russell	.98
Gove	.96	Saline	.99
Graham	.97	Scott	.94
Grant	.92	Sedgwick	.99
Gray	.94	Seward	.92
Greeley	.92	Shawnee	1.06
Greenwood	1.02	Sheridan	.96
Hamilton	.92	Sherman	.92
Harper	.98	Smith	.99
Harvey	.99	Stafford	.97
Haskell	.93	Stanton	.91
Hodgeman	.97	Stevens	.91
Jackson	1.06	Sumner	.99
Jefferson	1.07	Thomas	.94
Jewell	.99	Trego	.97
Johnson	1.07	Wabaunsee	1.03
Kearny	.92	Wallace	.92
Kingman	.99	Washington	1.01
Kiowa	.97	Wichita	.93
Labette	1.03	Wilson	1.03
Lane	.96	Woodson	1.04
Leavenworth	1.07	Wyandotte	1.07
Lincoln	.99		

KENTUCKY

All counties	\$1.14
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LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
East Baton Rouge	1.24	West Baton Rouge	1.24
Jefferson	1.24	All Other Counties	1.05
Orleans	1.24		
St. Charles	1.24		

MAINE

All counties	\$1.14
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MARYLAND

Baltimore City	\$1.30	All other counties	\$1.14
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MASSACHUSETTS

All counties	\$1.14
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RULES AND REGULATIONS

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$.86	McKenzie	\$.81
Barnes	.95	McLean	.85
Benson	.88	Mercer	.86
Billings	.84	Morton	.88
Bottineau	.83	Mountrail	.82
Bowman	.85	Nelson	.93
Burke	.82	Oliver	.86
Burleigh	.89	Pembina	.94
Cass	.98	Pierce	.86
Cayaller	.89	Ramsey	.90
Dickey	.96	Ransom	.98
Divide	.80	Renville	.82
Dunn	.85	Richland	1.01
Eddy	.91	Rolette	.85
Emmons	.90	Sargent	.99
Foster	.92	Sheridan	.87
Golden Valley	.83	Sioux	.88
Grand Forks	.96	Slope	.86
Grant	.87	Stark	.86
Griggs	.94	Steele	.95
Hettinger	.86	Stutsman	.93
Kidder	.90	Towner	.86
La Moure	.95	Traill	.96
Logan	.92	Walsh	.94
McHenry	.85	Ward	.83
McIntosh	.93	Wells	.90
		Williams	.80

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	1.02	Licking	1.05
Allen	1.03	Logan	1.03
Ashland	1.05	Lorain	1.05
Ashtabula	1.08	Lucas	1.04
Athens	1.04	Madison	1.03
Auglaize	1.02	Mahoning	1.08
Belmont	1.05	Marion	1.04
Brown	1.02	Medina	1.05
Butler	1.02	Meigs	1.02
Carroll	1.05	Mercer	1.02
Champaign	1.02	Miami	1.02
Clark	1.02	Monroe	1.05
Clemmont	1.02	Montgomery	1.02
Clinton	1.02	Morgan	1.05
Columbiana	1.07	Morrow	1.04
Coshocton	1.05	Muskingum	1.05
Crawford	1.05	Noble	1.05
Cuyahoga	1.05	Ottawa	1.04
Darke	1.05	Paulding	1.02
Defiance	1.02	Perry	1.04
Delaware	1.04	Pickaway	1.03
Erie	1.04	Pike	1.02
Fairfield	1.04	Portage	1.05
Fayette	1.02	Preble	1.02
Franklin	1.04	Putnam	1.03
Fulton	1.02	Richland	1.05
Gallia	1.02	Ross	1.03
Geauga	1.03	Sandusky	1.04
Greene	1.02	Scioto	1.02
Guernsey	1.05	Seneca	1.04
Hamilton	1.02	Shelby	1.02
Hancock	1.04	Stark	1.05
Hardin	1.04	Summit	1.05
Harrison	1.05	Trumbull	1.08
Henry	1.02	Tuscarawas	1.05
Highland	1.02	Union	1.04
Hocking	1.04	Van Wert	1.02
Holmes	1.05	Vinton	1.04
Huron	1.05	Warren	1.02
Jackson	1.02	Washington	1.05
Jefferson	1.07	Wayne	1.05
Knox	1.05	Williams	1.02
Lake	1.07	Wood	1.04
Lawrence	1.02	Wyandot	1.04

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	.97	Cherokee	.98
Alfalfa	.97	Choctaw	.92
Atoka	.97	Cimarron	.95
Beaver	.95	Cleveland	.97
Beckham	.97	Coal	.97
Blaine	.97	Comanche	.97
Bryan	.95	Cotton	.97
Caddo	.97	Craig	1.02
Canadian	.97	Creek	.98
Carter	.97	Custer	.96

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Delaware	\$1.02	Murray	\$0.97
Dewey	.96	Muskogee	.97
Ellis	.95	Noble	.97
Garfield	.97	Nowata	1.03
Garvin	.97	Okfuskee	.97
Grady	.97	Oklahoma	.97
Grant	.97	Okmulgee	.97
Greer	.97	Osage	.99
Harmon	.97	Ottawa	1.02
Harper	.95	Pawnee	.97
Haskell	.94	Payne	.97
Hughes	.97	Pittsburg	.97
Jackson	.97	Pontotoc	.97
Jefferson	.97	Pottawatomie	.97
Johnston	.97	Pushmataha	.92
Kay	.98	Roger Mills	.93
Kingfisher	.97	Rogers	1.01
Kiowa	.97	Seminole	.97
Latimer	.92	Sequoyah	.97
Le Flore	.92	Stephens	.97
Lincoln	.97	Texas	.95
Logan	.97	Tillman	.97
Love	.98	Tulsa	1.00
McClain	.97	Wagoner	.99
McCurtain	.92	Washington	1.02
McIntosh	.97	Washita	.97
Major	.96	Woods	.96
Marshall	.97	Woodward	.95
Mayes	1.01		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	1.11	Lake	1.05
Benton	1.15	Lane	1.12
Clackamas	1.19	Lincoln	1.15
Clatsop	1.20	Linn	1.16
Columbia	1.20	Malheur	1.03
Cook	1.03	Marion	1.18
Crook	1.12	Morrow	1.16
Curry	1.03	Multnomah	1.20
Deschutes	1.12	Polk	1.17
Douglas	1.06	Sherman	1.19
Gilliam	1.17	Tillamook	1.19
Grant	1.12	Umatilla	1.14
Harney	1.00	Union	1.12
Hood River	1.19	Wallowa	1.10
Jackson	1.04	Wasco	1.19
Jefferson	1.16	Washington	1.19
Josephine	1.04	Wheeler	1.14
Klamath	1.06	Yamhill	1.18

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Philadelphia		All other counties	\$1.14
City	1.30		

RHODE ISLAND

County	Rate per bushel
All counties	\$1.14

SOUTH CAROLINA

County	Rate per bushel
Charleston	\$1.30
All other counties	1.20

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	.96	Fall River	.87
Beadle	.98	Faulk	.97
Bennett	.92	Grant	1.03
Bon Homme	.99	Gregory	.97
Brookings	1.02	Haakon	.92
Brown	.98	Hamlin	1.01
Brule	.96	Hand	.97
Buffalo	.96	Hanson	.96
Butte	.85	Harding	.85
Campbell	.93	Hughes	.96
Charles Mix	.97	Hutchinson	.98
Clark	1.00	Hyde	.96
Clay	1.00	Jackson	.92
Coddington	1.01	Jerauld	.96
Corson	.89	Jones	.95
Custer	.87	Kingsbury	1.00
Davison	.96	Lake	.99
Day	1.00	Lawrence	.85
Deuel	1.03	Lincoln	.99
Dewey	.89	Lyman	.96
Douglas	.97	McCook	.97
Edmunds	.96	McPherson	.95

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Marshall	\$1.00	Spink	\$0.99
Meade	.86	Stanley	.95
Mellette	.95	Sully	.96
Miner	.97	Todd	.93
Minnehaha	.99	Tripp	.96
Moody	1.01	Turner	.98
Pennington	.88	Union	1.01
Perkins	.87	Walworth	.94
Potter	.96	Washabaugh	.92
Roberts	1.02	Yankton	.99
Sanborn	.96	Ziebach	.88
Shannon	.90		

TENNESSEE

County	Rate per bushel
Shelby	\$1.17
All other counties	1.15

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	0.99	Hunt	1.04
Armstrong	.98	Jack	1.02
Bailey	.98	Jefferson	1.24
Baylor	.98	Johnson	1.07
Bosque	1.08	Jones	.99
Bowie	1.03	Karnes	1.11
Briscoe	.98	King	.98
Brown	1.04	Knox	.98
Callahan	1.01	Lamb	.98
Carson	.98	Lampasas	1.08
Cass	1.04	Limestone	1.12
Castro	.98	Lipscomb	.97
Childress	.98	Lubbock	.98
Clay	1.01	Lynn	.98
Cochran	.98	McCulloch	1.04
Collin	1.06	McLennan	1.11
Collingsworth	.98	Mason	1.04
Comanche	1.04	Mitchell	.98
Concho	1.04	Montague	1.02
Coryell	1.09	Moore	.97
Cottle	.98	Motley	.98
Crosby	.98	Newton	1.14
Dallam	.97	Noian	.98
Dawson	.98	Nueces	1.24
Deaf Smith	.98	Ochiltree	.97
Denton	1.04	Palo Pinto	.98
Dickens	.98	Parker	1.06
Donley	.98	Parmer	.98
Eastland	1.03	Potter	.98
Fannin	1.03	Randall	.98
Fisher	.98	Reeves	.88
Floyd	.98	Roberts	.97
Foard	.98	Runnels	1.01
Gaines	.98	San Patricio	1.24
Galveston	1.24	San Saba	1.04
Gillespie	1.06	Scurry	.98
Gray	.98	Sherman	.97
Grayson	1.03	Smith	1.09
Hale	.98	Stonewall	.98
Hall	.98	Swisher	.98
Hansford	.97	Tarrant	1.07
Hardeman	.98	Taylor	1.00
Harris	1.24	Terry	.98
Hartley	.97	Wheeler	.98
Haskell	.98	Wichita	.99
Hemphill	.97	Wilbarger	.98
Hidalgo	1.02	Wise	1.05
Hockley	.98	Yoakum	.98
Hood	1.05	Young	1.02
Howard	.98		

UTAH

County	Rate per bushel
All counties	\$0.90

VERMONT

County	Rate per bushel
All counties	\$1.14

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Chesapeake (Norfolk)	\$1.30	All other counties	\$1.14

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	1.14	Clark	1.20
Asotin	1.12	Columbia	1.14
Benton	1.16	Cowlitz	1.20
Chelan	1.15	Douglas	1.13
Clallam	1.05	Ferry	1.09

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Franklin	\$1.14	Pend Oreille	\$1.06
Garfield	1.14	Pierce	1.20
Grant	1.14	San Juan	1.13
Grays Harbor	1.14	Skagit	1.14
Island	1.14	Skamania	1.19
Jefferson	1.08	Snohomish	1.17
King	1.20	Spokane	1.12
Kitsap	1.09	Stevens	1.07
Kittitas	1.18	Thurston	1.17
Klickitat	1.19	Wahkiakum	1.17
Lewis	1.17	Walla Walla	1.14
Lincoln	1.13	Whatcom	1.12
Mason	1.11	Whitman	1.13
Okanogan	1.12	Yakima	1.16
Pacific	1.14		

WEST VIRGINIA

All counties..... \$1.14

WISCONSIN

Adams	1.10	Marathon	1.05
Ashland	1.05	Marquette	1.11
Barron	1.05	Menominee	1.08
Bayfield	1.00	Milwaukee	1.17
Brown	1.10	Monroe	1.07
Buffalo	1.05	Oconto	1.08
Burnett	1.08	Oneida	1.03
Calumet	1.11	Outagamie	1.10
Chippewa	1.04	Ozaukee	1.15
Clark	1.04	Pepin	1.05
Columbia	1.12	Pierce	1.05
Crawford	1.06	Polk	1.07
Dane	1.13	Portage	1.07
Dodge	1.13	Price	1.03
Door	1.04	Racine	1.17
Douglas	1.08	Richland	1.09
Dunn	1.04	Rock	1.16
Eau Claire	1.04	Rusk	1.05
Florence	1.00	Saint Croix	1.05
Fond du Lac	1.12	Sauk	1.12
Forest	1.04	Sawyer	1.03
Grant	1.09	Shawano	1.08
Green	1.14	Sheboygan	1.13
Green Lake	1.11	Taylor	1.03
Iowa	1.11	Trempealeau	1.04
Iron	1.04	Vernon	1.06
Jackson	1.05	Vilas	1.03
Jefferson	1.15	Walworth	1.16
Juneau	1.09	Washburn	1.06
Kenosha	1.17	Washington	1.15
Kewaunee	1.07	Waukesha	1.16
La Crosse	1.06	Waupaca	1.09
Lafayette	1.12	Waushara	1.10
Langlade	1.05	Winnebago	1.11
Lincoln	1.04	Wood	1.06
Manitowoc	1.10		

WYOMING

All counties..... \$0.90

(b) *Discounts.* The basic support rate shall be adjusted by discounts as follows: Rye containing more than three-tenths of 1 percent ergot (ergoty rye containing in excess of 1 percent is not eligible for warehouse-storage loans):

Ergot content (percent):	Discount (cents per bushel)
0.31-0.40	1
0.41-0.50	2
0.51-0.60	3
0.61-0.70	4
0.71-0.80	5
0.81-0.90	6
0.91-1.00	7

Rye grading U.S. No. 4 on the factor of test weight only:

Test weight (pounds):	Discount (cents per bushel)
51.0-51.9	5
50.0-50.9	10
49.0-49.9	15

Rye grading U.S. No. 3 on account of being "thin":

"Thin" rye (percent):	Discount (cents per bushel)
15.1-17.0	1
17.1-19.0	2
19.1-21.0	3
21.1-23.0	4
23.1-25.0	5

Rye grading U.S. No. 4 on account of being "thin":

The discounts shall be 5 cents per bushel plus 1 cent for each 2 percent of "thin" rye or fraction thereof, in excess of 25 percent.

Weed control discount (where required by § 1421.25)	Discount (cents per bushel)
	10

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of rye, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established approximately 1 month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately 1 month prior to the loan maturity date or as soon thereafter as practicable.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 26, 1970.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-8419; Filed, July 2, 1970; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D, Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

Certain Subordinated Obligations as Deposits

1. Effective June 30, 1970, § 204.1(f) (3) of Regulation D and § 217.1(f) (3) of Regulation Q are amended to read as follows:

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member

bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

(3) (i) Bears on its face, in bold-face type, the following:

This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation;

states expressly that it is subordinated to the claims of depositors and ineligible as collateral for a loan by the issuing bank; is unsecured; has an original maturity of 7 years or more; is in an amount of at least \$500; and has been approved by the Comptroller of the Currency, in the case of a national bank, or by the Board of Governors, in the case of a State member bank, as an addition to the bank's capital structure; or (ii) meets all of the requirements in the preceding clause except maturity and with respect to which the Comptroller, in the case of a national bank, or the Board, in the case of a State member bank, has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this part; or (iii) was issued or publicly offered before June 30, 1970, with an original maturity of more than 2 years; or

2a. The purpose of these amendments is to narrow the category of member bank subordinated notes that are exempt from member bank reserve requirements (Regulation D) and interest rate controls (Regulation Q). The amendments are designed to distinguish clearly between deposit-type funds and capital-type funds. Their adoption has become necessary in view of recent evidence that member banks are able to acquire deposit-type funds by marketing subordinated obligations that are presently exempt from Regulations D and Q.

b. Notice of proposed rule making with respect to these amendments was published in the FEDERAL REGISTER of March 10, 1970 (35 F.R. 4307). The amendments were adopted by the Board after consideration of all relevant material, including communications received from interested persons. The effective date was not deferred for the 30-day period required by section 553(d) of title 5, United States Code. The Board found, when it published its proposal, that the public interest compelled action at the earliest practicable time, and, accordingly, it announced that it was considering adopting the amendments effective March 9, 1970. In the circumstances, deferral of the effective date would serve no useful purpose.

By order of the Board of Governors, June 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8496; Filed, July 2, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Appointments

Sections 561.1-561.17 are revised to read as follows:

APPOINTMENTS

- Sec. 561.1 General.
- 561.2 Appointment limitations.
- 561.3 Eligibility criteria.
- 561.4 Ineligibles.
- 561.5 Waiver.
- 561.6 Grade on appointment.
- 561.7 Service obligations.
- 561.8 Applications and allied papers.
- 561.9 Submission of application.
- 561.10 Appointment of officers and former officers.
- 561.11 Appointment for assignment as chaplains.
- 561.12 Appointment for assignment in the Judge Advocate General's Corps.
- 561.13 Appointment for assignment in the Women's Army Corps.
- 561.14 Appointment of professional and technical personnel.
- 561.15 Appointment for assignment in the Staff Specialist Branch.
- 561.16 Appointment in the Army National Guard of the United States.
- 561.17 Appointment as Reserve Warrant Officers of the Army.

AUTHORITY: §§ 561.1 to 561.17 issued under sec. 280, 70A Stat. 14; 10 U.S.C. 280.

SOURCE: AR 135-100, Jan. 2, 1968, with five changes.

APPOINTMENTS

§ 561.1 General.

Sections 561.1-561.17 establishes responsibility and provides procedures for the appointment of male and female commissioned and warrant officers in the Reserve components of the Army except as follows:

(a) For appointment in Reserve general officer grades see AR 135-156.

(b) Army Medical Department commissioned officers will be appointed under the provisions of AR 135-101, AR 601-139, and applicable paragraphs of this part referenced therein.

(c) Graduates of senior division ROTC units will be appointed under the provisions of AR 145-1.

(d) Graduates of officer candidate schools will be appointed under the provisions of AR 351-5.

§ 561.2 Appointment limitations.

Appointment of qualified applicants as officers for service in the Army Reserve are limited to those listed below.

(a) Commissioned officers to fill—

(1) Mobilization designee table of distribution vacancies.

(2) Ready Reserve troop program unit vacancies.

(3) Quotas normally in the grade of captain and below announced by the Department of the Army for Ready Reserve Reinforcements with assignment to a Control Group Reinforcement. Appointments will be tendered only to exceptionally well qualified individuals who

cannot otherwise obtain a commission because of lack of position vacancy in USAR units or inability to join a unit due to geographical location.

(4) Active duty requirements when qualified Reserve officers are not available.

(b) Warrant officers to fill—

(1) Ready Reserve troop program unit vacancies based on MOS requirement regardless of the number of warrant officers assigned provided warrant officers assigned as overstrength, who are not qualified in the MOS required for the position vacancy, are first given the opportunity to become qualified in the MOS and accept assignment to the position.

(2) Active duty requirements under specific allocations announced by Headquarters, Department of the Army, when qualified Reserve warrant officers are not available.

(3) Department of the Army announced quotas for Ready Reserve Reinforcements under specific allocations by career warrants for assignment to a Control Group Reinforcement.

(c) The restrictions in paragraph (a) of this section do not apply to warrant officers and enlisted personnel in the Active Army, Reserve officers in a grade above colonel who cease to occupy a position commensurate with their grade, Regular Army officers applying for appointment in the Army Reserve concurrent with their unqualified resignation, and Coast and Geodetic Survey officers eligible for appointment as an exception to the provisions of § 561.4(e).

§ 561.3 Eligibility criteria.

(a) *General.* Individuals possessing the qualifications in paragraphs (b) through (j) of this section may apply for appointment as USAR commissioned or warrant officers except those individuals enrolled in or formally approved for officer candidate school or prewarrant programs.

(b) *Age.* Minimum and maximum age limitations are shown below. The applicant must not have reached the birthday of the maximum age indicated prior to appointment in the grade indicated.

Grade	Minimum age	Maximum age ¹
Second lieutenant, except divinity students and WAC...	18	28
Second lieutenants—divinity students.....	18	30
Second lieutenants—WAC.....	20	28
First lieutenant.....	21	33
Captain.....		39
Major.....		48
Lieutenant colonel.....		51
Colonel.....		55
Warrant officer, male.....	18	46
Warrant officer, female.....	20	46

¹ Maximum age limitations may be increased for former officers and warrant officers by an amount not more than the length of previous service in grade in which appointment is authorized. (Previous service includes active duty or active Reserve service in any component of the Armed Forces.) An increase in age is not authorized if an applicant will have less than 2 years to serve before being removed from an active status under provisions of AR 140-10, or if applying for appointment and concurrent active duty, before being removed from active duty with the Active Army under the provisions of AR 635-100.

(c) *Citizenship.* (1) Except for those medical, dental, and allied category

specialists liable for induction under the provisions of the Universal Military Training and Service Act, as amended, and as indicated in subparagraph (2) of this paragraph, an applicant must, prior to appointment, be a U.S. citizen or have lawfully entered the United States for permanent residence under applicable provisions of the Immigration and Nationality Act as amended, unless he is currently serving, or has served previously in the Armed Forces of the United States. Foreign nationals living in the United States or its possessions who have not applied for permanent residence (nondeclarant alien) may submit application for initial appointment in the USAR with the provision that if acceptable, application for permanent residence will be made.

(2) Applicants for Military Intelligence and Civil Affairs Branches must be citizens of the United States.

(3) Under no circumstances will appointment be made from the following categories:

(i) Applicants who have been convicted of wartime desertion or evasion, of military service, as specified in the Immigration and Nationality Act.

(ii) Any individual if barred from citizenship because of having applied for and having been relieved or discharged from service in the Armed Forces by reason of alienage.

(d) *Mental.* Male applicant for appointment as a commissioned officer must have a recorded standard score of 110 or higher on the Army Aptitude Area GT and 115 or higher on the Officer Candidate Test (OCT). Male applicant for appointment as a warrant officer must have a recorded standard score of 110 or higher on the Army Aptitude Area GT. When the required score(s) is not recorded on qualification records, the applicant must be tested to determine his mental qualification. Exceptions to these mental requirements may be made for—

(1) Applicants for appointment in the Army Medical Department.

(2) Applicants for appointment in the Chaplains Branch.

(3) Applicants for appointment in the Judge Advocate General's Corps.

(4) Former commissioned officers applying for reappointment as a commissioned officer or appointment as a warrant officer.

(5) Former warrant officers applying for reappointment as a warrant officer.

(e) *Education.* Each USAR applicant must—

(1) Have demonstrated understanding and proficiency in the English language. Applicants whose mother tongue is other than English will be carefully examined by the board to insure that their command of the English language is sufficient to enable them to perform as officers.

(2) For appointment as a commissioned officer, be a graduate of a high school or school of comparable level, or pass the General Education Development Test (high school level or higher) and meet any additional requirements for specific branches.

(3) For appointment as a warrant officer, have sufficient education and practical experience to insure satisfactory performance of duties of the classification for which application is made.

(f) *Character.* Each applicant must be of good moral character.

(g) *Leadership.* Applicants must possess qualifications as potential leaders and have the ability to deal effectively with people. Such qualifications may be evaluated in terms of the applicant's background and experience.

(h) *Medical.* Medical requirements are prescribed in AR 140-120, and chapter 2 and paragraph 7-15, AR 40-501.

(i) *Security check and cryptographic clearance.* A minimum of a favorable National Agency Check is required. A cryptographic clearance is required for each applicant for assignment to Army Security Specialties. Applicants for appointment with assignment to Military Intelligence Branch will be informed that background investigation and final clearance may take up to 12 months. A background investigation is required for all alien personnel prior to their appointment as officers in the USAR. Waivers of this requirement will not be granted.

(j) *Examining boards.* Applicants must appear before an examining board except those individuals applying under § 561.4 (c) (4) (ii) and (5) and (e) (2), and as otherwise provided for in this part or in regulations governing specific appointments.

§ 561.4 Ineligibles.

The following persons are not eligible for appointment in USAR unless waiver is authorized under the provisions of § 561.5:

(a) Conscientious objectors, except those classified by Selective Service as 1-A-O who volunteer for noncombat service with concurrent active duty in the Chaplains Branch or any of the Corps of the Army Medical Department (except Veterinary Corps). See § 561.8(j) for statement required for such applicants.

(b) Persons who have been adjudged youthful offenders or have a record of convictions by any type of military or civil court, excluding minor traffic violations involving a fine or forfeiture of \$50 or less and excluding action taken under Article of War 104 or Article 15, Uniform Code of Military Justice.

(c) Persons dropped from the rolls or released from active duty, or separated from any component of the Armed Forces of the United States for any of the following reasons:

(1) Under other than honorable conditions. If, upon appeal, an individual's discharge was changed to separation "under honorable conditions," he is not eligible for appointment solely because of such change. The change in the character of discharge does not alter the official record of the individual's service. Appointment will be tendered or refused, based upon the facts and merit of the individual case. Appointment will not be effected in any case until approval has been received from Headquarters, Department of the Army.

(2) For unsatisfactory service.

(3) Resignation for the good of the service in lieu of court-martial, elimination, or any form of disciplinary or corrective action.

(4) Commissioned officers having been twice passed over for promotion or otherwise released from active duty or active status because of failure to be promoted to a higher commissioned grade except—

(i) Individuals in this category are eligible to apply for appointment as warrant officer USAR if otherwise qualified.

(ii) A Regular Army officer with 10 or more years of active commissioned service and less than 20 years of active Federal service who is discharged because of failure, after second consideration, to be selected for promotion, or who voluntarily resigns prior to discharge therefore, may apply to Commanding Officer, U.S. Army Reserve Components Personnel Center, Office of Personnel Operations, Attention: RCAP, Fort Benjamin Harrison, Indianapolis, IN 46249, for a Reserve commission. If it is determined that the applicant can be utilized in a Reserve status during mobilization, he may be appointed in an active Reserve status without regard to the limitations in § 561.2 or, if he desires, he may request concurrent transfer to the retired Reserve. However, personnel so appointed in the Reserve will not be brought to active duty under any procurement program except an involuntary order to active duty under the provisions of section IV, AR 135-210.

(5) USAR warrant officers having been twice passed over for AUS or USAR promotion to a higher warrant officer grade are ineligible for appointment as commissioned officers or warrant officers in the USAR. A Regular Army warrant officer with less than 20 years of active Federal service who is discharged because of failure, after second consideration, to be selected for promotion, or who voluntarily resigns prior to discharge therefore, may apply to Commanding Officer, U.S. Army Reserve Components Personnel Center, Office of Personnel Operations, Attention: RCAP, Fort Benjamin Harrison, Indianapolis, IN 46249, for a Reserve warrant. If it is determined that the applicant can be utilized in a Reserve status during mobilization he may be appointed in an active Reserve status without regard to the limitations in § 561.2 or, if he desires, he may request concurrent transfer to the retired Reserve.

(6) Having been separated from any component of the Armed Forces as a security risk. Applications for appointment filed by individuals who were under security investigation at time of their separation will be forwarded to the Commanding Officer, U.S. Army Reserve Components Personnel Center, Office of Personnel Operations, Attention: RCAP, Fort Benjamin Harrison, Indianapolis, IN 46249.

(7) For failure to maintain eligibility for retention in an active Reserve status. After a lapse of 1 year an individual may be considered for appointment if the obstacles to active Reserve participation have been removed. An individual in this category must—

(i) Prove conclusively a valid reason for nonparticipation existed but is no longer a bar.

(ii) Agree to participate actively if appointed.

(d) Commissioned officers, warrant officers, and enlisted personnel drawing retired pay for services with any of the Armed Forces except retired warrant officers and retired enlisted personnel of the Regular Army who were former commissioned officers.

(e) Commissioned officers of the Regular components of the Armed Forces, Public Health Service, and U.S. Coast and Geodetic Survey, except—

(1) Officers of the Regular Army as indicated in paragraph (c) (4) (ii) of this section; and

(2) Officers of the Coast and Geodetic Survey commissioned from the Army ROTC program who are about to be separated from the Coast and Geodetic Survey prior to completion of at least 6 years' active duty. Such officers will be appointed upon discharge from the Coast and Geodetic Survey, if otherwise qualified.

(f) Cadets, U.S. Military Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy, and midshipmen, U.S. Naval Academy.

(g) Female applicants who—

(1) Are married, except participants in the WAC Student Officer Program (AR 601-115).

(2) Have any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including stepchildren or foster children, under 18 years of age.

(3) Have borne a child out of wedlock.

(h) Applicants whose appointment would cause them to hold simultaneously more than one Reserve status. This does not preclude appointment when separation from the current Reserve status can be accomplished. For example, a reservist on active duty cannot be separated from his current status so long as he is to remain on active duty in that status. His appointment to another Reserve status will not be made unless he is to be placed on active duty under the new Reserve status.

(i) Individuals denied retired pay or annuities under the so-called "Hiss Act" (Act of Sept. 1, 1954 (68 Stat. 1142), as amended (5 U.S.C. 2281 et seq.)).

(j) Individuals who are, or have been, members of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of government by unconstitutional means, whose case has not been adjudicated favorably by the Department of the Army.

(k) Citizens of the United States residing in a foreign country, except those—

(1) Residing in a country where the United States has troops stationed, or

(2) Residing in a country where the United States has a military mission, advisory or similar group, or

(3) Employed by the U.S. Government and on duty with an Embassy, Legation, or Consular office of the United States.

(4) Residing in an area occupied by the Armed Forces of the United States.

Note: Request to obtain the official consent of the country in which they reside to accept appointment as a USAR commissioned or warrant officer from individuals in subparagraphs (1), (2), or (3) of this paragraph above will be submitted through diplomatic channels.

(l) Except as indicated in AR 135-101 and AR 601-139, applicants with a Selective Service classification of 1-A, or when their classification could be changed to 1-A with loss of deferment status, except when applying for appointment with concurrent active duty.

(m) Enlisted members of the Reserve components of the Armed Forces of the United States with a remaining service obligation who have not completed an initial tour of active duty or active duty for training. Applications may be accepted from such applicants when concurrent active duty is requested.

(n) Applicants for appointment as commissioned officer unable to complete 20 years creditable service for retirement or retired pay prior to mandatory removal from an active status as prescribed in AR 140-10 or those applying for concurrent active duty who are unable to qualify for retirement under title 10, United States Code, section 3911, prior to attaining 28 years' service as computed under the provisions of title 10, United States Code, section 3853. Applicants for warrant officer appointment who are unable to complete 20 years of satisfactory active Federal service prior to age 62.

(o) Individuals transferred to the Standby Reserve or discharged from the Army as a result of approved exemption from involuntary order to active duty as a member of the Ready Reserve as prescribed by AR 601-25.

(p) Those who are in the military service of a foreign government, or those employed by a foreign government.

(q) Individuals will not be initially appointed under § 561.14 or § 561.15, who currently hold an appointment as a commissioned officer in the USAR. Further, no person will be appointed whose separation from previous service was under circumstances that indicate there is an attempt to circumvent normal promotion procedures.

(r) Regular Army warrant officers may not be appointed if the appointment would cause them to hold dual status. Regular Army warrant officers may apply for direct appointment under this part provided a resignation from their present status is submitted under the provisions of AR 635-120.

(s) Individuals who are pursuing a course of graduate study in one of the health professions (medicine, dentistry, veterinary medicine, osteopathy, or optometry) except in programs which are limited to students in the health professions. (This includes the provisions of AR 135-14.)

§ 561.5 Waiver.

Each request for waiver will be submitted with the application and must contain complete justification, including

recommendations of intermediate commanders when applicable. Requests for waiver will be processed as follows:

(a) *Chief of Personnel Operations.* The following requests for waiver will be forwarded to the Commanding Officer, U.S. Army Reserve Components Personnel Center, Office of Personnel Operations, Attention: RCAP, Fort Benjamin Harrison, Indianapolis, IN 46249:

(1) Exceptions to prescribed maximum age limitations, education, experience, and military training will be considered when individuals possess unusual skills or technical qualifications fulfilling a specific need. Waiver of both education and experience in an individual case will not be considered for appointment under § 561.14.

(2) Waiver for appointment in the grade of lieutenant colonel and colonel of applicants without prior commissioned service.

(3) Requests for waiver of conviction of the following offenses will be submitted with the application and evaluated with the National Agency Check:

(i) Felony under local, Federal, or military law.

(ii) One which resulted in sentence to confinement in prison, stockade, or detention area, or in sentence to hard labor.

(iii) One involving moral turpitude.

(4) Applications from individuals employed by a foreign government for final determination by the Secretary of the Army.

(5) Waiver of requirements set forth in § 561.12(b) (1) and (3) for appointment in the Judge Advocate General's Corps.

(6) Waiver of the provisions of § 561.4(c) (4) will be considered for those individuals who were discharged as a result of twice failing of selection for USAR promotion based on promotion service accrual while regularly enrolled as students in approved medical or dental schools or while undergoing civilian internship or residency training.

(7) Exceptions to the provisions of § 561.4(o) may be made when appointment is for concurrent active duty. Those members of the Standby Reserve requesting waiver under this paragraph must also meet the requirements of § 561.4(h).

(8) Waiver of the provisions of § 561.4(n) may be considered at Headquarters, Department of the Army on an individual basis when an applicant applying for appointment without concurrent active duty possesses outstanding qualifications.

(9) Requests for waiver of any disqualification other than those specifically authorized in this section will be acted upon by Headquarters, Department of the Army. Waivers will not be considered unless approval is recommended by appropriate area commander. Waivers will not be considered for ineligibilities listed in § 561.4 for which waivers are not authorized in this section.

(b) *Chief of Chaplains.* The following requests for waiver will be forwarded direct to the Chief of Chaplains, Department of the Army, Washington, D.C. 20315.

(1) Exceptions to maximum age limitation up to 40th birthday for initial appointment with concurrent active duty in the grade of first lieutenant, Chaplains Branch.

(2) Appearance before an examining board for initial appointment in grade of captain and below when the services of the individual are desired for immediate active duty.

(c) *Area commanders.* Area commanders may grant a waiver for offenses under military or civil codes, except as specified in paragraph (a) (3) of this section, if the applicant's conduct and character at this time are above reproach and the potential value of the applicant's services as a Reserve officer of the Army is considered to be very high.

§ 561.6 Grade on appointment.

If otherwise qualified, applicants may be appointed in grades indicated.

(a) *Commissioned officers.* (1) Male warrant officers and enlisted personnel will not be appointed above the grade of second lieutenant. Exceptions may be made by the Department of the Army where outstanding leadership performance in combat and exceptional qualifications make the action in the best interest of the Army.

(2) Officers and former officers.

(i) Former Army officers in the highest grade satisfactorily held or in the last grade held if reduced from a higher grade.

(ii) Reserve officers or former commissioned officers of the other Armed Forces of the United States, U.S. Public Health Service, including temporary officers thereof, and officers of the Coast and Geodetic Survey, when applicable, in the Army grade comparable to the last grade satisfactorily held by them.

(iii) Former second lieutenants who upon appointment would be eligible for promotion to first lieutenant may be appointed in the grade of first lieutenant.

(3) Appointment to fill troop program unit and mobilization designation vacancies will be in the appropriate branch and in the grades authorized in subparagraphs (1), (2), (4), and (5) of this paragraph. An applicant who is found qualified for appointment to the grade of second lieutenant may be appointed to fill only a vacancy in which the TOE or TDA authorized grade is lieutenant. An applicant who is found qualified for appointment in a grade of first lieutenant or above may be appointed in a vacancy in which the TOE or TDA authorized grade is up to two grades above the grade of appointment. Appointment to fill a vacancy will be authorized only after it has been determined that the vacancy cannot be filled by assignment of an officer within the criteria for assignment of officers as specified in AR 140-10.

(4) For grades on appointment with assignment to the Women's Army Corps, the Judge Advocate General's Corps, Civil Affairs, as Professional and Technical Specialists, or Chaplains, see appropriate sections of this part.

(5) Applicants may be appointed in grades up to and including colonel.

(b) *Warrant officers.* Appointments will be as warrant officer, W-1, except—

(1) Chief warrant officers and former chief warrant officers may be appointed in the highest warrant officer grade satisfactorily held.

(2) Commissioned and former commissioned officers who have served a minimum of 2 years active service in a commissioned status may be appointed in the grade of chief warrant officer, W-2.

(3) Enlisted men who are serving in the grade of E-8 or E-9 may be appointed in the grade of chief warrant officer, W-2, provided they have at least 2 years of active status in the grade in which serving on the date of appointment.

§ 561.7 Service obligations.

(a) For obligations incurred upon initial appointment, see AR 135-90 and DA Forms 3574 and 3575.

(b) Nonobligated personnel appointed as commissioned or warrant officers in the USAR must be available for service during any emergency or mobilization. Applicants must have full knowledge of this requirement when submitting applications for appointment.

(c) Applicants accepted for appointment as commissioned or warrant officers in the USAR with concurrent active duty are required to serve in an active status for a specified period. The duration of this term of service will be in accordance with regulations or Department of the Army circulars announcing each procurement program.

§ 561.8 Applications and allied papers.

Applications for appointment in the USAR will include the following documents, except as indicated in paragraphs (u) and (v) of this section:

(a) DA Form 61 (Application for Appointment) in duplicate. When application is being submitted under § 561.14, the specialty for which applying will be shown in item 32.

(b) Documentary evidence of educational qualifications. Consolidated transcripts of college and university study will be signed by an official of the institution attended. Photostatic or true copies are acceptable.

(c) DD Form 98 (Armed Forces Security Questionnaire) in duplicate.

(d) Forms required for completion of personnel security investigation as prescribed in AR 381-130. When forwarding applications for appointment and concurrent active duty a statement that a National Agency Check or other investigation of broader scope has been initiated (date initiated) or that such investigation has been conducted previously, with identifying date, will be included, when appropriate.

(e) Standard Form 88 (Report of Medical Examination) will be prepared in two copies and Standard Form 89 (Report of Medical History) will be prepared in original only. If a previous medical examination is valid under AR 40-501, a new medical examination will be required only if the appointing authority has reason to question the medical fitness of the applicant, or if the applicant

requests an examination. Any applicant drawing a pension, disability compensation, or retirement pay must undergo a medical fitness examination regardless of how recently his last medical examination was completed. Applicants for appointment as USAR warrant officer with concurrent active duty who are serving on active duty in an enlisted status in the Army will not be required to undergo a medical examination until notification is received from the Commanding Officer, U.S. Army Reserve Components Personnel Center (CO, USARPC) of the applicant's selection for appointment. Applicants for appointment as commissioned or warrant officers without concurrent active duty will not be required to undergo medical examinations until selected for appointment by the appropriate appointing authority.

(f) Three full-length photographs (approximately postcard size) when application is for Military Intelligence for INTC specialization.

(g) Photostatic copy of DA Form 152 (Certificate of Completion of Course) when required.

(h) DA Form 160 (Application for Active Duty) in duplicate, when applying for appointment with concurrent active duty.

(i) A signed statement will be furnished by former conscientious objectors expressing abandonment of such beliefs so far as they pertain to their willingness to bear arms and to give full and unqualified military service to the United States and agreeing that they will not apply for separation by reason of conscientious objection during the period of their contracted agreement.

(j) A statement by a conscientious objector applying for appointment in the Chaplains Branch or a corps of the Army Medical Department (except Veterinary Corps) to the effect that he conscientiously objects to combat service but is willing to perform full and unqualified service as a Chaplain or officer of the Army Medical Department (except Veterinary Corps). Conscientious objectors applying under the provisions of this paragraph must possess a Selective Service classification of no higher than 1-A-O (as opposed to 1-O).

(k) Members of Reserve components of the Navy, Air Force, Marine Corps, Coast Guard, and Public Health Service must meet requirements of AR 140-10 for interservice transfer between Reserve components of the Armed Forces. A conditional release obtained through official channels will be submitted with the application.

(l) A statement from the appropriate State adjutant general that a member of the ARNG or ARNGUS applying for appointment as USAR officer, if tendered an appointment, will be separated from his National Guard status.

(m) Female applicants having surrendered rights to custody and control of dependents under 18 years of age through formal adoption or final divorce proceedings will submit a certificate or photostatic copy of the instrument that accomplished such action.

(n) Nonprior service male applicants under 26 years of age who have not previously incurred a service obligation under the UMTS Act will complete Certificate of Acknowledgment and Understanding of Service Requirements for Individuals Applying for Appointment (DA Form 3574) in triplicate.

(o) Prior service applicants appointed following a break in service, female applicants and nonprior service applicants over 26 years of age will complete Certificate of Acknowledgment and Understanding of Service Requirements for Individuals Applying for Appointment (DA Form 3575) in triplicate.

(p) An individual not a citizen of the United States by birth will submit a statement as prescribed in AR 135-100.

(q) Proof of birth of citizen born abroad. Children born of an American parent or parents outside the United States acquire citizenship through the parent or parents. A Certificate of Citizenship issued by the Immigration and Naturalization Service is the only document authorized by statute to be issued to persons who acquire citizenship through a parent or parents and is the only document acceptable as proof of U.S. citizenship.

(r) The following signed statement from an applicant for appointment with concurrent active duty with assignment as a Chaplain who may not because of the provisions of title 10, U.S.C. 3848, be able to qualify for retirement under 10 U.S.C. 3911. This statement is not required for those individuals who cannot qualify for retirement under 10 U.S.C. 3911 prior to attaining age 60.

I understand that, because of my age, the possibility of my becoming entitled to military retirement benefits under existing legislation is contingent upon the passage of future events which are not accurately predictable at this time.

For statement from applicants for appointment with assignment to the Army Medical Department, see AR 135-101 and AR 601-139.

(s) Applicants for appointment with concurrent active duty will complete a personal summary sheet listing military and civilian education to indicate prior active Federal Service, unit, job title, and MOS.

(t) A statement by applicants who are enlisted members of the Reserve components of the Armed Forces and who have completed 6 months active duty or an initial tour of ACDUTRA acknowledging that if their induction is caused by failure to participate satisfactorily in required training, they will be ineligible for active duty as an officer or warrant officer and their commission or warrant will be terminated.

(u) In lieu of formal application the following may request appointment in letter form:

(1) Regular Army officers applying for USAR appointment concurrent with Regular Army resignation.

(2) Individuals currently serving on active duty as officers of the other Armed Forces when applying for appointment with concurrent active duty as prescribed in AR 614-120.

(3) Warrant officers applying under § 561.17(b)(1) (iii) and (iv), and former officers under § 561.17(b)(1) (v) when applying within 1 year from date of discharge. Such applicant must meet requirements of § 561.3(h).

(4) USAR officers applying for appointment for assignment in another branch or grade. Such applicants must furnish documentary evidence of educational level as required for the branch and any additional forms, documents or information as required by other regulations or the section of those regulations governing the particular branch. In addition, a current medical examination as prescribed in AR 140-120 is required.

(v) For members of the Coast and Geodetic Survey applying under § 561.4 (e), the forms required by paragraphs (a), (c), (d), and (f) of this section.

§ 561.9 Submission of application.

Applications for appointment in the USAR as commissioned or warrant officers will be submitted under this section, except that applicants for appointment under §§ 561.10 through 561.17 must meet special requirements outlined in those sections. Applicants for appointment in the Army Nurse Corps and the Army Medical Specialist Corps will be guided by AR 601-139 and applicants for appointments in the other corps of the Army Medical Department by AR 135-101. Applications will be submitted as follows:

(a) For appointment with assignment to Reserve troop program units, mobilization designee table of distribution vacancies and Ready Reserve Reinforcement vacancies.

(1) Through the unit commander for enlisted and warrant officer members of active Reserve units.

(2) Through the commander of the unit where assignment is requested for individuals not members of the Army Reserve.

(3) Through the commanding officer of the unit where applicant is assigned for duty when individual is currently on active duty.

(4) Through the Commanding Officer, U.S. Army Administration Center for applicants who are nonunit members of the Ready Reserve or members of the Standby Reserve.

(5) Through Army commander for Ready Reserve Reinforcement vacancies except those submitted through subparagraph (d) of this paragraph.

(b) For appointment with concurrent active duty.

(1) For individuals not on active duty to the Army commander or Commanding Officer, U.S. Army Administration Center, as appropriate for those reservists under their jurisdiction. As an exception, applications for appointment with concurrent active duty with assignment to Chaplains Branch will be forwarded by the applicant direct to the Chief of Chaplains, Department of the Army, Washington, DC 20315.

(2) For personnel on active duty, applications will be forwarded through the commander of the unit where the applicant is assigned for duty.

§ 561.10 Appointment of officers and former officers.

(a) Applications of officers and former officers must meet the requirements prescribed in §§ 561.1 through 561.7 and will be processed in accordance with §§ 561.8 and 561.9.

(b) Appointments under this section will not be made in general officer grades or for assignment in—

- (1) Army Medical Department.
- (2) Chaplains.
- (3) Civil Affairs.
- (4) Judge Advocate General's Corps.

§ 561.11 Appointment for assignment as Chaplains.

(a) *General.* This section prescribes special requirements and procedures for appointment of qualified male personnel for assignment as Chaplains. The provisions of §§ 561.1 through 561.7 apply except as otherwise provided in this section.

(b) *Special requirements.* (1) Applicants with prior service as Chaplains in any component of the Armed Forces of the United States must meet the requirements shown in subdivision (ii) of this paragraph. Applicants for initial appointment in grades above second lieutenant and former officers without prior service as chaplains must meet the following criteria:

(i) Education—

(a) Possess a consolidated transcript of a minimum of 120 semester hours of undergraduate credits from a college or university accredited by one of the six regional accrediting associations shown in the Education Directory, Part 3: Higher Education, published by the U.S. Department of Health, Education, and Welfare. An applicant who has completed work at a nonaccredited school may be acceptable if he presents a statement or transcript from an accredited institution indicating that he has a minimum of 120 semester hour credits acceptable to that institution.

(b) Possess a consolidated transcript of a minimum of 90 semester hour graduate credits or an appropriate graduate theological degree from a theological school accepted as a member of the American Association of Theological Schools, or from a graduate school which is a component part of a college or university accredited by an appropriate regional accrediting association. An applicant who has completed work at a nonaccredited graduate theological school may be acceptable if he presents a statement or transcript from an accredited graduate institution indicating that he has 90 semester hour graduate credits or a graduate theological degree acceptable to that institution.

(c) As an exception to (b) of this subdivision, be a senior seminary student enrolled in an accredited theological school or a graduate school which is a component part of a college or university accredited by an appropriate regional accrediting association and request appointment with concurrent active duty. Such persons may apply 180 days prior to graduation and ordination. The applicant must submit, in addition to tran-

scripts of undergraduate credits, a consolidated transcript of graduate credits completed at the time of application and a statement from the registrar of the hours that will be completed upon graduation. The Chief of Chaplains will verify successful completion of graduate study prior to appointment.

(ii) Ecclesiastical indorsement. Each applicant must be—

(a) Accredited by and in good standing in a recognized religious denomination or organization.

(b) A fully ordained or accredited priest, rabbi, or minister of religion.

(c) Actively engaged in the pursuit of his religious vocation.

(d) Qualified spiritually, intellectually, and psychologically for the Army Chaplaincy.

(e) Granted ecclesiastical indorsement by the recognized agency of his denomination.

(f) Granted conditional ecclesiastical indorsement by the recognized agency of his denomination in lieu of ecclesiastical indorsement if he is a senior theological student requesting active duty. The conditional indorsement will indicate that he will receive full indorsement upon graduation from the seminary and/or ordination. The Chief of Chaplains will verify ecclesiastical indorsements prior to appointment.

(2) Applicants for initial appointment in the grade of second lieutenant with assignment to the Staff Specialist Branch, MOS 0001 (Divinity Student) must meet the following special requirements (such applicants will not be required to appear before an examining board as required by § 561.3(j), but will be required to appear before an examining board prior to being commissioned as first lieutenant with assignment to the Chaplains Branch).

(i) Present consolidated transcript of a minimum of 120 semester hours of undergraduate credits completed in an accredited school.

(ii) Present ecclesiastical approval from the applicant's recognized denominational indorsing agency.

(iii) Present a statement from the registrar of an accredited graduate theological seminary, or other graduate school, that the applicant is either enrolled as a full-time student or has been accepted for the next entering class.

(iv) Applicant must sign the following statement and attach it to DA Form 61:

If appointed in the grade of second lieutenant, USAR, MOS 0001 (Divinity Student) for assignment to the Staff Specialist Branch, I agree to apply for and accept a commission as first lieutenant, USAR, with assignment to the Chaplains Branch, within 3 years of graduation from seminary and ordination. I further agree to serve a minimum period of 3 consecutive years active duty if the Department of the Army requires my services.

(c) *Grade.* (1) Appointment will not be made in the grade of second lieutenant, except as provided in subparagraph (3) of this paragraph, or in general officer grades.

(2) Appointment of qualified individuals may be made in the following grades:

(i) Applicants without prior commissioned service above the grade of second lieutenant—first lieutenant. Applicants initially appointed under this authority will be credited with 3 years service in an active status.

(ii) Reserve officers or former officers, including Chaplains of any of the Armed Forces—in a grade corresponding to the last grade held.

(iii) Reserve officers or former officers of the Armed Forces who have previously served sufficient time in grade to qualify for consideration for promotion to the next higher grade—in the higher grade.

(3) Qualified individuals may be appointed as second lieutenants in the USAR with assignment to the Staff Specialist Branch, MOS 0001, until such time as they become eligible for appointment as first lieutenant in the Chaplains Branch, without regard to quotas. An individual when appointed first lieutenant will be credited with 3 years service in an active status exclusive of the years, months, and days assigned in the grade of second lieutenant, Staff Specialist Branch, USAR, as a divinity student.

(d) *Applications.* (1) Individuals applying for appointment in grades above second lieutenant will furnish the documents indicated below and those required by §§ 561.8 and 561.9. Individuals holding appointments as second lieutenants, Staff Specialist Branch, with MOS 0001, need not submit transcripts of undergraduate studies or forms required by §§ 561.8 and 561.9 other than DA Form 61 and SF 88 and SF 89.

(i) *Senior theological students.* (a) Transcript and statement of registrar as specified in paragraph (b) (1) (i) (b) of this section.

(b) Conditional ecclesiastical indorsement as specified in paragraph (b) (1) (i) (f) of this section.

(ii) *Other applicants.* (a) A consolidated transcript of undergraduate and graduate work.

(b) Ecclesiastical indorsement.

(2) Individuals applying for appointment in the grade of second lieutenant will furnish the papers required by §§ 561.8 and 561.9 and the additional documents specified in paragraph (b) (2) of this section.

(3) Ecclesiastical approval, conditional indorsements, or ecclesiastical indorsement will be forwarded direct to the Chief of Chaplains, Department of the Army, Washington, DC 20315, by the applicant or the denominational indorsing agency when application is for appointment with concurrent active duty. Area commanders are authorized to forward applications and allied papers to the CO, USARCPD without these documents when application is for appointment without concurrent active duty.

§ 561.12 Appointment for assignment in the Judge Advocate General's Corps.

(a) *General.* This section prescribes the special requirements for appointment of qualified male personnel for assignment to the Judge Advocate General's Corps. Qualified women attorneys may apply for appointment in the Women's

Army Corps with detail to the Judge Advocate General's Corps as prescribed in § 561.13.

(b) *Special requirements.* Each applicant for appointment for assignment in the Judge Advocate General's Corps must meet the following requirements in addition to those shown in §§ 561.1-561.7:

(1) Have been graduated from a law school approved by the American Bar Association, with a professional degree. Waiver of the approved law school provision of this paragraph will be considered in accordance with § 561.5(a) (5), only in those cases where the applicant possesses unique professional experience as determined by the Judge Advocate General.

(2) Have been admitted to practice and have membership in good standing of the bar of the highest court of a State of the United States or a Federal court.

(3) Have been actively engaged in the practice of law, the teaching of law, or in judicial office for a minimum period of 3 years immediately preceding the effective date of appointment. The required 3-year period may be reduced, on the following basis, for periods of military service (if not otherwise creditable against the practice requirement):

(i) Full credit for periods of active military service.

(ii) Half credit for periods of service (other than active duty) in the Ready Reserve in a Reserve component of the Armed Forces.

Waiver of this requirement will be considered in accordance with § 561.5(a) (5) only in the case of outstanding applicants whose services are desired for immediate active duty. An individual whose application is disapproved because of failure to satisfy the 3-year practice requirement may reapply when eligible.

(c) *Grade.* (1) A qualified person may be appointed in the grade of first lieutenant through colonel for assignment to the Judge Advocate General's Corps. He may be appointed—

(i) In the highest grade (or comparable grade) held satisfactorily in the Judge Advocate General's Corps or in an assignment corresponding to an assignment in the Judge Advocate General's Corps, while on active duty in any of the Armed Forces; while in an active status in the Army Reserve, or while in the federally recognized Army National Guard, or—

(ii) In the highest grade for which he can qualify as a result of education and experience as set forth in subparagraph (3) of this paragraph. For appointments without concurrent call to active duty, applicants must have completed at least 3 years practice of law, teaching of law, or in judicial office, before any remaining credit for education or experience is applied toward grade determination. A combination of 3 years of law practice, teaching of law, or in judicial office, and military service pursuant to paragraph (b) (3) of this section may be used in lieu of 3 years practice of law.

(2) When the grade of an officer is determined by credit for education and experience in accordance with subparagraph (3) of this paragraph, such credit will be considered equivalent to the number of years in an active status for appointment in following grades:

Years of service in an active status	Grade
3 years or more, but less than 7 years.	First Lieutenant.
7 years or more, but less than 14 years.	Captain.
14 years or more, but less than 21 years.	Major.
21 years or more, but less than 23 years.	Lieutenant Colonel.
23 or more years.....	Colonel or Lieutenant colonel as determined at Headquarters, Department of the Army.

(3) Credit for education and experience will be computed as follows:

(i) Three "years of service in an active status" for graduation from a law school which has been approved by the American Bar Association; and

(ii) The number of years, months, and days that individual has been actively engaged between the date of his admission to the bar of the highest court of a State of the United States or a Federal court and his appointment in the Judge Advocate General's Corps:

- (a) In the practice of law.
- (b) Teaching of law.
- (c) Performance of judicial duties.
- (d) In the full-time pursuit of graduate legal studies.
- (e) In other appropriate professional activities as determined by the Judge Advocate General.

As an exception, for each year of professional experience in excess of 21 years, he will be given credit for only one-half "years of service in an active status."

(iii) The number of years, months, and days of active duty performed as a commissioned officer in any of the Armed Forces during the periods September 16, 1940, to June 24, 1948; and June 25, 1950, to July 27, 1953.

(4) "Years of service in an active status" in excess of the minimum required for the grade appointed will be credited as "promotion service" in the grade appointed. No periods of time will be used more than once in computing an officer's "years of service in an active status."

(d) *Applications.* Applications for appointment under this section may include the results of an interview with a field grade officer of the Judge Advocate General Branch. In addition to the forms and allied papers required by §§ 561.8 and 561.9, applicants will submit the following documents:

(1) A certified transcript of all college and law school grades in support of undergraduate and graduate degrees. Transcripts should show, if practicable, the class standing of the applicant.

(2) A statement from proper authority showing that the applicant has been admitted to private practice before the highest court of a State of the United States or a Federal court and that he is now a member of the bar thereof in good standing.

(3) A statement from the applicant listing all legal experience. Legal experience may include governmental, judicial, teaching, private practice, and graduate legal studies. Each applicant will include—

- (i) A list and brief description of important legal actions or other legal matters handled by him.
- (ii) If he has been in private practice, a general statement of the character thereof.
- (iii) If he has had Government or military legal experience, a description of his position and rating.
- (iv) If he has held judicial office, the extent of the jurisdiction of his court.
- (v) If he has taught law, the subjects which he teaches, or has taught.
- (vi) If he has pursued graduate legal studies, a transcript of all courses completed, certified by an official of the school.

(4) Letters based on personal acquaintance from not less than three disinterested judges, lawyers, or law school professors relative to the applicant's reputation and professional standing, the types of cases handled by him, and his ability, as an attorney, teacher, judge, or student.

(e) *Photographs.* Two copies of a recent photograph, head and shoulder type, 3" x 5" with the applicant's name on the reverse.

§ 561.13 Appointment for assignment in the Women's Army Corps.

(a) *General.* This section prescribes the special requirements for the appointment of qualified women for assignment to the Women's Army Corps. The provisions of §§ 561.1-561.9 apply, except as otherwise indicated in this section.

(b) *Special requirements.* (1) Each applicant must have a baccalaureate degree from an accredited college or university recognized by the Department of Health, Education, and Welfare, Office of Education, as listed in Part 3, Education Directory, Higher Education. Students may apply in their senior year prior to date of graduation. The anticipated date of graduation will be entered under "remarks" on the application. A statement by an official of the university or college verifying the entry will be attached. Upon completion of degree requirements, the applicant will furnish the area commander a certificate of graduation or a statement certifying that degree requirements have been satisfactorily completed, signed by an appropriate official of the university or college for transmittal to the CO, USARCP, Attention: RCAP. If the applicant fails to graduate when scheduled, the CO, USARCP, Attention: RCAP will be notified immediately.

(2) For appointment and concurrent detail to an appropriate branch, such as the Judge Advocate General's Corps, requirements for the detail branch apply.

(3) For appointment and concurrent active duty in the grade of first lieutenant, the applicant must have professional qualifications or supervisory experience in the fields of education, business, per-

sonnel management, public relations, or science.

(4) Medical fitness requirements prescribed in chapter 2, AR 40-501, apply except that the minimum medical fitness standards will be those identified by a physical profile serial of 111221.

(c) *Grade.* (1) For appointment to fill vacancies in Ready Reserve troop program units.

(i) Initial appointments normally will be in the grade of second lieutenant.

(ii) Where detail of WAC personnel to another branch is authorized, qualified applicants may apply for appointment and assignment to the WAC branch and concurrent detail to an appropriate branch. Appointment will be in the grade authorized for comparable male applicants assigned to the same branch.

(iii) Women who are otherwise qualified may be appointed for assignment to the Women's Army Corps in the highest grade in which they have previously served satisfactorily on active duty (other than for training).

(2) For appointment and concurrent active duty.

(i) Appointments to meet WAC branch requirements normally will not be above first lieutenant.

(ii) Where detail of WAC personnel to another branch is authorized, qualified applicants may apply for appointment and assignment to the WAC branch and concurrent detail to an appropriate branch. Appointments will be in the grade authorized for comparable male applicants assigned to the same branch, but not above the grade of lieutenant colonel.

(d) *Applications.* The following documents, in addition to those prescribed in §§ 561.8 and 561.9, will be furnished:

(1) A recent photograph, head and shoulder type, approximately post card size. The applicant's name will appear on the reverse.

(2) Transcript of college credits. Students applying prior to date of graduation will submit statement required by paragraph (b) of this section.

(3) Applications for concurrent order to active duty will include the following agreement:

If appointed and ordered to active duty I agree to serve on active duty as an officer for a period of 2 years, including the time spent in attendance at the WAC officer basic course. I understand that if I fail to satisfactorily complete the required WAC officer basic course my Reserve commission may be terminated.

(4) Commanders receiving the application will obtain the following reports and letters of appraisal for inclusion with the allied papers. (When such reports and letters were secured prior to enlistment, they will be removed from the enlisted women's file and be made a part of the application.)

(i) Letter of appraisal from Dean of College, Dean of Women, or other college official.

(ii) Letters of appraisal from last two employers (full or part time), using DD Form 370 (Request for Report from Employer, School, or Personal Reference).

If applicant has no work experience, two letters of appraisal from school officials in addition to subdivision (i) of this subparagraph will be submitted.

(iii) Letters of appraisal from two residents of the applicant's home community.

(5) A written statement from the applicant, outlining her reasons for desiring a commission in the Women's Army Corps. The statement may be included in remarks section of personal summary sheet.

(6) Applicants for appointment in the Women's Army Corps with concurrent detail to the Judge Advocate General's Corps will furnish documents prescribed in § 561.12(d) in addition to those prescribed in this section. Service agreement prescribed in subparagraph (3) of this paragraph will be modified to reflect an agreement by such applicants to serve 3 years.

§ 561.14 Appointment of professional and technical personnel.

(a) *General.* This section provides for the appointment of professional and technical specialists as commissioned officers in the USAR. The categories for appointment under this section are listed below. Sections 561.1-561.9 will apply except as indicated in this section.

- Archivist.
- Aeronautical engineering.
- Automotive engineering.
- Bacteriology.
- Biochemistry.
- Biological sciences.
- Business administration.
- Chemical engineering and chemistry.
- Civil engineering.
- Education specialists.
- Electrical accounting machine specialists.
- Electrical engineering, including radio, television, and wire communications.
- Electronic data processing systems specialists.
- Entomology.
- Fire prevention and firefighting.
- Food technology (inspection, procurement, testing, research, and related subjects).
- Geographers.
- Geology, geophysics, and meteorology.
- Geopolitical and area specialists.
- Guided missile specialists.
- Harbor craft specialists.
- Health physicist.
- Highway engineering and traffic.
- Industrial specialists (engineering, management, and security).
- Language and foreign liaison.
- Law enforcement officials, administrative, and allied investigative specialists.
- Legal.
- Marine engineering.
- Mathematicians, statisticians, and physicists.
- Mechanical engineering.
- Metallurgical engineering.
- Military historians.
- Mining engineering.
- Naval architectural.
- Nuclear specialists (nuclear physicist, radiological chemist, nuclear chemistry, nuclear engineering, nuclear effects engineering, biophysics, and bioradiology).
- Parasitology.
- Penology.
- Petroleum and natural gas engineering.
- Pharmacology and toxicology.
- Photographic (still, motion picture, television, and related subjects).
- Plant pathology.
- Plant physiology.
- Postal.

Printing and reproduction.
 Psychology.
 Psychological warfare (journalism, international relations, psychology, and related subjects).
 Public information, including field press censorship.
 Purchasing, storage, and distribution (logistics).
 Radar engineering.
 Railway service.
 Safety engineering.
 Submarine diving.
 Traffic management.
 Zoology.
 Operations Research/Systems Analysis.

(b) *Branch.* The branch of assignment for male applicants will be determined by the authority tendering appointment, based upon the qualifications of the applicant and the needs of the service. The branch for female applicants will be Women's Army Corps. Appointments will not be made for assignment in—

- (1) Armor.
- (2) Artillery (except Guided Missiles).
- (3) Infantry.
- (4) Chaplains.
- (5) Judge Advocate General's Corps.
- (6) Corps of the Army Medical Department.

(7) Women's Army Corps (except in conjunction with concurrent detail to an appropriate branch). (Section 561.13 applies.)

Civil Affairs.
 Staff Specialist.

(c) *Special requirements.* (1) In addition to the requirements of §§ 561.1-561.7, each applicant must possess the professional or technical ability required to perform the duties appropriate to the grade of appointment and branch of assignment.

(2) For appointment to fill vacancies in the Reserve troop program, an applicant's service must be required and there must not be a qualified Reserve commissioned officer of the appropriate or lower grade available to fill the vacancy.

(3) For appointment with concurrent active duty an applicant's services must be required to meet the needs of the Active Army.

(4) Except as provided in subparagraph (5) of this paragraph, applicants must have graduated with at least a baccalaureate degree from an accredited college or university recognized by the Department of Health, Education, and Welfare, Office of Education, as listed in part 3, Education Directory, Higher Education, preferably with a major field of study closely related to the specialty serving as the basis for appointment and have at least the minimum number of years of qualifying experience indicated below for appointment to the grade indicated:

Grade	Years experience
Second Lieutenant.....	One.
First Lieutenant.....	Three.
Captain.....	Six.
Major.....	Twelve.

(5) Each year of graduate education in the field for which the applicant is being considered may be counted as a year

of qualifying experience. Experience in an allied field of specialization acceptable to Headquarters, Department of the Army may be considered in computing minimum qualifying experience.

(i) For service in the Military Railway Service and for duty as Postal specialists, 4 years of qualifying experience may be substituted in lieu of graduation from a recognized college.

(ii) For service in harbor craft units, the following may be substituted in lieu of graduation from a recognized college.

(a) Possession of license required for a civilian ship officer in the American Merchant Marine and issued in accordance with the general rules and regulations of the Board of Supervisory Inspectors of the Merchant Marine Inspection Service, the U.S. Coast Guard, or the Bureau of Marine Inspection and Navigation.

(b) A diploma or record of graduation from the Merchant Marine Academy.

(c) A U.S. Power Squadron Certificate as a navigator.

(iii) For appointment with assignment as a postal specialist, the following is required:

(a) Experience in an administrative, executive, or supervisory capacity in the U.S. Post Office Department, or—

(b) Experience in the Military Postal Service as a warrant officer or noncommissioned officer in grade E-5 or higher. A minimum of 1 year of such experience is required for the grade of second lieutenant; 3 years for the grade of first lieutenant, and 5 years for the grade of captain.

(6) *Military education.* (i) Applicants who are appointed under this section may be granted equivalent credit by Headquarters, Department of the Army, for military education as shown below. Letter of appointment, prescribed by AR 135-100, will be modified to include this information when applicable.

Grade to which appointed

Second Lieutenant.....	None.
First Lieutenant.....	None.
Captain.....	Officer Branch Basic Course.
Major.....	Fifty percent of the total credit hours of the Associate Officer Branch Career Course.

Proponent agency	Title	MOS
Chief of Chaplains.....	Duties unassigned (divinity student or seminarian).....	0001
OPO (AG Branch, OPD).....	Selective service officer.....	2334
Chief of Military History.....	Military historian.....	2421
OPO (AG Branch, OPD).....	Nonmilitary subject instruction officer (teaching methods).....	2701
OPO (AG Branch, OPD).....	Nonmilitary subject instruction officer (physical science).....	2701
OPO (AG Branch, OPD).....	Nonmilitary subject instruction officer (English).....	2701
OPO (AG Branch, OPD).....	Nonmilitary subject instruction officer (social sciences).....	2701
CINFO.....	Information officer.....	5305
CINFO.....	Radio broadcast officer.....	5322
DCSOPS.....	Psychological warfare officer.....	9303
DCSOPS.....	Foreign language propaganda officer (designated language).....	9305

§ 561.16 Appointment in the Army National Guard of the United States.

(a) *General.* (1) Upon being federally recognized, an officer or warrant officer of the Army National Guard will be appointed as a Reserve of the Army for service as a member of the Army National Guard of The United States.

Grade to which appointed

Lieutenant colonel.....	Associate Officer Branch Career Course.
Colonel.....	Associate Officer Branch Career Course.

(ii) Area commanders will insure that individuals enroll in and pursue satisfactorily the appropriate course to qualify themselves for promotion and retention.

(d) *Grade.* Initial appointments are authorized in the grades indicated in paragraph (c) of this section, in recognition of advanced professional or technical experience and training. Appointment may be made in grades up to and including the grade of colonel when an individual possesses outstanding qualifications critical to military requirements.

§ 561.15 Appointment for assignment in the Staff Specialist Branch.

(a) *General.* (1) This section prescribes the special requirements and procedures for appointment as a commissioned officer in the USAR for assignment as Staff Specialist. Sections 561.1-561.9 apply except as indicated in this section.

(2) No individual will be appointed for assignments to the Staff Specialist Branch if he can be appropriately assigned to another branch.

(b) *Eligibility.* Divinity students—see § 561.11. All other applicants must—

(1) Meet general requirements of §§ 561.1-561.7.

(2) Qualify for a MOS listed in paragraph (d) of this section.

(3) Possess advanced professional or technical experience and training.

(c) *Applications.* (1) Divinity students will apply under the provisions of § 561.11.

(2) Other applications will be processed in accordance with §§ 561.8 and 561.9. Forwarding indorsements will recommend grade for appointment taking into consideration individual attainments, usable skills, training, or knowledge, and related requirements of the Army.

(d) *Specialist categories for appointment.* Appointment may be made in the Staff Specialist Branch for the following MOS:

(2) No person will be appointed in a commissioned grade above major unless he was formerly a commissioned officer of an armed force or such an appointment is recommended by a board of officers convened by the Secretary of the Army.

(b) *Personnel eligible to be appointed.* To become an officer of the ARNGUS an

individual must first be appointed and federally recognized in the same grade in the Army National Guard. Such individuals must also meet the security standards prescribed in § 561.3(i).

(c) *Applications.* Applications for appointment as Reserve commissioned or warrant officers of the Army will be submitted through appropriate National Guard commanders, the State adjutant general, and the CO, USARCP, Attention: RCAP. The following forms will be submitted:

(1) NGS Form 62 (Application for Federal Recognition as an Army National Guard Officer or Warrant Officer and Appointment as a Reserve Commissioned Officer or Warrant Officer of the Army in the Army National Guard of the United States) in single copy.

(2) One copy of DD Form 398 (Statement of Personal History). Entry regarding a favorable National Agency check will be recorded on the DD Form 398.

(3) DD Form 98 (Armed Forces Security Questionnaire), one copy to accompany the application and one copy to be retained in the Personnel Records Jacket. See paragraph 15, AR 604-10.

§ 561.17 Appointment as Reserve Warrant Officers of the Army.

(a) *General.* This section prescribes special requirements for the appointment of Reserve warrant officers of the Army for service in the Army Reserve. Sections 561.1-561.9 apply except as provided in this section.

(b) *Special requirements.* (1) Personnel listed below qualifying for warrant officer MOS currently authorized in AR 611-112 or AR 611-113 may apply for appointment under this section. Although Reserve enlisted personnel and Reserve officers are eligible for appointment under this regulation, acceptance of appointment as a Reserve warrant officer will automatically terminate any other Reserve status held by the individual concerned. Such persons serving on active duty will be appointed only as authorized in § 561.2(b) (2).

(i) Enlisted personnel of the Reserve components of the Armed Forces.

(ii) Enlisted personnel in the active military service of the Armed Forces provided they are ordered to concurrent active duty as warrant officers under the provisions of § 561.2(b) (2).

(iii) Former warrant officers currently in civilian status. Applicants applying under this section, if otherwise qualified, will not be subject to the requirements of §§ 561.2 and 561.3(b), if appointed within 1 year after date of last discharge as a warrant officer.

(iv) Warrant officers in the active military service holding only temporary appointments, without component, may request appointment as a Reserve warrant officer at any time prior to release from active duty.

(v) Officers and former officers who qualify for warrant officer MOS.

(vi) Qualified technical experts or specialists who are former members of any component of any U.S. Armed Force or civilians with no military status.

(2) Specialty requirements:

(i) Applications for Army attaché career warrant officers will be limited to individuals who meet the requirements of AR 611-60 and have been assigned and performed duties in any Army attaché office for a period of at least 6 months in a military or civilian status.

(ii) Applicants for appointment in the intelligence career fields covered in AR 140-192 must meet the requirements specified in this section, or submit appropriate request for waiver.

(iii) Applicants for appointment as bandmaster must meet additional technical requirements. Evaluations are made in the following areas to determine the qualifications of each applicant:

(a) Civilian and service music education and experience.

(b) Knowledge of sound band management to include the operation of concert bands, dance bands, and ensembles.

(c) Conducting capabilities to include baton techniques, musicality of presentation, rehearsal techniques, podium presence, military bearing, and sound leadership characteristics.

(d) Theoretical capabilities to include sight-singing, sight-reading, melodic dictation, harmonic dictation, aural and written harmony, arranging and knowledge of instrumentation. In those cases where a definite evaluation cannot be made by a review of the application and allied papers, the CO, USARCP will direct that a technical examination be administered to the applicant by the bandmaster of the band at the CONUS army headquarters or major overseas headquarters through which the applicant applied or at Headquarters, USCONARC. All travel involved will be at the expense of the applicant.

(e) Personnel applying for appointment as Reserve warrant officer, Army Band Officer, will include the following items with their applications and allied papers:

(1) Chronological listing of all military and civilian positions held to include specific scope of responsibilities.

(2) Representative list or programs of solos played or recitals given on major instruments for public performance.

(3) Representative list or programs of band numbers conducted in public performance.

(iv) Applicants for appointment in MOS 232A, 241B, 241C, 241D, 241E, 251B, 251C, 261A, and 262A must have successfully completed the appropriate MOS qualification course.

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-8494; Filed, July 2, 1970; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Records and Reports

In F.R. Doc. 70-6172 appearing in the issue for Thursday, May 28, 1970, § 78.712 (b) is corrected by changing the second sentence to read: "Such reports shall cover the 12-month period ending on the June 30 preceding the due date of the report."

Dated: June 26, 1970.

RAYMOND T. MOORE,
Acting Commissioner, Environmental Control Administration.

[F.R. Doc. 70-8541; Filed, July 2, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-CE-9-AD; Amdt. 39-1019]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 35, 50, 65, and 95 Series Airplanes

Amendment 421, AD 62-8-3, published in the FEDERAL REGISTER on April 17, 1962, requires repetitive inspections and replacement where necessary of the white plastic rams horn control wheels installed on Beech Models 35, 50, 65, and 95 series airplanes and on Model Super V conversions of the standard Beech Models 35, A35, and B35 airplanes. After issuing AD 62-8-3 the manufacturer designed new replacement control wheels that are similar to the affected control wheels but which do not require the repetitive inspections called for in AD 62-8-3. Beech Service Bulletin, dated March 1962, titled "Control Wheel, Clock and Map Light, Inspection of Plastic Rams Horn Type Control Wheels" was revised by Beech Service Bulletin dated March 1970, titled "Control Wheel, Clock and Map Light, Inspection of Plastic Rams Horn Type Control Wheels". This revised Service Bulletin provides information for distinguishing between the various types of rams horn control wheels and specifies the models and associated serial numbers of airplanes affected by AD 62-8-3. Accordingly, it is

necessary to amend the applicability statement and Paragraph C of the AD for clarification. Therefore, action is taken herein to make these changes.

Since this amendment is for clarification only and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 421, AD 62-8-3, is amended as follows:

(1) The applicability statement is amended so that it now reads:

BEECH. Applies to Models 35-33, 35-A33, and 35-B33, Serial Numbers prior to CD-803, except CD-745 and CD-789; Models 35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, and P35, Serial Numbers prior to D-6952; Model 50, Serial Numbers H-1 through H-11; Models B50 and C50, Serial Numbers CH-12 through CH-360; Models D50, D50A, D50B, D50C, and D50E, Serial Numbers prior to DH-327, except DH-323 and DH-324; Model E50, Serial Numbers EH-1 through EH-70, Model F50, Serial Numbers FH-71 through FH-96 except FH-94; Model G50, Serial Numbers GH-94 and GH-97 through GH-119; Model H50, Serial Numbers HH-120 through HH-149; Model J50, Serial Numbers JH-150 through JH-163; Models 95-55 and 95-A55, Serial Numbers prior to TC-276 except TC-235, TC-245, TC-266, TC-273, and TC-274; Model 65, Serial Numbers prior to LC-141 except LC-125; Models 95, B95, and B95A, Serial Numbers prior to TD-499 airplanes.

(2) Paragraph C is amended so that it now reads:

(C) The inspections required by this AD may be discontinued when the proper replacement control wheel as specified in Beech Service Bulletin dated March 1970, titled "Control Wheel, Clock and Map Light, Inspection of Plastic Rams Horn Type Control Wheels" has been installed or an FAA approved equivalent is installed.

This amendment becomes effective July 9, 1970.

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

Issued in Kansas City, Mo., on June 25, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 70-8486; Filed, July 2, 1970; 8:46 a.m.]

[Docket No. 10005; Amdt. 93-20]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

VOR Federal Airway Special Air Traffic Rule

The purpose of these amendments to Subpart E of Part 93 of the Federal Avia-

tion Regulations is to clarify the applicability of the subpart, and to eliminate IFR flights from the rule.

These amendments are based on a notice of proposed rule making (Notice No. 69-53) published in the FEDERAL REGISTER on December 11, 1969 (34 F.R. 237). Three comments were received in response to the notice. One comment concurred with the proposals. The other two raised certain objections.

One comment contained a request that the dimension of the airspace corridor be modified to exclude the airspace within a 5-statute-mile radius of Phoenix-Litchfield Airport, rather than the 4-mile radius that was proposed. This would prevent encroachment of the Phoenix-Litchfield Airport traffic area, and provide space for future ILS installation. The FAA has determined that the rule restricts only the absolute minimum of airspace consistent with safe operation of Luke Air Force Base requirements. Modifying the corridor as requested would be unwise and unsafe.

Another comment objected to allowing Luke training flights to make random crossings of V-16 at any point of their own choosing. The notice did not change the rule as it is now being applied, but merely clarified the wording to eliminate any possible misinterpretation. Funnelling of all Luke AFB traffic through one airspace corridor is opposed by the Air Force and the FAA. The Luke VFR traffic operating through the corridor are typically aircraft arriving at or departing Luke AFB. Because of the volume of aircraft involved, and the fact that piloting requirements during the departure and arrival phases of flight permit only very limited time to watch for other aircraft, Luke AFB jet aircraft operating VFR crossing V-16 within the airspace segment specified in section 93.71 will be segregated by altitude from other aircraft. Other Luke AFB traffic operating VFR and crossing V-16 will be beacon targets enabling ATC to give information concerning them to IFR aircraft.

One comment also contained a question as to the ability of the Phoenix TRACON to provide IFR traffic information concerning VFR aircraft operations in the airspace concerned in the notice. One main purpose of the rule was to segregate IFR aircraft (primarily operating along V-16) from Luke VFR traffic crossing the airway. The Phoenix area is under continuous radar surveillance. Since all Luke Air Force aircraft are beacon equipped, the Phoenix TRACON has the capability to pick up Luke AFB aircraft crossing outside the corridor. Information concerning these VFR Luke AFB aircraft can be transmitted to the IFR aircraft in contact with ATC. It was not intended to imply that VFR traffic other than the Luke aircraft would always be seen on radar or given as traffic.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is hereby amended, effective August 20, 1970, to read as follows:

1. By amending § 93.71 to read as follows:

§ 93.71 Applicability.

This subpart applies to aircraft operated under Visual Flight Rules within VOR Federal Airway 16 between longitudes 112°23'00" W. and 112°41'30" W., excluding that portion of the airspace within a 4-statute-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), Monday through Saturday, from 0600 to 0100 the following day, local time.

2. By amending § 93.73 to read as follows:

§ 93.73 Crossing VOR Federal Airway No. 16; VFR Jet Training Operations.

Each pilot in command of a Luke Air Force Base jet aircraft operating outside of Luke Air Force Base airport traffic pattern under Visual Flight Rules and engaged in a training operation that requires crossing of VOR Federal Airway No. 16 within the airspace specified in § 93.71, shall cross within that specified airspace at altitudes from 2,500 feet m.s.l. to 5,000 m.s.l., inclusive.

3. By amending § 93.75 to read as follows:

§ 93.75 Crossing and Operating along VOR Federal Airway No. 16.

Each person piloting an aircraft (other than an aircraft to which § 93.73 applies, and aircraft departing Luke Air Force Base) crossing or operating along VOR Federal Airway No. 16 in the area specified in § 93.71 shall operate—

- At 2,000 feet m.s.l., or lower, or
- At 5,500 feet m.s.l., or higher.

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

Issued in Washington, D.C., on June 26, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-8487; Filed, July 2, 1970; 3:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLEMENTATION OR INJECTION

Nitrofurantoin Sodium Injection

The Commissioner of Food and Drugs has evaluated the new animal drug application (41-744V) filed by Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing safe and effective use of nitrofurantoin sodium intramuscularly in dogs for bacterial infections of the urinary tract. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated

to the Commissioner (21 CFR 2.120), the following new section is added to Part 135b;

§ 135b.16 Nitrofurantoin sodium injection.

(a) *Specifications.* It is sterile and packaged so that each vial contains sufficient drug to permit withdrawal of 180 milligrams of nitrofurantoin sodium. The nitrofurantoin sodium used is the sodium salt of nitrofurantoin U.S.P.

(b) *Sponsor.* Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815.

(c) *Conditions of use.* (1) It is used only in bacterial infections of the urinary tract of dogs when the oral forms are not feasible.

(2) It is administered intramuscularly at the rate of 1.5 milligrams of nitrofurantoin sodium per pound of body weight twice daily (total daily dose: 3 milligrams per pound) for a maximum of 10 days.

(3) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: June 25, 1970.

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

[F.R. Doc. 70-8480; Filed, July 2, 1970;
8:45 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Clindamycin Hydrochloride Hydrate Sensitivity Powder

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 147 to provide for certification of the subject sensitivity powder:

§ 147.17 Clindamycin hydrochloride hydrate sensitivity powder.

(a) *Requirements for certification.*

(1) *Standards of identity, strength, quality, and purity.* Clindamycin hydrochloride hydrate diagnostic sensitivity powder is clindamycin hydrochloride hydrate packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of microorganisms to clindamycin. Each vial contains clindamycin hydrochloride hydrate equivalent to 20 milligrams of clindamycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of clindamycin it is represented to contain. It is sterile. Its moisture content is not more than 6.0 percent. Its pH in a solution containing 20 milligrams of clindamycin per milliliter is not less than 3.0 and not more than 6.5. The clindamycin hydrochloride hydrate used

conforms to the standards prescribed by § 149u.1(a)(1) (i), (ii), (iv), (v), (vi), and (vii) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile diluent when preparing a stock solution for use in making further dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(a) The statement "For laboratory diagnosis only."

(b) The statement "Sterile."

(c) The batch mark.

(d) The number of milligrams of clindamycin in each immediate container.

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Request for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The clindamycin hydrochloride hydrate used in making the batch for clindamycin content, microbiological activity, moisture, pH, crystallinity, and identity.

(b) The batch for potency, sterility, moisture, and pH.

(ii) Samples required:

(a) The clindamycin hydrochloride hydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of 20 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 micrograms of clindamycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using the solution obtained when the vial is reconstituted with 1.0 milliliter of distilled water.

Data supplied by the manufacturer concerning the subject sensitivity powder have been evaluated. Since the con-

ditions prerequisite to providing for certification of the article have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 26, 1970.

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

[F.R. Doc. 70-8479; Filed, July 2, 1970;
8:45 a.m.]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Meprobamate; Exemption of Certain Combination Drugs

By an order published in the FEDERAL REGISTER on June 6, 1970, the Director of the Bureau of Narcotics and Dangerous Drugs ended the stay of the effective date of the final order published in the FEDERAL REGISTER on December 6, 1967 (32 F.R. 17473), listing meprobamate as a drug subject to control under the Drug Abuse Control Amendments of 1965. This order is to take effect July 6, 1970.

Notice is hereby given that the order published June 6, 1970, is hereby supplemented in that the following combination drugs will not be controlled and thereby do not have to meet the requirements of section 511(c) (a) and (e), and the recordkeeping requirements of section 511(d)(1) of the Federal Food, Drug, and Cosmetic Act:

Milprem-200.	Tablet: Meprobamate 200 mg. Conjugated Estrogens—equine 0.4 mg.	Wallace Pharmaceuticals.
Milprem-400.	Tablet: Meprobamate 400 mg. Conjugated Estrogens—equine 0.4.	Do.
Milpath-200.	Tablet: Meprobamate 200 mg. Tridihexethyl Chloride 25 mg.	Do.
Milpath-400.	Tablet: Meprobamate 400 mg. Tridihexethyl Chloride 25 mg.	Do.
Miltrate-10.	Tablet: Meprobamate 200 mg. Pentaerythritol tetranitrate 10 mg.	Do.
Miltrate-20.	Tablet: Meprobamate 200 mg. Pentaerythritol tetranitrate 20 mg.	Do.

Title 21, Chapter II, § 320.8(b) of the Code of Federal Regulations is hereby amended by adding the above listed combinations to the end of that paragraph. Since this supplement to the order published in the FEDERAL REGISTER on June 6,

1970 is nonrestrictive, it will become effective on July 6, 1970.

Dated: June 29, 1970.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.

[F.R. Doc. 70-8509; Filed, July 2, 1970;
8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 68-9; General Order 26]

PART 541—FREE TIME AND DEMURRAGE CHARGES ON EXPORT CARGO

Ports of New York and Philadelphia; Postponement of Effective Date

In a notice published in the FEDERAL REGISTER on April 17, 1970 (35 F.R. 6276), as modified on April 24, 1970 (35 F.R. 6589), the Federal Maritime Commission set forth rules and regulations which had been prescribed pursuant to its Docket No. 68-9, Free Time and Demurrage Charges on Export Cargo. The Commission, on June 30, 1970, ordered that the effective date of such regulation be postponed for 30 days. Notice is therefore given that the effective date of the rules and regulations prescribed in its Docket No. 68-9 is postponed, and that all tariffs in conformance therewith must be filed, published, and in effect on or before, and from August 17, 1970.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8504; Filed, July 2, 1970;
8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-32; Amendments Nos. 172-5, 173-27]

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171-179 OF THIS CHAPTER

PART 173—SHIPPERS

Change in Shipping Name and Removal of Authorization To Ship or Transport Dry Dimethylhexane Dihydroperoxide

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to

change the shipping name of hydrazine solution and calcium hypochlorite by placing descriptive wording in italics, and to specify that dry dimethylhexane dihydroperoxide may not be transported.

On August 20, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-32; Notice No. 69-24 (34 F.R. 13426) proposing to amend the regulations as indicated above.

Interested persons were afforded an opportunity to participate in this rule making, and all comments received have been carefully considered.

Concerning calcium hypochlorite, two commenters suggested that the use of the word "mixture" would be more appropriate than "compound" since the use of the broader terminology would cover several conditions of manufacture; i.e., either mixtures derived from the production processes or through actual physical mixing of components. The Board agrees with this suggestion, and a change is being made accordingly. A commenter also suggested that the entry be preceded by an asterisk to signify that the material may or may not be classed as a hazardous material. Since this would be a substantial change without public notice or comment thereon, it is not provided for in this rulemaking action.

Another commenter stated that removing the complete description from the shipping name (Roman type) might cause problems to the shippers of calcium hypochlorite containing 39 percent or less of available chlorine and hydrazine solution containing more than 50 percent water. This same situation occurs for many other materials, such as hydrogen peroxide. However, shippers have a number of methods whereby they are able to declare certain materials as not being subject to the Hazardous Materials Regulations, such as the making of special notations on shipping papers.

Several commenters raised questions concerning the "wet" requirements in § 173.157. As stated in paragraph (a) of that section, all of the materials listed except cyclohexanone peroxide, must be "wet" with at least 30 percent water by weight.

In consideration of the foregoing, Parts 172 and 173 of Title 49, Code of Federal Regulations are amended as follows:

I. Part 172 is amended as follows:

In § 172.5(a) the Commodity List is amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
***	***	***	***	***
Change				
Hydrazine solution (containing 50 percent or less of water).	Cor. L.....	No exemption, 173.276.....	White.....	5 pints.
Calcium hypochlorite mixtures (dry, containing more than 39 percent available chlorine).	Oxy. M.....	173.153, 173.217.....	Yellow.....	100 pounds.
Cancel				
Dimethylhexane dihydroperoxide....	Oxy. M.....	No exemption, 173.157, 173.158.do.....	25 pounds.
Add				
Dimethylhexane dihydroperoxide, dry.	Not accepted.....
Dimethylhexane dihydroperoxide, wet.	Oxy. M.....	No exemption, 173.157.....do.....	Do.
***	***	***	***	***

II. Part 173 is amended as follows:

(A) In Part 173, § 173.158 of the table of contents is amended to read as follows:

Sec.

173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(B) In § 173.158 the Heading, the introductory text of paragraph (a), and subparagraph (a)(2) are amended to read as follows:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) Benzoyl peroxide, dry; chlorobenzoyl peroxide (para), dry; cyclohexanone

peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry; must be packed in specification packagings as follows:

* * * * *

(2) Spec. 21C (§ 173.224) fiber drums. Authorized only for lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one drum.

* * * * *

This amendment is effective October 30, 1970. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on June 29, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[F.R. Doc. 70-8492; Filed, July 2, 1970;
8:46 a.m.]

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-11; Notice 70-8]

PART 392—DRIVING OF MOTOR VEHICLES

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Anchorage of Seats; Seat Belt Assemblies; Seat Belt Assembly Anchorages; Restraint of Sleeper Berth Occupants

In Ex Parte No. MC-69 issued on June 1, 1966 (31 F.R. 7911), the Interstate Commerce Commission requested comments on a draft regulation requiring the installation and use of seat belts in the operation of interstate carriers of passengers by motor vehicle. On June 20, 1969, after responsibility for administration of the Motor Carrier Safety Regulations was transferred to the Secretary of Transportation (49 U.S.C. 1655(c)) and delegated by him to the Federal Highway Administrator, the Administrator issued a notice of proposed rule making relating to occupant restraint systems in all commercial vehicles operating in interstate or foreign commerce (34 F.R. 9999).

In that notice, the Administrator proposed to require: (1) Installation and use of properly anchored seat belts for drivers, (2) installation of properly anchored seat belts for the use of the occupants of front right outboard seats in trucks and truck tractors, (3) more crashworthy seating systems for the use of drivers of all commercial vehicles and passengers occupying the front right outboard seats of trucks and truck tractors, and (4) bunk straps or equivalent restraints for the occupants of sleeper berths.

After carefully considering the responses to the notice of proposed rule making, the contents of submissions in Ex Parte No. MC-69, and other available evidence, the Director of the Bureau of Motor Carrier Safety has decided to issue the proposed regulations as final rules without substantial modification.

Intensive research during recent years has conclusively demonstrated that the

proper use of occupant restraints in motor vehicles produces a marked increase in the safety of occupants and other highway users. A recent study of over 4,500 automobile accidents in Ohio, for example, concluded that occupants who do not wear seat belts are more than four times more likely to be killed in serious accidents than occupants who do use seat belts. Studies focused on commercial vehicles also point to the conclusion that installation and use of seat belts in those vehicles will contribute substantially to safety of operations.

The Bureau of Motor Carrier Safety has conducted a special study of 211 serious or fatal commercial vehicle accidents which occurred between April 1968, and February 1969.¹ The 211 accidents resulted in 44 fatalities and 187 injuries. In 74 of the accidents, occupants were ejected from their vehicles. Although the 74 ejection accidents constituted only 35 percent of the accidents studied, they accounted for 64 percent of the fatalities.

The results of this study correlate positively with the results of research conducted by other organizations. Occupants of commercial vehicles are ejected from the cab in a disproportionately high number of accidents. The incidence of death or serious injury is much higher when occupants are ejected instead of remaining in the vehicle.

Of the 211 accidents studied, 33 involved trucks equipped with seat belts for the driver's use. The belts were worn in 10 cases. None of the drivers wearing a belt was killed. Of the 12 drivers who were not wearing seat belts and remained in their cabs two were killed. Eleven drivers who did not wear their seat belts were ejected; three were killed. While these data may not be statistically significant standing alone, they follow the trend of other studies. The data also show that the suggestion that improved door latches on commercial vehicles manufactured during the 1967 model year and thereafter would substantially decrease the frequency of ejections is not borne out by experience.

It seems clear, therefore, that the universal installation and use of seat belts will have a high payoff in terms of lives saved and injuries prevented or mitigated. Seat belt use by commercial drivers also promises to improve the driver's control of his vehicle in emergency situations. These conclusions justify the costs of compliance with the new requirements.

Some respondents urged that rule making on the subject of occupant restraints in commercial vehicles be limited to proceedings under the National Traffic and Motor Vehicle Safety Act of 1966. It was noted that the National Highway Safety Bureau now has outstanding three dockets (Nos. 2-12, 2-13, and 2-14) in which extension of existing Motor Vehicle Safety Standards on seats, seat belt assembly installation, and seat belt

¹ Individual copies of this study may be secured by writing to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20591 and asking for the Bureau's Crash/Injury-Ejection Study.

assembly anchorages, respectively, to multipurpose passenger vehicles, trucks, and buses has been proposed. A number of persons suggested that Docket No. MC-11 should be discontinued in favor of the pending proceedings under the National Traffic and Motor Vehicle Safety Act.

The Director is, of course, aware of the parallel proceedings on the subject of occupant seat belt restraints, anchorages and seats in new commercial vehicles and of the fact that these proceedings carry a proposed effective date different from this amendment. Nevertheless, he has concluded that the public interest will be best served, if both proceedings go forward with close cooperation and coordination between his staff and that of the National Highway Safety Bureau to ensure that the Motor Carrier Safety Regulations and the Federal Motor Vehicle Safety Standards are consistent in terms of the obligations they impose on persons affected by both regulatory schemes and in terms of the final effective dates of these regulations. The regulations, issued as the result of this proceeding, are the product of a joint effort by both the Bureau of Motor Carrier Safety and the National Highway Safety Bureau to achieve the maximum possible consistency. The dockets now pending in the National Highway Safety Bureau on the subjects of seats, seat belt assembly installation, and seat belt assembly anchorages have been reviewed as part of the data-gathering and analytical process preceding issuance of these amendments to the Motor Carrier Safety Regulations. In addition, the Director has drawn on the expertise of the National Highway Safety Bureau in the development of the substantive content of the amendments.

Furthermore, the application of this amendment to vehicles in use will require retrofitting of trucks and buses presently on the highway. It is essential to provide owners of commercial vehicles with as much lead time as possible to permit them to retrofit their fleets by the July 1, 1972, deadline. By delaying issuance of the amendments to the Motor Carrier Safety Regulations, the Director might place such owners in a more difficult position than is absolutely necessary.

The problem of retrofitting older vehicles with adequate seat belts has been given special attention. Many vehicles manufactured before January 1, 1965, may lack seat belt anchorages or structural components located so as to permit seat belt anchorages to be installed. Further, the likelihood of extensive future use of pre-1965 vehicles seems very limited. For these reasons, the Director has exempted them from the requirements for retrofitting. In recognition of the problems that owners of large vehicle fleets will have in equipping vehicles in use with seat belts, the time for compliance with the requirements for installation of the belts has been extended from January 1, 1971, to July 1, 1972. Vehicles in use have also been exempted from the requirements of Motor Vehicle Safety Standard No. 207 (anchorage of seats)

and the strength requirements of Standard No. 210 (seat belt assembly anchorages). Compliance with these requirements can be ascertained only by tests that may be destructive and hence cannot be made on vehicles in use. Therefore, vehicles manufactured before July 1, 1971, need conform only to the location and geometric requirements of Standard No. 210.

In order to ensure the full effectiveness of the requirement for installation of seat belts for the driver's use, the Director has concluded that the regulations must require drivers to use their seat belts when they have them available. A number of organizations, representing truck operators, objected to this requirement (significantly, operators of interstate buses interposed no objection to the requirements that seat belts be installed at drivers' seats and that drivers use those belts). It was argued that drivers would not comply with the requirement and that enforcement would prove difficult. The Director finds that the evidence submitted to support both hypotheses is unpersuasive and based on questionable premises. Adequate compliance with this provision of the Motor Carrier Safety Regulations will be insured by carriers, drivers, and the field staff of the Federal Highway Administration.

Some commentators argued that mandatory use of seatbelts might hinder emergency evacuation in the event a vehicle caught fire in an accident. In reality, seatbelt use promotes the driver's ability to make an emergency evacuation, by increasing the likelihood that he will be conscious and physically able to get out of his cab after an accident. Similarly, the argument that use of seatbelts might prevent a driver from leaving his seat to reach controls assumes that vehicle controls can safely be located so that the driver cannot operate them from his seat. That is not the case.

A number of respondents argued that the requirement for use of seatbelts would be inappropriate for drivers engaged in local delivery or other services in which they must frequently leave the vehicle. After careful study of the problem the Director believes an exemption from the requirements of § 392.16 is unnecessary because the majority of vehicles in local-delivery service operate wholly within a commercial zone and are exempt from the requirements of Parts 392 and 393 of the Motor Carrier Safety Regulations by § 390.33, Applicability of Regulations, or because they are engaged solely in intrastate operation. Second, in view of the proven increase in safety of operation of motor vehicles from the use of seatbelts, the Director believes the drivers of local-delivery vehicles should wear them in operations which do not fall within one of those exemptions.

Some respondents discussed the problems of requiring installation and use of seat belts in vehicles which have suspension seats. A single belt attached only to the floor appears to be inappro-

priate for use with such a seat. However, there are a number of designs, using a relatively slack belt between the anchorage and a hook on the seat, with a standard belt anchored to the seat and restraining the driver, which seem adequate to prevent his ejection. The use of automatic-locking retractors and emergency-locking retractors (inertia reels) may improve the performance of the belts installed at suspension seats. The Director of the National Highway Safety Bureau is now considering revisions to Motor Vehicle Safety Standard No. 209 which will make the use of emergency-locking retractors feasible in this application. It was suggested that the provisions of Standard No. 209, applicable to seat belts in general, may be inappropriate for the so-called "seat tie-down" belts. Those belts are not "designed to secure a person in a motor vehicle" within the meaning of paragraph S3 of Standard No. 209. Hence, their performance is not governed by Standard No. 209 at all. Motor Vehicle Safety Standard No. 207, which sets performance standards for attachment assemblies for seats, may appropriately be applied to tie-down belts, because the function of those belts is to restrain the seat. Compliance with Standard No. 207 should insure that tie-down belts will possess adequate strength.

There was no opposition to the requirement that occupants of sleeper berths be provided with restraints. However, a number of respondents did suggest the sleeper berth requirements set forth in the notice were ambiguous and excessive. In the light of these comments and additional technical analysis, the Director has modified the requirements. They now specify that the restraint system must be designed, installed, and maintained so that, as a system, it will withstand a force of 6,000 pounds in the forward direction. The purpose of this provision is to avoid the risk that a sleeper-berth occupant will be ejected in emergency or accident situations, thereby causing death or severe injury to himself and persons in the cab of the vehicle.

A number of changes of an editorial nature have also been made.

In consideration of the foregoing, proceedings in Ex Parte No. MC-69 are discontinued, and Parts 392 and 393 of Title 49, CFR, are amended as set forth below. These amendments are effective on August 1, 1970, unless otherwise specified in a specific section.

(Sec. 204, Interstate Commerce Act, as amended (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), delegation of authority by Secretary of Transportation in 49 CFR 1.48, and delegation of authority by Administrator in 49 CFR 369.4)

Issued on June 24, 1970.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. Part 392 of Title 49, CFR, is amended by adding the following new section at the end of Subpart B:

§ 392.16 Use of seat belts.

A motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself with the seat belt assembly.

II. Part 393 of Title 49, CFR, is amended by adding the following new paragraph at the end of § 393.76.

§ 393.76 Sleeper berths.

(i) *Occupant restraint.* A motor vehicle manufactured on or after July 1, 1971, and equipped with a sleeper berth, must be equipped with a means of preventing ejection of the occupant of the sleeper berth during deceleration of the vehicle. The restraint system must be designed, installed, and maintained to withstand a minimum total force of 6,000 pounds applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

III. Part 393 of Title 49, CFR, is amended by adding the following new section at the end of Subpart G:

§ 393.93 Seats, seat belt assemblies, and seat belt assembly anchorages.

(a) *Buses*—(1) *Buses manufactured on or after January 1, 1965, and before July 1, 1971.* After June 30, 1972, every bus manufactured on or after January 1, 1965, and before July 1, 1971, must be equipped with a Type 1 or Type 2 seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209¹ installed at the driver's seat and seat belt assembly anchorages that conform to the location and geometric requirements of Motor Vehicle Safety Standard No. 210¹ for that seat belt assembly.

(2) *Buses manufactured on or after July 1, 1971.* Every bus manufactured after June 30, 1971, must be equipped with a driver's seating system that conforms to Motor Vehicle Safety Standard No. 207,¹ a Type 1 or Type 2 seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209¹ installed at the driver's seat, and seat belt assembly anchorages that conform to Motor Vehicle Safety Standard No. 210¹ for that seat belt assembly.

(b) *Trucks and truck tractors.*—(1) *Trucks and truck tractors manufactured on or after January 1, 1965, and before July 1, 1971.* After June 30, 1972, every truck and truck tractor, manufactured on or after January 1, 1965, and before July 1, 1971, must be equipped with a Type 1 or Type 2 seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209¹ installed at the driver's seat and at the right front outboard seat, if the vehicle has one, and seat belt assembly anchorages that conform to the location and geometric requirements of Motor Vehicle Safety Standard No. 210¹ for each seat belt assembly that is required by this subparagraph.

See footnote at end of document.

(2) *Trucks and truck tractors manufactured on or after July 1, 1971.* Every truck and truck tractor manufactured after June 30, 1971, except a truck or truck tractor being transported in drive-away-towaway operation and having an incomplete vehicle seating and cab configuration, must be equipped with a seating system that conforms to Motor Vehicle Safety Standard No. 207¹ installed for the use of the driver and, if the vehicle has a right front outboard seat, for the occupant of that seat, a Type 1 or Type 2

seat belt assembly that conforms to Motor Vehicle Safety Standard No. 209¹ installed at the driver's seat and at the right front outboard seat, if the vehicle has one, and seat belt assembly anchorages that conform to Motor Vehicle Safety Standard No. 210¹ for each seat belt assembly that is required by this subparagraph.

(c) *Effective date of standards.* Whenever paragraph (a) or (b) of this section requires conformity to a Motor Vehicle Safety Standard, the vehicle or equip-

ment must conform to the version of the Standard that is in effect on the date the vehicle is manufactured or on the date the vehicle is modified to conform to the requirements of paragraph (a) or (b) of this section, whichever is later.

[F.R. Doc. 70-8473; Filed, July 2, 1970; 8:45 a.m.]

¹ Individual copies of Motor Vehicle Safety Standards may be obtained from the National Highway Safety Bureau's General Services Division, Room 5111C, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20591.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 20, 25]

REVISION OF ACTUARIAL TABLES AND INTEREST FACTORS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to provide for the use of a new interest rate in making computations as to the value of present and deferred interests and for the use of more recent mortality tables in the making of actuarial computations for purposes of the estate and gift taxes and to authorize the use of such provisions for income tax purposes (such as §§ 1.101-2(e)(1)(ii)(b)(3), 1.318-3(b), and 1.1563-3(b)(3)(i)), the Estate Tax Regulations (26 CFR, Part 20) under sections 2013 and 2031 of the Internal Revenue Code and the Gift Tax Regulations (26 CFR, Part 25) under section 2512 of the Internal Revenue Code are amended as set forth below:

PARAGRAPH 1. Paragraph (a) of § 20.2013-4 is amended by revising a cross-reference. The amended provision reads as follows:

§ 20.2013-4 Valuation of property transferred.

(a) For purposes of section 2013 and §§ 20.2013-1 to 20.2013-6, the value of the property transferred to the decedent is

the value at which such property was included in the transferor's gross estate for the purpose of the Federal estate tax (see sections 2031, 2032, and the regulations thereunder) reduced as indicated in paragraph (b) of this section. If the decedent received a life estate or remainder or other limited interest in property included in the transferor's gross estate, the value of the interest is determined as of the date of the transferor's death on the basis of recognized valuation principles (see especially §§ 20.2031-7 and 20.2031-10). The application of this paragraph may be illustrated by the following examples:

PAR. 2. Section 20.2031-7 is amended by revising so much thereof as precedes subparagraph (2) of paragraph (a), and by adding new subparagraph (3) at the end of paragraph (a) thereof. The amended and revised provisions read as follows:

§ 20.2031-7 Valuation of annuities, life estates, terms for years, remainders and reversions for estates of decedents dying on or before the 30th day following publication of this provision in the Federal Register as a Treasury decision.

(a) *In general.* (1) For estates of decedents dying on or before the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision, except as otherwise provided in this subparagraph, the fair market value of annuities, life estates, terms for years, remainders, and reversions is their present value determined under this section. For estates of decedents dying after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision, the fair market value of annuities, life estates, terms for years, remainders and reversions is their present value determined under § 20.2031-10. The value of annuities issued by companies regularly engaged in their sale, and of insurance policies on the lives of persons other than the decedent, is determined under § 20.2031-8. In the case of any provision under part 1 of this chapter (Income Tax Regulations) which requires a valuation to be made under this section or any subdivision thereof, such valuation shall be made under § 20.2031-10 if the date in respect of which such valuation is required to be made is after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision. (See § 20.2042-1 with respect to insurance policies on the decedent's life.)

(3) In all examples set forth in this section, the decedent is assumed to have died on or before the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision.

PAR. 3. Immediately after § 20.2031-9 there are added the following new sections:

§ 20.2031-10 Valuation of annuities, life estates, terms for years, remainders and reversions for estates of decedents dying after the 30th day following publication of this provision in the Federal Register as a Treasury decision.

(a) *In general.* (1) Except as provided in § 20.2031-8, for estates of decedents dying after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision, the fair market value of annuities, life estates, terms for years, remainders, and reversions is their present value determined under this section. The value of annuities issued by companies regularly engaged in their sale, and of insurance policies on the lives of persons other than the decedent, is determined under § 20.2031-8. The present value of life estates, terms for years, remainders, and reversions in certain depreciable property is determined under this section, subject to the rules and adjustments provided in § 20.2031-11. (See § 20.2031-7 with respect to the valuation of annuities, life estates, terms for years, remainders, and reversions includable in estates of decedents dying on or before the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision; § 20.2042-1 with respect to insurance policies on the decedent's life.)

(2) The present value of an annuity, life estate, remainder or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of table A(1) or A(2) in paragraph (f) of this section. Table A(1) is to be used when the person upon whose life the interest is based is a male and table A(2) is to be used when such person is a female. The present value of an annuity, term for years, remainder or reversion dependent on a term certain is computed by the use of table B in paragraph (f) of this section. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of a person is to be taken as the age of that person at his nearest birthday.

(3) In all examples set forth in this section, the decedent is assumed to have died after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision.

(b) *Annuities—(1) Payable annually at end of year.* If an annuity is payable annually at the end of each year during the life of an individual (as, for example, if the first payment is due 1 year after decedent's death), the amount payable annually is multiplied by the figure in column 2 of table A(1) or A(2), whichever is appropriate, opposite the number of years in column 1 nearest the age of the individual whose life measures the

duration of the annuity. If the annuity is payable annually at the end of each year for definite number of years, the amount payable annually is multiplied by the figure in column 2 of table B opposite the number of years in column 1 representing the duration of the annuity. The application of this subparagraph may be illustrated by the following examples:

Example (1). The decedent received, under the terms of his father's will, an annuity of \$10,000 a year payable annually for the life of his elder brother. At the time he died, an annual payment had just been made. The brother at the decedent's death was 40 years 8 months old. By reference to table A(1) the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 12.3934. The present value of the annuity at the date of the decedent's death is, therefore \$129,934 (\$10,000 × 12.9934).

Example (2). The decedent was entitled to receive an annuity of \$10,000 a year payable annually throughout a term certain. At the time he died, an annual payment had just been made and five more annual payments were still to be made. By reference to table B, it is found that the figure in column 2 opposite 5 years is 4.2124. The present value of the annuity is, therefore, \$42,124 (\$10,000 × 4.2124).

(2) *Payable at the end of semiannual, quarterly, monthly, or weekly periods.* If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as for example if the first payment is due 1 month after the decedent's death), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of table A(1) or A(2), whichever is appropriate, opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

- 1.0148 for semiannual payments,
- 1.0222 for quarterly payments,
- 1.0272 for monthly payments,
- 1.0291 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years, the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of table B opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this subparagraph may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in subparagraph (1) of this paragraph, except that the annuity is payable semiannually. The aggregate annual amount, \$10,000, is multiplied by the factor 12.9934, and the product multiplied by 1.0148. The present value of the annuity at the date of the decedent's death is, therefore, \$131,857.02 (\$10,000 × 12.9934 × 1.0148).

(3) *Payable at the beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (1) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as, for example, if the first payment

is to be made immediately after the decedent's death), the value of the annuity is the sum of (a) the first payment plus (b) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in subparagraph (1) or (2) of this paragraph. The application of this subdivision may be illustrated by the following example:

Example. The decedent was entitled to receive an annuity of \$50 a month during the life of another, a woman. The decedent died on the day a payment was due. At the date of the decedent's death, the person whose life measures the duration of the annuity is 50 years of age. The value of the annuity at the date of the decedent's death is \$50 plus the product of \$50 × 12 × 12.5793 (see table A(2)) × 1.0272 (see subparagraph (2) of this paragraph). That is, \$50 plus \$7,752.87, or \$7,802.87.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in table B multiplied by whichever of the following factors is appropriate:

- 1.0600 for annual payments,
- 1.0448 for semiannual payments,
- 1.0372 for quarterly payments,
- 1.0322 for monthly payments,
- 1.0303 for weekly payments.

The application of this subdivision may be illustrated by the following example:

Example. The decedent was the beneficiary of an annuity of \$50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of \$50 × 12 × 12.7834 (see table B) × 1.0322, or \$7,917.02.

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his life, or for the life of another person, to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of table A(1) or A(2), whichever is appropriate, opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use non-income-producing property for a term of years, column 3 of table B is used. The application of this paragraph may be illustrated by the following example:

Example. The decedent or his estate was entitled to receive the income from a fund of \$50,000 during the life of his elder brother. Upon the brother's death, the remainder is to go to X. The brother was 31 years 5 months old at the time of decedent's death. By reference to table A(1) the figure in column 3 opposite 31 years is found to be 0.86117. The present value of decedent's interest is therefore, \$43,058.50 (\$50,000 × 0.86117).

(d) *Remainders or reversionary interests.* If a decedent had, at the time of his death, a remainder or a reversionary interest in property to take effect after an estate for the life of another, the present value of his interest is obtained by multiplying the value of the property by the figure in column 4 of table A(1) or A(2), whichever is appropriate, opposite the number of years nearest to the actual age of the person whose life

measures the preceding estate. If the remainder or reversion is to take effect at the end of a term for years, column 4 of table B is used. The application of this paragraph may be illustrated by the following example:

Example. The decedent was entitled to receive certain property worth \$50,000 upon the death of his elder sister, to whom the income was bequeathed for life. At the time of the decedent's death, the elder sister was 31 years 5 months old. By reference to table A(2), the figure in column 4 opposite 31 years is found to be 0.10227. The present value of the remainder interest at the date of decedent's death is, therefore, \$5,113.50 (\$50,000 × 0.10227).

(e) *Actuarial computations by the Internal Revenue Service.* If the valuation of the interest involved is dependent upon the continuation or the termination of more than one life or upon a term certain concurrent with one or more lives, a special factor must be used. The factor is to be computed upon the basis of the life table for total males (as to each male life involved) and the life table for total females (as to each female life involved) contained in United States Life Tables: 1959-61, published by the U.S. Department of Health, Education, and Welfare, Public Health Service, and interest at the rate of 6 percent a year, compounded annually. If a special factor is required in the case of an actual decedent, the Commissioner will furnish the factor to the executor upon request. The request must be accompanied by a statement of the sex and date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(f) The following tables shall be used in the application of the provisions of this section:

TABLE A (1)
TABLE, SINGLE LIFE MALE, 6 PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	15.6175	0.93705	0.06295
1	10.0362	.96217	.03783
2	10.0283	.96170	.03830
3	10.0089	.96053	.03947
4	15.9841	.95905	.04005
5	15.9553	.95732	.04208
6	15.9233	.95540	.04460
7	15.8885	.95331	.04669
8	15.8508	.95105	.04850
9	15.8101	.94861	.05019
10	15.7693	.94608	.05182
11	15.7194	.94316	.05348
12	15.6698	.94019	.05518
13	15.6180	.93708	.05692
14	15.5651	.93391	.05869
15	15.5115	.93069	.06031
16	15.4576	.92746	.06188
17	15.4031	.92419	.06341
18	15.3481	.92089	.06491
19	15.2918	.91751	.06639
20	15.2359	.91403	.06787
21	15.1794	.91046	.06934
22	15.1130	.90678	.07082
23	15.0487	.90292	.07230
24	14.9807	.89884	.07378
25	14.9075	.89445	.07525
26	14.8287	.88972	.07672
27	14.7442	.88465	.07819
28	14.6542	.87925	.07967
29	14.5588	.87353	.08114
30	14.4584	.86750	.08261
31	14.3528	.86117	.08408
32	14.2418	.85451	.08555
33	14.1254	.84752	.08702
34	14.0034	.84020	.08849
35	13.8758	.83255	.08996
36	13.7425	.82455	.09143
37	13.6036	.81622	.09290
38	13.4591	.80755	.09437
39	13.3090	.79854	.09584
40	13.1538	.78923	.09731
41	12.9934	.77960	.09878
42	12.8279	.76967	.10025

PROPOSED RULE MAKING

TABLE A(1)—Continued

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
43	12.6574	0.75044	0.24056
44	12.4819	.74891	.25109
45	12.3013	.73808	.26192
46	12.1158	.72905	.27305
47	11.9253	.71552	.28448
48	11.7308	.70385	.29615
49	11.5330	.69198	.30802
50	11.3329	.67997	.32003
51	11.1308	.66785	.33215
52	10.9267	.65560	.34440
53	10.7200	.64330	.35680
54	10.5100	.63060	.36940
55	10.2960	.61776	.38224
56	10.0777	.60466	.39534
57	9.8552	.59131	.40869
58	9.6297	.57778	.42222
59	9.4028	.56417	.43583
60	9.1753	.55052	.44948
61	8.9478	.53687	.46313
62	8.7202	.52321	.47679
63	8.4924	.50954	.49046
64	8.2642	.49585	.50415
65	8.0353	.48212	.51788
66	7.8060	.46836	.53164
67	7.5763	.45458	.54542
68	7.3462	.44077	.55923
69	7.1149	.42698	.57311
70	6.8823	.41294	.58706
71	6.6481	.39889	.60111
72	6.4123	.38474	.61526
73	6.1752	.37051	.62949
74	5.9373	.35624	.64376
75	5.6990	.34194	.65806
76	5.4602	.32761	.67239
77	5.2211	.31327	.68673
78	4.9825	.29895	.70105
79	4.7469	.28481	.71519
80	4.5164	.27098	.72902
81	4.2955	.25773	.74227
82	4.0879	.24527	.75473
83	3.8924	.23354	.76646
84	3.7029	.22217	.77783
85	3.5117	.21070	.78930
86	3.3259	.19955	.80045
87	3.1450	.18870	.81130
88	2.9703	.17822	.82178
89	2.8052	.16831	.83199
90	2.6536	.15922	.84078
91	2.5162	.15097	.84903
92	2.3917	.14350	.85680
93	2.2801	.13681	.86419
94	2.1802	.13081	.87119
95	2.0891	.12535	.87765
96	1.9997	.11998	.88360
97	1.9145	.11487	.88913
98	1.8331	.10999	.89468
99	1.7554	.10532	.89968
100	1.6812	.10087	.90413
101	1.6101	.09661	.90813
102	1.5416	.09250	.91154
103	1.4744	.08846	.91514
104	1.4065	.08439	.91861
105	1.3334	.08000	.92182
106	1.2452	.07471	.92529
107	1.1196	.06718	.92822
108	.9043	.05426	.94574
109	.4717	.02830	.97170

TABLE A(2)

TABLE, SINGLE LIFE FEMALE, 6 PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	15.8072	0.93383	0.04617
1	16.2284	.97370	.02630
2	16.2287	.97372	.02628
3	16.2180	.97308	.02692
4	16.2029	.97217	.02783
5	16.1850	.97110	.02890
6	16.1648	.96989	.03011
7	16.1421	.96853	.03147
8	16.1172	.96703	.03297
9	16.0910	.96541	.03459
10	16.0608	.96365	.03635
11	16.0293	.96176	.03824
12	15.9958	.95975	.04025
13	15.9607	.95764	.04236

TABLE A(2)—Continued

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
14	15.9239	0.95543	0.04457
15	15.8856	.95314	.04686
16	15.8460	.95076	.04924
17	15.8048	.94829	.05171
18	15.7620	.94572	.05428
19	15.7172	.94303	.05697
20	15.6701	.94021	.05979
21	15.6207	.93724	.06276
22	15.5687	.93412	.06588
23	15.5141	.93085	.06915
24	15.4565	.92739	.07261
25	15.3959	.92375	.07625
26	15.3322	.91993	.08007
27	15.2652	.91591	.08409
28	15.1946	.91168	.08832
29	15.1208	.90725	.09275
30	15.0432	.90269	.09741
31	14.9622	.89773	.10227
32	14.8775	.89265	.10735
33	14.7888	.88733	.11267
34	14.6960	.88176	.11824
35	14.5998	.87593	.12407
36	14.4975	.86985	.13015
37	14.3915	.86349	.13651
38	14.2811	.85687	.14313
39	14.1663	.84998	.15002
40	14.0468	.84281	.15719
41	13.9227	.83536	.16464
42	13.7940	.82764	.17236
43	13.6604	.81963	.18038
44	13.5219	.81131	.18869
45	13.3781	.80269	.19731
46	13.2290	.79374	.20626
47	13.0746	.78448	.21552
48	12.9147	.77488	.22512
49	12.7496	.76498	.23502
50	12.5793	.75476	.24524
51	12.4039	.74423	.25577
52	12.2232	.73339	.26661
53	12.0367	.72230	.27780
54	11.8436	.71092	.28938
55	11.6433	.69925	.30141
56	11.4353	.68712	.31388
57	11.2200	.67320	.32680
58	10.9980	.65888	.34012
59	10.7703	.64422	.35378
60	10.5376	.62926	.36774
61	10.3005	.61393	.38197
62	10.0587	.59822	.39648
63	9.8118	.58211	.41129
64	9.5592	.56555	.42645
65	9.3005	.54850	.44197
66	9.0352	.53111	.45780
67	8.7639	.51343	.47397
68	8.4874	.49544	.49049
69	8.2068	.47711	.50750
70	7.9234	.45844	.52460
71	7.6371	.43943	.54177
72	7.3480	.42008	.55912
73	7.0568	.40041	.57659
74	6.7645	.38043	.59413
75	6.4721	.36013	.61167
76	6.1788	.33943	.62927
77	5.8845	.31833	.64693
78	5.5910	.29683	.66454
79	5.3018	.27493	.68189
80	5.0195	.25263	.69883
81	4.7482	.22993	.71511
82	4.4892	.20683	.73065
83	4.2398	.18333	.74561
84	3.9927	.15943	.76044
85	3.7401	.13513	.77550
86	3.5016	.11043	.78990
87	3.2790	.08533	.80326
88	3.0719	.06003	.81569
89	2.8898	.03443	.82715
90	2.7068	.00853	.83750
91	2.5502	.00000	.84699
92	2.4116	.00000	.85530
93	2.2901	.00000	.86259
94	2.1839	.00000	.86897
95	2.0891	.00000	.87465
96	1.9997	.00000	.88002
97	1.9145	.00000	.88513
98	1.8331	.00000	.89001
99	1.7554	.00000	.89468
100	1.6812	.00000	.89913
101	1.6101	.00000	.90339
102	1.5416	.00000	.90750
103	1.4744	.00000	.91154
104	1.4065	.00000	.91561
105	1.3334	.00000	.91968
106	1.2452	.00000	.92329
107	1.1196	.00000	.92529
108	.9043	.00000	.92822
109	.4717	.00000	.94574

TABLE B

TABLE SHOWING THE PRESENT WORTH AT 6 PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN, AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN

(1) Number of years	(2) Annuity	(3) Term certain	(4) Remainder
1	0.9434	0.056604	0.943360
2	1.8334	.110004	.880996
3	2.6730	.160381	.820619
4	3.4651	.207906	.762094
5	4.2124	.252742	.704258
6	4.9173	.295039	.649611
7	5.5824	.334943	.600557
8	6.2098	.372588	.557812
9	6.8017	.408102	.520888
10	7.3601	.441605	.489305
11	7.8869	.473212	.462788
12	8.3838	.503031	.440960
13	8.8527	.531161	.423300
14	9.2950	.557699	.409430
15	9.7122	.582735	.400054
16	10.1059	.606354	.394636
17	10.4773	.628636	.392764
18	10.8276	.649656	.393944
19	11.1581	.669487	.396830
20	11.4699	.688195	.400913
21	11.7641	.705845	.405955
22	12.0416	.722495	.411707
23	12.3034	.738203	.417927
24	12.5504	.753021	.424469
25	12.7834	.767001	.431180
26	13.0032	.780190	.437909
27	13.2105	.792632	.444507
28	13.4062	.804370	.450926
29	13.5907	.815443	.457117
30	13.7648	.825890	.463033
31	13.9291	.835745	.468725
32	14.0840	.845043	.474147
33	14.2302	.853814	.479246
34	14.3681	.862088	.484066
35	14.4982	.869895	.488555
36	14.6210	.877259	.492759
37	14.7368	.884207	.496633
38	14.8460	.890761	.499999
39	14.9491	.896944	.502802
40	15.0463	.902778	.505092
41	15.1380	.908281	.506817
42	15.2245	.913473	.507927
43	15.3062	.918350	.508360
44	15.3832	.922991	.508159
45	15.4558	.927350	.507250
46	15.5244	.931462	.505683
47	15.5890	.935342	.503408
48	15.6500	.939002	.500498
49	15.7076	.942454	.496916
50	15.7619	.945712	.492728
51	15.8131	.948785	.488003
52	15.8614	.951684	.482802
53	15.9070	.954418	.477185
54	15.9500	.956999	.471222
55	15.9905	.959433	.464985
56	16.0288	.961729	.458437
57	16.0640	.963885	.451645
58	16.0990	.965939	.444680
59	16.1311	.967867	.437613
60	16.1614	.969686	.430514

§ 20.2031-11 Valuation of life estates, terms for years, remainders and reversions in certain depreciable property.

(Text to be published separately at a later date.)

PAR. 4. Section 25.2512-5 is amended by revising so much as precedes subparagraph (2) of paragraph (a), and by adding new subparagraph (3) at the end of paragraph (a) thereof. The amended and revised provisions read as follows:

§ 25.2512-5 Valuation of annuities, life estates, terms for years, remainders and reversions transferred on or before the 30th day following publication of this provision in the *Federal Register* as a Treasury decision.

(a) In general. (1) Except as otherwise provided in this subparagraph, the fair

market value of annuities, life estates, terms for years, remainders, and reversions transferred on or before the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision is their present value determined under this section. The fair market value of annuities, life estates, terms for years, remainders, and reversions transferred after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision is their present value determined under § 25.2512-9. The value of annuities issued by companies regularly engaged in their sale and of insurance policies issued by companies regularly engaged in their sale is determined under § 25.2512-6. Where the donor transfers property in trust or otherwise and retains an interest therein, the value of the gift is the value of the property transferred less the value of the donor's retained interest. If the donor assigns or relinquishes an annuity, life estate, remainder, or reversion which he holds by virtue of a transfer previously made by himself or another, the value of the gift is the value of the interest transferred.

(3) In all examples set forth in this section, the interest is assumed to have been transferred on or before the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision.

PAR. 5. Immediately after § 25.2512-3 there are added the following new sections:

§ 25.2512-9 Valuation of annuities, life estates, terms for years, remainders and reversions transferred after the 30th day following publication of this provision in the Federal Register as a Treasury decision.

(a) *In general.* (1) Except as otherwise provided in this subparagraph, the fair market value of annuities, life estates, terms for years, remainders, and reversions transferred after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision is their present value determined under this section. The value of annuities issued by companies regularly engaged in their sale and of insurance policies issued by companies regularly engaged in their sale is determined under § 25.2512-6. The present value of life estates, terms for years, remainders and reversions in certain depreciable property is determined under this section, subject to the rules and adjustments provided in § 25.2512-10. Where the donor transfers property in trust or otherwise and retains an interest therein, the value of the gift is the value of the property transferred less the value of the donor's retained interest. If the donor assigns or relinquishes an annuity, life estate, remainder, or reversion which he holds by virtue of a transfer previously made by himself or another, the value of the gift is the value of the interest transferred. (See § 25.2512-5 with respect to the valuation of annuities, life estates, terms for years, remainders, and reversions trans-

ferred on or before the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision.)

(2) The present value of an annuity, life estate, remainder or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of table A(1) or A(2) in paragraph (f) of this section. Table A(1) is to be used when the person upon whose life the interest is based is a male and table A(2) is to be used when such person is a female. The present value of an annuity, term for years, remainder or reversion dependent on a term certain is computed by the use of table B in paragraph (f) of this section. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of a person is to be taken as the age of that person at his nearest birthday.

(3) In all examples set forth in this section, the interest is assumed to have been transferred after the 30th day following publication of this provision in the FEDERAL REGISTER as a Treasury decision.

(b) *Annuities—(1) Payable annually at end of year.* If an annuity is payable annually at the end of each year during the life of an individual (as for example if the first payment is due 1 year after the date of the gift), the amount payable annually is multiplied by the figure in column 2 of table A(1) or A(2), whichever is appropriate, opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of table B opposite the number of years in column 1 representing the duration of the annuity. The application of this subparagraph may be illustrated by the following examples:

Example (1). The donor, a male, assigns an annuity of \$10,000 a year payable annually during his life immediately after an annual payment has been made. The age of the donor on the date of assignment is 40 years and 8 months. By reference to table A(1), it is found that the figure in column 2 opposite 41 years is 12.9934. The value of the gift is, therefore, \$129,934 (\$10,000 multiplied by 12.9934).

Example (2). The donor was entitled to receive an annuity of \$10,000 a year payable annually at the end of annual periods throughout a term of 20 years; the donor, when 15 years have elapsed, makes a gift thereof to his son. By reference to table B, it is found that the figure in column 2 opposite 5 years, the unexpired portion of the 20-year period, is 4.2124. The present value of the annuity is, therefore, \$42,124, \$10,000 multiplied by 4.2124.

(2) *Payable at the end of semiannual, quarterly, monthly, or weekly periods.* If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual

(as for example if the first payment is due 1 month after the date of the gift), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of table A(1) or A(2), whichever is appropriate, opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

1.0148 for semiannual payments,
1.0222 for quarterly payments,
1.0272 for monthly payments,
1.0291 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of table B opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this subparagraph may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in subparagraph (1) above, except that the annuity is payable semiannually. The aggregate annual amount, \$10,000, is multiplied by the factor 12.9934, and the product multiplied by 1.0148. The value of the gift is, therefore, \$131,857.02 (\$10,000 × 12.9934 × 1.0148).

(3) *Payable at the beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (i) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as for example if the first payment is to be made immediately after the date of the gift), the value of the annuity is the sum of (a) the first payment plus (b) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in subparagraph (1) or (2) of this paragraph. The application of this subdivision may be illustrated by the following example:

Example. The donee, a woman, is made the beneficiary for life of an annuity of \$50 a month from the income of a trust, subject to the right reserved by the donor to cause the annuity to be paid for his own benefit or for the benefit of another. On the day a payment is due, the donor relinquishes his reserved power. The donee is then 50 years of age. The value of the gift is \$50 plus the product of \$50 × 12 × 12.5793 (see table A(2)) × 1.0272. That is, \$50 plus \$7,752.87, or \$7,802.87.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in table B multiplied by whichever of the following factors is appropriate:

1.0600 for annual payments,
1.0448 for semiannual payments,
1.0372 for quarterly payments,
1.0322 for monthly payments, or
1.0303 for weekly payments.

The application of this subdivision may be illustrated by the following example:

Example. The donee is the beneficiary of an annuity of \$50 a month, subject to a reserved right in the donor to cause the annuity or the cash value thereof to be paid for his own benefit or the benefit of another. On the day a payment is due, the donor relinquishes the power. There are 300 payments to be made covering a period of 25 years, including the payment due. The value of the gift is the product of $50 \times 12 \times 12.7834$ (factor for 25 years, table B) $\times 1.0322$, or \$7,917.02

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his life, or for the life of another person, to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of table A(1) or A(2), whichever is appropriate, opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome-producing property for a term of years, column 3 of table B is used. The application of this paragraph may be illustrated by the following example:

Example. The donor, a male, who during his life is entitled to receive the income from property worth \$50,000, makes a gift of such interest. The donor is 31 years old on the date of the gift. The value of the gift is \$43,058.50 ($\$50,000 \times 0.86117$).

(d) *Remainders or reversionary interests.* If the interest to be valued is a remainder or reversionary interest subject to a life estate, the value of the interest should be obtained by multiplying the value of the property at the date of the gift by the figure in column 4 of table A(1) or A(2), whichever is appropriate, opposite the number of years nearest the age of the life tenant. If the remainder or reversion is to take effect at the end of a term of years, column 4 of table B should be used. The application of this paragraph may be illustrated by the following example:

Example. The donor transfers by gift a remainder interest in property worth \$50,000, subject to his sister's right to receive the income therefrom for her life. The sister at the date of the gift is 31 years of age. By reference to table A(2), it is found that the figure in column 4 opposite age 31 is 0.10227. The value of the gift is, therefore, \$5,113.50 ($\$50,000 \times 0.10227$).

(e) *Actuarial computations by the Internal Revenue Service.* If the interest to be valued is dependent upon the continuation or termination of more than one life, or there is a term certain concurrent with one or more lives, or if the retained interest of the donor is conditioned upon survivorship, a special factor is necessary. The factor is to be computed upon the basis of the life table for total males (as to each male life involved) and the life table for total females (as to each female life involved) contained in United States Life Tables: 1959-61, published by the U.S. Department of Health, Education, and Welfare, Public Health Service, and interest at the rate of 6 percent a year, compounded annually. If a spe-

cial factor is required in the case of an actual gift, the Commissioner will furnish the factor to the donor upon request. The request must be accompanied by a statement of the sex and date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(f) The following tables shall be used in the application of the provisions of this section:

TABLE A(1)
TABLE, SINGLE LIFE MALE, 6 PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	15.6175	0.93705	0.06205
1	15.6362	.96217	.03783
2	15.6548	.98730	.01366
3	15.6734	.99653	.00397
4	15.6841	.99906	.00149
5	15.6913	.99972	.00082
6	15.6953	.99984	.00049
7	15.6975	.99991	.00029
8	15.6988	.99995	.00018
9	15.6994	.99997	.00011
10	15.6998	.99998	.00007
11	15.7001	.99999	.00004
12	15.7003	.99999	.00002
13	15.7004	.99999	.00001
14	15.7005	.99999	.00000
15	15.7005	.99999	.00000
16	15.7005	.99999	.00000
17	15.7005	.99999	.00000
18	15.7005	.99999	.00000
19	15.7005	.99999	.00000
20	15.7005	.99999	.00000
21	15.7005	.99999	.00000
22	15.7005	.99999	.00000
23	15.7005	.99999	.00000
24	15.7005	.99999	.00000
25	15.7005	.99999	.00000
26	15.7005	.99999	.00000
27	15.7005	.99999	.00000
28	15.7005	.99999	.00000
29	15.7005	.99999	.00000
30	15.7005	.99999	.00000
31	15.7005	.99999	.00000
32	15.7005	.99999	.00000
33	15.7005	.99999	.00000
34	15.7005	.99999	.00000
35	15.7005	.99999	.00000
36	15.7005	.99999	.00000
37	15.7005	.99999	.00000
38	15.7005	.99999	.00000
39	15.7005	.99999	.00000
40	15.7005	.99999	.00000
41	15.7005	.99999	.00000
42	15.7005	.99999	.00000
43	15.7005	.99999	.00000
44	15.7005	.99999	.00000
45	15.7005	.99999	.00000
46	15.7005	.99999	.00000
47	15.7005	.99999	.00000
48	15.7005	.99999	.00000
49	15.7005	.99999	.00000
50	15.7005	.99999	.00000
51	15.7005	.99999	.00000
52	15.7005	.99999	.00000
53	15.7005	.99999	.00000
54	15.7005	.99999	.00000
55	15.7005	.99999	.00000
56	15.7005	.99999	.00000
57	15.7005	.99999	.00000
58	15.7005	.99999	.00000
59	15.7005	.99999	.00000
60	15.7005	.99999	.00000
61	15.7005	.99999	.00000
62	15.7005	.99999	.00000
63	15.7005	.99999	.00000
64	15.7005	.99999	.00000
65	15.7005	.99999	.00000
66	15.7005	.99999	.00000
67	15.7005	.99999	.00000
68	15.7005	.99999	.00000
69	15.7005	.99999	.00000
70	15.7005	.99999	.00000
71	15.7005	.99999	.00000
72	15.7005	.99999	.00000
73	15.7005	.99999	.00000
74	15.7005	.99999	.00000
75	15.7005	.99999	.00000
76	15.7005	.99999	.00000
77	15.7005	.99999	.00000
78	15.7005	.99999	.00000
79	15.7005	.99999	.00000
80	15.7005	.99999	.00000
81	15.7005	.99999	.00000

TABLE A(1)—Continued

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
82	4.0879	0.24527	0.75473
83	3.8924	.23354	.76646
84	3.7029	.22217	.77783
85	3.5117	.21070	.78890
86	3.3259	.19955	.80045
87	3.1450	.18870	.81130
88	2.9703	.17822	.82178
89	2.8052	.16831	.83199
90	2.6536	.15922	.84208
91	2.5162	.15097	.85203
92	2.3917	.14350	.86190
93	2.2801	.13681	.87169
94	2.1802	.13081	.88140
95	2.0921	.12535	.89103
96	1.9997	.11998	.90058
97	1.9145	.11487	.91003
98	1.8331	.10999	.91938
99	1.7554	.10532	.92863
100	1.6812	.10087	.93778
101	1.6101	.09661	.94683
102	1.5416	.09250	.95578
103	1.4744	.08846	.96463
104	1.4085	.08439	.97338
105	1.3334	.08000	.98203
106	1.2452	.07471	.99058
107	1.1196	.06718	.99903
108	.9943	.05426	.99748
109	.7417	.02830	.99593

TABLE A(2)

TABLE, SINGLE LIFE FEMALE, 6 PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	15.8072	0.95383	0.04617
1	16.2284	.97370	.02680
2	16.2287	.97372	.02628
3	16.2180	.97308	.02692
4	16.2029	.97217	.02783
5	16.1850	.97110	.02890
6	16.1648	.96989	.03011
7	16.1421	.96853	.03147
8	16.1172	.96703	.03297
9	16.0901	.96541	.03461
10	16.0608	.96365	.03638
11	16.0293	.96176	.03828
12	15.9958	.95975	.04031
13	15.9607	.95764	.04246
14	15.9239	.95543	.04472
15	15.8856	.95314	.04709
16	15.8460	.95076	.04957
17	15.8048	.94829	.05215
18	15.7620	.94572	.05483
19	15.7172	.94303	.05761
20	15.6701	.94021	.06049
21	15.6207	.93728	.06346
22	15.5687	.93421	.06653
23	15.5141	.93098	.06970
24	15.4565	.92739	.07297
25	15.3959	.92335	.07634
26	15.3322	.91893	.07981
27	15.2652	.91419	.08338
28	15.1946	.91168	.08705
29	15.1208	.90725	.09082
30	15.0432	.90259	.09469
31	14.9622	.89773	.09866
32	14.8775	.89265	.10273
33	14.7888	.88733	.10690
34	14.6960	.88176	.11117
35	14.5989	.87593	.11554
36	14.4975	.86985	.12001
37	14.3915	.86349	.12458
38	14.2811	.85687	.12925
39	14.1663	.84998	.13402
40	14.0468	.84281	.13889
41	13.9227	.83536	.14386
42	13.7940	.82764	.14893
43	13.6604	.81962	.15410
44	13.5219	.81131	.15937
45	13.3781	.80269	.16474
46	13.2290	.79374	.17021
47	13.0746	.78448	.17578
48	12.9147	.77488	.18145
49	12.7496	.76498	.18722
50	12.5793	.75476	.19309
51	12.4039	.74423	.19906
52	12.2232	.73339	.20513
53	12.0367	.72220	.21130
54	11.8436	.71062	.21757
55	11.6432	.69859	.22394
56	11.4353	.68612	.23041
57	11.2200	.67320	.23698

PROPOSED RULE MAKING

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TABLE A (2)—Continued

(1) Age	(2) Annuity	(3) Life estate	(4) Reminder
58	10.9980	.65988	.34012
59	10.7703	.64622	.35378
60	10.5376	.63226	.36774
61	10.3005	.61803	.38197
62	10.0587	.60352	.39648
63	9.8118	.58871	.41129
64	9.5592	.57355	.42645
65	9.3005	.55803	.44197
66	9.0352	.54211	.45789
67	8.7639	.52583	.47417
68	8.4874	.50924	.49076
69	8.2068	.49241	.50759
70	7.9234	.47543	.52460
71	7.6371	.45823	.54177
72	7.3480	.44088	.55912
73	7.0568	.42341	.57659
74	6.7645	.40577	.59413
75	6.4721	.38833	.61167
76	6.1788	.37073	.62927
77	5.8845	.35307	.64693
78	5.5910	.33546	.66454
79	5.2918	.31811	.68189
80	5.0195	.30117	.69883
81	4.7482	.28489	.71511
82	4.4892	.26935	.73065
83	4.2398	.25439	.74561
84	3.9927	.23956	.76044
85	3.7491	.22481	.77559
86	3.5016	.21010	.78990
87	3.2790	.19674	.80326
88	3.0719	.18431	.81569
89	2.8808	.17285	.82715
90	2.7068	.16241	.83759
91	2.5502	.15301	.84699
92	2.4116	.14470	.85539
93	2.2901	.13741	.86259
94	2.1839	.13103	.86897
95	2.0901	.12535	.87465
96	1.9997	.11998	.88002
97	1.9145	.11487	.88513
98	1.8331	.10999	.89001
99	1.7554	.10532	.89468
100	1.6812	.10087	.89913
101	1.6101	.09661	.90339
102	1.5416	.09250	.90750
103	1.4744	.08846	.91154
104	1.4065	.08439	.91561
105	1.3334	.08000	.91920
106	1.2452	.07471	.92229
107	1.1196	.06718	.92482
108	.9943	.05426	.92674
109	.4717	.02830	.92710

TABLE B

TABLE SHOWING THE PRESENT WORTH AT 6 PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN, AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN

(1) Number of years	(2) Annuity	(3) Term certain	(4) Reminder
1	0.9434	0.056604	0.943396
2	1.8334	.110004	.889996
3	2.6730	.160381	.839619
4	3.4661	.207906	.792094
5	4.2124	.252742	.747258
6	4.9173	.295039	.704961
7	5.5824	.334943	.665057
8	6.2068	.372588	.627412
9	6.8017	.408102	.591898
10	7.3601	.441605	.558395
11	7.8869	.473212	.526788
12	8.3838	.503031	.496969
13	8.8527	.531161	.468839
14	9.2950	.557679	.442201
15	9.7122	.582735	.417265
16	10.1059	.606354	.393646
17	10.4773	.628636	.371364
18	10.8276	.649656	.350344
19	11.1581	.669487	.330513
20	11.4699	.688195	.311805
21	11.7641	.705845	.294155
22	12.0416	.722455	.277595
23	12.3034	.738203	.261797
24	12.5504	.753201	.246979
25	12.7834	.767001	.232999
26	13.0032	.780190	.219810
27	13.2105	.792632	.207368
28	13.4062	.804370	.195630
29	13.5907	.815443	.184557
30	13.7648	.825890	.174110
31	13.9291	.835745	.164255
32	14.0840	.845034	.154957
33	14.2302	.853814	.146186

TABLE B—Continued

(1)	(2)	(3)	(4)
Number of years	Annuity	Term certain	Reminder
34	14.3681	.862088	.0.137912
35	14.4982	.869895	.130105
36	14.6210	.877259	.122741
37	14.7368	.884207	.115793
38	14.8460	.890761	.109239
39	14.9491	.896944	.103056
40	15.0463	.902778	.097222
41	15.1380	.908281	.091719
42	15.2245	.913473	.086527
43	15.3062	.918370	.081630
44	15.3832	.922991	.077009
45	15.4558	.927350	.072650
46	15.5244	.931462	.068538
47	15.5890	.935342	.064658
48	15.6500	.939002	.060998
49	15.7076	.942454	.057546
50	15.7619	.945712	.054288
51	15.8131	.948785	.051215
52	15.8614	.951684	.048316
53	15.9070	.954418	.045582
54	15.9500	.956999	.043001
55	15.9905	.959433	.040567
56	16.0288	.961729	.038271
57	16.0649	.963895	.036105
58	16.0990	.965939	.034061
59	16.1311	.967867	.032134
60	16.1614	.969686	.030313

§ 25.2512-10 Valuation of life estates, terms for years, remainders and reversions in certain depreciable property.

(Text to be published separately at a later date.)

[F.R. Doc. 70-8405; Filed, July 2, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and in accordance with the provisions of section 303(b) of the Act which directs the Secretary to prescribe the minimum velocity and quantity of air reaching each working face of each coal mine, it is proposed that § 75.301 of Part 75, Subchapter O, Chapter I of Title 30 be amended by adding § 75.301-4, as set forth below, which prescribes the minimum air velocity and air quantity to be maintained on and after March 30, 1971.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 29, 1970.

Section 75.301 of Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations will be amended by adding the following § 75.301-4:

§ 75.301-4 Quantity and velocity of air; minimum requirements.

(a) On and after March 30, 1971, the minimum quantity of air reaching each working face of each coal mine shall be 3,000 cubic feet a minute when measured at the inby end of the line brattice or other approved device, and 9,000 cubic feet a minute at the intake end of each longwall face when measured at the intake end of the longwall face.

(b) On and after March 30, 1971, except in working places using a blowing system as the primary means of face ventilation or in working places where a lower mean entry air velocity has been determined to be adequate to render harmless and carry away methane, and to reduce the level of respirable dust to the lowest attainable level by the Coal Mine Safety District Manager, the minimum mean entry air velocity shall be 60 feet a minute in (1) all working places where coal is being cut, mined, or loaded from the working face with mechanical mining equipment, and (2) in any other working place designated by the Coal Mine Safety District Manager for the district in which the mine is located in which excessive amounts of respirable dust are being generated by any type of mechanical mining equipment.

(c) (1) Except as provided in paragraph (2) of this section, and except in working places where combination face ventilation systems are employed, the mean entry air velocity of air passing through any room, entry, crosscut, pillar cut, or other working place shall be established as follows:

(i) The quantity of air, when measured at the inby end of the line brattice or other approved device, shall be determined;

(ii) The cross sectional area of the room, entry, crosscut, pillar cut, or other working place, when measured at or near the inby end of the line brattice system or other approved device, less the cross sectional area of the line brattice system or other approved device, shall be determined;

(iii) The air quantity measured in (a) shall then be divided by the remaining cross sectional area as determined in (b) and the resulting quotient shall constitute the mean entry air velocity; thus:

$$\frac{i}{ii} = V.$$

(2) When longwall mining is used the mean entry air velocity at the longwall face shall be determined by establishing the total intake air quantity delivered to the longwall face and dividing this quantity by the cross sectional area of the longwall place at the entrance to the longwall face.

(d) The determination of mean entry air velocity may be made either immediately before mining equipment enters a working place or during its presence in such working place and the person making such determination shall use an anemometer or other device approved by the Secretary.

[F.R. Doc. 70-8483; Filed, July 2, 1970; 8:46 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

INTEREST ON DEPOSITS

Notice of Proposed Rule Making

1. Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation, under the authority contained in sec. 219, 64 Stat. 881; 12 U.S.C. 1819, is considering amending Part 329 by the addition of a new § 329.10 (12 CFR § 329.10), as follows:

§ 329.10 Certain promissory notes and other obligations.

(a) *General.* Except as provided in this section, the provisions of this Part 329 shall apply to obligations other than deposits that are issued or undertaken by insured nonmember banks¹ for the purpose of obtaining funds to be used in the banking business. The term "obligations" includes but is not limited to promissory notes, acknowledgments of advance, due bills, repurchase agreements or similar obligations (written or oral).

(b) *Exceptions.* The provisions of this Part 329 shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:

(1) Is issued to (or undertaken with respect to), and held for the account of, (i) a bank,² (ii) any organization the time deposits of which are exempt from § 329.6 pursuant to the provisions of § 329.3(g), (iii) an agency of the United States or the Government Development Bank for Puerto Rico;

(2) Evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the

¹ The term "insured nonmember bank" includes insured nonmember "mutual savings banks" as defined in § 329.7(a) and "noninsured savings banks" as defined in § 329.9(a).

² The term "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, or a foreign bank. It also includes bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.

United States or any agency thereof, that the bank is obligated to repurchase;

(3) (i) Bears on its face, in bold-face type, the following:

"This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation;"

(ii) Has an original maturity of 7 years or more and is in an amount of at least \$500;

(iii) States expressly that it is subordinated to the claims of depositors and is ineligible as collateral for a loan by the issuing bank;

(iv) Is unsecured; and

(v) Has been approved by the Federal Deposit Insurance Corporation as an addition to the bank's capital structure.³ *Provided,* That the restrictions on maturity set forth in subparagraph (3) (ii) above shall not apply to any obligation which otherwise meets all the requirements in paragraph (3) and with respect to which the Federal Deposit Insurance Corporation has determined that exigent circumstances require the issuance of such obligation without regard to the provisions of this Part 329; or

(4) Arises from a borrowing by an insured nonmember bank from a dealer in securities, for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve bank (or other immediately available funds), commonly referred to as "Federal funds," received by such dealer on the date of the loan in connection with the clearance of securities transactions.

2. Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), as amended by the Act of December 23, 1969 (83 Stat. 371), authorizes the Board of Directors of the Federal Deposit Insurance Corporation to apply the provisions thereof and regulations issued thereunder "to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business."

Section 329.10(a) of the proposed regulations places all obligations other than deposits that are issued or undertaken by insured nonmember banks for the purpose of obtaining funds to be used in the banking business under the interest rate control provisions of Part 329 of the

³ Capital notes or debentures issued by insured nonmember banks are subject to the retirement provisions of section 18(1) (1) of the Federal Deposit Insurance Act whether or not such capital notes or debentures are exempt from the provisions of Part 329.

Corporation's regulations (12 CFR Part 329).

Four categories of transactions would be specifically exempt from the provisions of Part 329 under the proposed § 329.10(b). They are: (1) "Interbank" transactions, including obligations evidencing funds received from certain foreign governments and governmental entities, or funds received from agencies of the United States or the Government Development Bank of Puerto Rico; (2) obligations evidencing an indebtedness arising from a transfer of direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or an agency thereof, that the bank is obligated to repurchase; (3) obligations which expressly state that they are not deposits and not insured by the Federal Deposit Insurance Corporation, have an original maturity of 7 years or more and are in an amount of at least \$500, are subordinated to the claims of depositors, ineligible as collateral for a loan by the issuing bank, unsecured, and have been approved by the Federal Deposit Insurance Corporation as an addition to the bank's capital structure. A proviso is added to this exemption (3) which would allow the Corporation to approve the issuance of such obligations without regard to maturity where exigent circumstances so require; and (4) certain borrowings from securities dealers.

In the judgment of the Board of Directors, adoption of the proposed regulation may be necessary to give full scope and effect to the interest rate control provisions in Part 329 which presently apply only to interest on deposits of insured nonmember banks.

3. This notice is published pursuant to section 553(b) of title 5, United States Code, and §§ 302.1-302.5 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit written data, views, or arguments regarding the proposed new § 329.10 to the Secretary, Board of Directors of the Federal Deposit Insurance Corporation, Washington, D.C. 20429, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

By order of the Board of Directors, June 25, 1970.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 70-8458; Filed, July 2, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 24]

OLYMPIC INSURANCE COMPANY, LOS ANGELES, CALIFORNIA

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to the Olympic Insurance Company, Los Angeles, California, under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated, effective June 30, 1970.

Bond approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Olympic Insurance Company.

Dated: June 30, 1970.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-8521; Filed, July 2, 1970;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-870]

ALASKA

Notice of Classification of Lands for Multiple Use Management

JUNE 18, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411-18) and the regulations in 43 CFR, Parts 2410 and 2411, all of the public lands in the areas described below are hereby classified for multiple use management. Publication of this notice will not affect valid existing rights, or the determination and the protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska.

Publication of this notice has the effect of segregating the public lands described from appropriation under the Agricultural Land Laws, 43 CFR 2211.9 (48 U.S.C. 371-380); the Trade and Manufacturing Site Act, as amended, 43 CFR 2213 (48 U.S.C. 461); and the Headquarters Site Law, 43 CFR 2233.9-1 (48 U.S.C. 461), and the lands shall remain open to all other applicable forms of appropriations, including selections by the State of Alaska and the mining and

mineral leasing laws, except as provided in paragraphs 3 and 4.

As used herein, "public lands" means any lands which are not withdrawn or reserved for a Federal use or purpose.

2. The public domain lands affected are located on the Baldwin Peninsula, northwestern Alaska.

The lands classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, Alaska, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska.

BALDWIN PENINSULA

All of the public lands comprising the Baldwin Peninsula north of latitude 66°30' north.

Containing approximately 148,000 acres.

3. The following described public lands are further segregated from appropriation or settlement under the Native Allotment Act, 43 CFR 2212.9 (48 U.S.C. 357-357b) and the Homesite Law, 43 CFR 2233.9-2 (48 U.S.C. 461).

a. Lands surrounding Kotzebue as follows:

Beginning at a point which bears approximately S. 65°30' E., 13.0 chs. from USC and GS "KOTZEBUE ASTRO AZ" (VABM 123);

Thence west, approximately 50.0 chs. to the mouth of June Creek;

S. 64°00' W., 12.0 chs.;

S. 24°00' E., 28.0 chs.;

S. 72°00' E., approximately 37.0 chs. to a point coincident with the northeast corner of the Air Force Reserve PLO 883;

S. 36°30' E., approximately 80.3 chs. to a point coincident with the southeast corner of said Air Force Reserve;

S. 53°30' W., 40.0 chs.;

S. 35°00' E., 119.0 chs.;

West, approximately 15.0 chs. to a point on the mean high water line of Kotzebue Sound, said point found in approximate latitude 66°49'23" N., longitude 162°33'57" W.;

Northerly, along the mean high water line of Kotzebue Sound approximately 16.10 miles to a point found in approximate latitude 66°55'28" N., longitude 162°23'05" W.;

South 80.0 chs.;

West 200.0 chs.;

South 40.0 chs.;

West 40.0 chs.;

South 40.0 chs.;

West approximately 140.0 chs. to a point on the east limit of USS 2645, found S. 26°30' W., 42.0 chs. from corner 5, USS 2645;

S. 26°30' W., approximately 31.0 chs. to the northwest corner, Tract V, State of Alaska, Department of Aviation Airfield;

S. 79°15' E., approximately 28.0 chs. to the southwest corner of Tract B, PLO 3830;

N. 10°45' E., 20.369 chs.;

S. 79°15' E., 62.945 chs.;

S. 10°45' W., approximately 58.0 chs. to the southeast corner of Tract V;

N. 79°15' W., approximately 16.80 chs. to the northeast corner of Tract C, PLO 3830;

S. 10°45' W., 3.873 chs.;

N. 79°15' W., 30.040 chs.;

N. 10°45' E., 3.873 chs.;

N. 79°15' W., 22.749 chs.;

S. 31°30' W., approximately 120 chs. to the point of beginning.

Containing approximately 7,075 acres.

b. Lands at the neck of the Baldwin Peninsula described as follows:

Beginning at a point in approximate latitude 66°31'50" N., longitude 161°51'24" W., located on the mean high water line of Hotham Inlet, on the easterly shore of Baldwin Peninsula:

Thence northwesterly approximately 332.0 chs. along the mean high water line of Hotham Inlet to a point at latitude 66°34'32" N., longitude 161°56'40" W.;

S. 60°00' W., approximately 72.0 chs. to a point at latitude 66°34'10" N., longitude 161°58'12" W., located on the mean high water line of Kotzebue Sound, on the westerly shore of Baldwin Peninsula;

S. approximately 320 chs. along the mean high water line of Kotzebue Sound to a point at latitude 66°31'18" N., longitude 161°53'18" W.;

N. 60°00' E., approximately 84.0 chs. to the point of beginning.

Containing approximately 1,785 acres.

4. The following described lands, comprising the watershed for the city of Kotzebue, are further segregated from appropriation or settlement under the Native Allotment Act, 43 CFR 2212.9 (48 U.S.C. 357-357b), the Homesite Law, 43 CFR 2233.9-2 (48 U.S.C. 461), the Townsite Laws, 43 CFR 2242.9 (48 U.S.C. 355-355d), the Mining Laws, 43 CFR 3400 (30 U.S.C. ch. 2), Mineral Materials Disposals, 43 CFR 3610 (30 U.S.C. 601-602), and uses not compatible with the watershed values.

a. Beginning at a point which bears approximately S. 65°30' E., 13.0 chs. from USC & GS "KOTZEBUE ASTRO AZ" (VABM 123);

Thence west, approximately 50.0 chs. to the mouth of June Creek;

S. 64°00' W., 12.0 chs.;

S. 24°00' E., 28.0 chs.;

S. 72°00' E., approximately 37.0 chs. to a point coincident with the northeast corner of the Air Force Reserve PLO 883;

S. 36°30' E., approximately 80.3 chs. to a point coincident with the southeast corner of said Air Force Reserve;

S. 53°30' W., 40.0 chs.;

S. 35°00' E., 119.0 chs.;

East 136.0 chs.;

North 160.0 chs.;

East 80.0 chs.;

North 240.0 chs.;

West approximately 215 chs. to a point on the east limit of USS 2645, found S. 26°30' W., 42.0 chs. from corner 5, USS 2645;

S. 26°30' W., approximately 31.0 chs. to the northwest corner, Tract V, State of Alaska, Department of Aviation Airfield;

S. 79°15' E., approximately 28.0 chs. to the southwest corner of Tract B, PLO 3830;

N. 10°45' E., 20.369 chs.;

S. 79°15' E., 62.945 chs.;

S. 10°45' W., approximately 58.0 chs. to the southeast corner of Tract V;

N. 79°15' W., approximately 16.80 chs. to the northeast corner of Tract C, PLO 3830;

S. 10°45' W., 3.873 chs.;

N. 79°15' W., 30.040 chs.;

N. 10°45' E., 3.873 chs.;

N. 79°15' W., 22.749 chs.;

S. 31°30' W., approximately 120 chs. to the point of beginning.

Containing approximately 8,790 acres.
5. Following publication of a notice of proposed classification October 3, 1968 (33 F.R. pages 14787-14788) meetings were held in Kotzebue and a formal hearing was held there on March 13, 1969.

The record showing the comments received, transcript of the hearing and other information is on file in the Fairbanks District Office, 516 Second Avenue, Fairbanks, Alaska 99701.

The comments received have been favorable. No changes were indicated from the original proposal.

This classification involves no transfer of title and does not affect the eventual settlement of any Native aboriginal claims in the area. Also, this classification does not affect selections by the State of Alaska for any or all of the public lands involved.

Further study of the lands will continue after classification and the Bureau will consider any reclassification action in the public interest required for orderly development.

6. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2411.2c.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 70-8481; Filed, July 2, 1970;
8:45 a.m.]

[OR 6108]

OREGON

Notice of Proposed Classification of Public Lands for Multiple Use Management; Correction

JUNE 26, 1970.

In F.R. Doc. 70-7628 of the June 18, 1970 issue, the following changes should be made:

In paragraph 3 under Umatilla County T. 5 S., R. 31 E., Sec. 21, should read SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$; and T. 1 N., R. 35 E., Sec. 14, should read Lots 5, 6, 7, 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$. Under acreages, Umatilla County should read 6,535.12 acres, and total should read 12,130.24.

For the State Director.

CHESTER E. CONARD,
District Manager.

[F.R. Doc. 70-8482; Filed, July 2, 1970;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
Conservation Service

WHEAT

Notice of Marketing Quota Referendum for the 1971 Crop

Marketing quotas for the crop of wheat to be produced in 1971 have been

duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said Act requires the Secretary to conduct a referendum, not later than August 1, 1970, of producers having farm wheat acreage allotments to determine whether they favor or oppose marketing quotas for such marketing year. Prior to establishing the date for the referendum on the 1971 crop of wheat, public notice (35 F.R. 4763) was given in accordance with 5 U.S.C. 553. No views, data, or recommendations were received pursuant to such notice with respect to the date for such referendum.

It is hereby determined that such referendum shall be held during the referendum period July 27 to 31, 1970, each inclusive, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345).

Signed at Washington, D.C., June 30, 1970.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 70-8495; Filed, June 30, 1970;
2:34 p.m.]

FLUE-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on July 16, 1970, a referendum will be held of farmers engaged in the production of flue-cured tobacco of the 1970 crop, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date (or period) for holding such referendum and whether the referendum would be conducted at polling places rather than by mail ballots was given and published in the FEDERAL REGISTER (35 F.R. 7075). The views and recommendations received pursuant to such notice have been considered within the limits permitted by the Act. It is hereby determined that the referendum will be held at polling places on the date specified above. The purpose of the referendum is to determine whether the farmers voting favor or oppose the establishment of marketing quotas for the 3 marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973.

The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249; 29 F.R. 16184; 30 F.R. 2521, 2588, 6144, 14260, 14411; 31 F.R. 2413, 4193, 6533, 12011, 14673, 16401) including any amendments made prior to the referendum.

Signed at Washington, D.C., on July 1, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-8524; Filed, July 1, 1970;
9:20 a.m.]

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

George Hancock	Lawrence Marion
Harrison Jackson	Pearl River
Lamar	Stone

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of June 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-8519; Filed, July 2, 1970;
8:49 a.m.]

MEAT IMPORT LIMITATIONS

Third Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following third quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1970 is 1,140.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1970 is 998.8 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section

2(a) of the Act, limitations for the calendar year 1970 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed unless suspended by the President pursuant to section 2(d) of Public Law 88-482.

Done at Washington, D.C., this 29th day of June 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-8575; Filed, July 2, 1970;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated June 22, 1970, the Director of the Division of Reactor Licensing has issued Construction Permit No. CPPR-75 to Duquesne Light Co., Pennsylvania Power Co., and Ohio Edison Co., for the construction of a pressurized water nuclear reactor on a 420-acre site located on the south bank of the Ohio River, about 25 miles northwest of Pittsburgh, and approximately 5 miles east of East Liverpool, Ohio, in Beaver County, Pa. The reactor, designated as the Beaver Valley Power Station, is designed for initial operation at a power level of approximately 2660 thermal megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Construction Permit No. CPPR-75 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 26th day of June 1970

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,

Division of Reactor Licensing.

[F.R. Doc. 70-8499; Filed, July 2, 1970;
8:47 a.m.]

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4 to Facility License No. TR-2. The amendment removes from the conditions and requirements of this license the process building which is external to the reactor containment building of the deactivated Westinghouse

Testing Reactor (WTR), located near Waltz Mill in Westmoreland County, Pa.

By application dated May 21, 1970, the Westinghouse Electric Corp. (WEC), requested an amendment to Facility License No. TR-2 to remove the process building from the defined WTR facility. The process building removed from the conditions and requirements of Facility License No. TR-2 will remain under the control of WEC, and be utilized for non-reactor related activities that are subject to AEC materials licenses.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application dated May 21, 1970, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,

Division of Reactor Licensing.

[F.R. Doc. 70-8498; Filed July 2, 1970;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22325; Order 70-6-154]

AMERICAN AIRLINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1970.

By tariff bearing the posting date of May 28, and marked for effectiveness

July 15, 1970, American Airlines, Inc. (American), proposes to establish "space-available" airfreight service and rates in four selected markets.¹

American proposes to offer space-available service, either airport-to-airport or door-to-door, after accommodation of all other revenue traffic including non-priority mail. Certain additional restrictions would also be imposed.² The proposed rates for this service would be 40 percent below applicable westbound general commodity rates plus a fixed \$2 per shipment charge for airport-to-airport rates, or area A pickup and delivery charges for door-to-door rates. Complaints were filed by United Air Lines, Inc. (United), and The Flying Tiger Line, Inc. (Flying Tiger).

In support of its proposal and in answer to the complaints, American asserts that cargo operations have been unprofitable; that its proposal will generate new traffic at little additional cost; that the 4 a.m. departure requirement is a reasonable means of assuring that the traffic will not move as standard airfreight and the space-available service is not comparable to standard service and their salesmen will be selling a pattern of service rather than specific flight-times; that they intend that forwarder use of the tariff would be pursuant to a forwarder space-available tariff only; that the proposal would not undercut the rates on international traffic, and it would be willing to exclude all international traffic; and that it has realistically estimated the financial impact of its proposal.

Flying Tiger alleges, inter alia, that the sharp rate reduction will not produce substantial traffic for the system and would result in serious traffic diversion and revenue dilution. In light of the importance of the subject markets to Flying Tiger's system revenue, the complainant contends that American's proposal would seriously affect its cargo operations. United alleges, inter alia, that while not conceptually opposed to American's proposal the restrictions imposed by American do not adequately distinguish space-available from standard service, that the magnitude of the proposed discount is not required to generate additional traffic, and that any discount for westbound rates is questionable.

In considering a previous proposal by American for space-available service and rates, the Board stated that it "does not oppose discount pricing * * * however, such discounts must be carefully tailored to the cost and value of service factors involved to achieve sound economic results." (Order 70-1-149 dated Jan. 29, 1970.)

While the instant proposal differs in many respects from that which the Board

¹ Dallas-Los Angeles, Dallas-New York, Los Angeles-New York, and New York-Los Angeles.

² Cargo must arrive within specified hours at origin terminal; air transportation will not be performed prior to 4 a.m. of the day following receipt; information on, or tracing of, shipments will be limited; the minimum charge will be the charge for 500 pounds.

previously suspended, serious questions remain as to the lawfulness of this tariff now under consideration. Thus, with a permissible departure time as early as 4 a.m. the day following pick-up or tender, the space-available service may equal or approximate standard service in many instances and meet the needs of a substantial segment of the shipping public which now uses standard air freight. The discount of 40 percent from the general commodity rates, while not as much as offered some selected specific commodity rates, is a greater discount than provided for numerous specific commodity rates and would appear to create a strong incentive for many shippers to shift from standard to space-available service without attendant savings in costs to the carrier. Although American would limit the times at which space-available freight could be tendered for shipment and preclude carriage prior to 4 a.m. the following day, and the proposal is limited in duration and as to the scope of the markets, the Board believes that the threat of diversion of traffic from standard service and the resulting dilution in yields is such as to require suspension pending investigation. In this connection, the Board notes the continued losses in scheduled domestic all-cargo operation, \$13.3 million for the year ended December 31, 1969, coupled with apparent low cargo load factors which indicate, at best, marginal domestic airfreight operations.

Upon consideration of all relevant factors, the Board finds that the proposed space-available tariff may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates, charges, and provisions in Airline Tariff Publishers, Inc., agent's tariff CAB No. 146, and rules, regulations, and practices affecting such rates, charges, and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions in Airline Tariff Publishers, Inc., agent's tariff CAB No. 146 are suspended and their use deferred to and including October 12, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of United Air Lines, Inc., in Docket 22263 and The Flying Tiger Line Inc., in Docket 22275, are hereby dismissed except to the extent granted herein;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., The Flying Tiger Line Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.
[F.R. Doc. 70-8508; Filed, July 2, 1970;
8:48 a.m.]

[Docket No. 22169]

MEDALLION AIR FREIGHT CORP.

Increased Excess Valuation Rate Proposal; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 13, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Louis W. Sornson.

Dated at Washington, D.C., June 29, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-8507; Filed, July 2, 1970;
8:48 a.m.]

NDA No.	Drug name	Applicants name and address
5060	Rutin tablets	Abbott Laboratories, 14th and Sheridan Rd., North Chicago, Ill. 60064.
8936	Quertine (Quercetin, Abbott)	Abbott Laboratories, 14th St. and Sheridan Rd., North Chicago, Ill. 60060.
9074	Maxitrate with Rauwolfia Compound tablets.	R. J. Strassenburgh Co., Division of Wallace and Tiernan, Inc., 755 Jefferson Rd., Rochester, N.Y. 14603.
9605	Neo-Semhyten capsules.	S. E. Masse ngill Co., 513-529 Fifth St., Bristol, Tenn. 37620.
9640	Rauwolfia Serpentina-Mannitol Hexantrate-Rutin tables.	Best Pharmaceuticals, 3725 Castor Ave., Philadelphia, Pa. 19124.
9901	Restolite tablets; Restolite Forte tablets.	Morek Sharp & Dohme, Division of Merck & Co., Inc.; West Point, Pa. 19486.
10000	Tenserina tablets (Spanish name); Tenserine tablets (English name).	Abbott Laboratories, 14th and Sheridan Rd., North Chicago, Ill. 60064.
10114	Mannitrau tablets.	Richlyn Laboratories, 3755 Castor Ave., Philadelphia, Pa. 19124.
10572	Bioresp-C.	Henry K. Wampole & Co., 35 Commerce Rd., Stamford, Conn. 06902.
12261	Natorexite tablets.	Walker Laboratories, Inc., Division of Richardson-Merrell, 1 Bradford Rd., Mount Vernon, N.Y. 10551.

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 the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the condi-

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[Docket No. FDC-D-112; NDA No. 5960 etc.]

DRUGS CONTAINING RUTIN, QUERCETIN, HESPERIDIN, OR ANY BIOFLAVONOIDS

Notice of Withdrawal of Approval of New-Drug Applications

On July 10, 1968, there was published in the FEDERAL REGISTER (33 F.R. 9908) a notice of opportunity for hearing in which 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 (21 U.S.C. 355(e)) withdrawing approval of new-drug applications listed therein on the ground that there is a lack of substantial evidence that Rutin, Quercetin, Hesperidin, or any bioflavonoid has the effect which the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, or that such articles alone, or as added components with other drugs, are effective for use in man for any condition.

The following firms, listed with their address, respective drug, and new-drug application number, have waived opportunity for a hearing on the proposed withdrawal of said new-drug applications in that they have affirmatively indicated in writing their intention not to avail themselves of the opportunity for a hearing.

tions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: June 24, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-8477; Filed, July 2, 1970;
8:45 a.m.]

[Docket No. FDC-D-112; NDA No. 6020 etc.]

DRUGS CONTAINING RUTIN, QUERCETIN, HESPERIDIN, OR ANY BIOFLAVONOIDS

Notice of Withdrawal of Approval of New-Drug Applications

On July 10, 1968, there was published in the FEDERAL REGISTER (33 F.R. 9908) a notice of opportunity for hearing in which 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 (21 U.S.C. 355(e)) withdrawing approval of new-drug applications listed therein

on the ground that there is a lack of substantial evidence that Rutin, Quercetin, Hesperidin, or any bioflavonoid has the effect which the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, or that such articles alone, or as added components with other drugs, are effective for use in man for any condition.

The following firms, listed with their address, respective drug, and new-drug application number, have waived opportunity for a hearing on the proposed withdrawal of said new-drug applications, in that no response has been received.

NDA No.	Drug name	Applicants name and address
6020	Rutin tablets; Rutorbin tablets.	E. R. Squibb & Sons, Division Olin Mathieson Chemical Corp., 745 Fifth Ave., New York, N.Y. 10022.
6070	Rutin tablets.	The Maltine Co., 745 Fifth Ave., New York, N.Y. 10022.
6158	Theoglycinate with Rutin and Phenobarbital.	Brayten Pharmaceutical Co., 1715 West 38th St., Chattanooga, Tenn. 37409.
6291	Glytheonate with Rutin and Phenobarbital.	The E. L. Patch Co., now Smith, Miller & Patch, Inc., 902 Broadway, New York, N.Y. 10010.
6333	Synophylate tablets.	The Central Pharmaceutical Co., 116-128 East Third St., Seymour, Ind. 47274.
8309	Vir-I-Phyl	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9118	Raufia Encote tablets; Neo-Vir-I-Tin Encote tablets.	Do.
9123	Loten tablets.	Do.
9255	Wolflix	Lloyd, Dabney & Westerfield, Inc., 3941 Brotherton Rd., Cincinnati, Ohio 45209.
9455	Ruserp-C	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9555	Rauhexide tablets.	K-V Pharmacal Co., 2503 South Hanley Rd., St. Louis, Mo. 63144.
9557	Ruhexatal with Reserpine	Lemmon Pharmacal, Temple Ave., Sellersville, Pa. 18960.
9684	Neo-Rauja tablets.	Table Rock Laboratories, Inc., 812 Hampton Ave., Greenville, S.C. 29601.
9685	Rauwolfia Serpentina-Mannitol Hexanitrate-Rutin-Veratrum Viride tablets.	Robin Pharmacal Co., 57 Hope St., Brooklyn, N.Y. 11211
9914	Raumannite-50 tablets.	Nyseo Laboratories, Inc., 34-24 Vernon Blvd., Long Island City, N.Y. 11101.
10046	Capilon tablets.	The Paul Plessner Co., 635 30th Ave. North, Post Office Box 7087, St. Petersburg, Fla. 33734.
10063	Citroid capsules.	Grove Laboratories, Subsidiary of Bristol-Myers, 8420 Delmar Blvd., Post Office Box 7300, St. Louis, Mo. 63177.
10130	Rauman tablets.	Direct Laboratories, Inc., 377 Genesee St., Post Office Box 708, Buffalo, N.Y. 14240.
10136	Rautenal tablets.	Physicians Drug & Supply Co., 1458 Chestnut Ave., Hillside, N.J. 07205.
10232	Flavoserp	The Blue Line Chemical Co., 302 South Broadway, St. Louis, Mo. 63102.
10310	Prevolds	Rhodes Pharmacal Co., Inc., 41 East Oak St., Chicago, Ill. 60611.
10816	Adrestat	Organon, Inc., 375 Mount Pleasant Ave., West Orange, N.J. 07052.
11050	Biosereen	The Central Pharmaceutical Co., 116-128 East Third St., Seymour, Ind. 47274.
11051	Citroid compound	Grove Laboratories, Subsidiary of Bristol-Myers, 8420 Delmar Blvd., Post Office Box 7300, St. Louis, Mo. 63177.
11052	do	Do.
11186	Citroid, Jr.	Do.
11214	Super Anapac cough syrup.	Rexall Drug & Chemical Co., 8480 Beverly Blvd., Los Angeles, Calif. 90054.
11249	Serbio capsules.	Metro Med. Inc., 2510 South Blvd., Houston, Tex. 77006.
11057	Dactil-OB	Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Ave., Milwaukee, Wis. 53201.

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 the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn ef-

fective on the date of the signature of this document.

Dated: June 24, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-8478; Filed, July 2, 1970; 8:45 a.m.]

IMPERIAL CHEMICAL INDUSTRIES LTD. Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP OB2559) has been filed by Imperial Chemical Industries Ltd., Plastics Divi-

sion, Bessemer Road, Welwyn Garden City, Hertfordshire, England, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of pentaerythritol as a stabilizer in the manufacture of olefin polymers intended for food-contact use.

Dated: June 25, 1970.

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

[F.R. Doc. 70-8476; Filed, July 2, 1970; 8:45 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1785; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, has withdrawn its petition (FAP OH2492), notice of which was published in the FEDERAL REGISTER of January 17, 1970 (35 F.R. 641), proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing iodine and alkyl (C₁₂-C₁₅) monoether of mixed (ethylene-propylene) polyalkylene glycol as a sanitizing solution on food-processing equipment and utensils.

Dated: June 26, 1970.

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

[F.R. Doc. 70-8475; Filed, July 2, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18875]

LICENSING OF FACILITIES FOR OVERSEAS COMMUNICATIONS

Notice of Inquiry; Correction

JUNE 24, 1970.

In the Commission's notice of inquiry adopted June 10, 1970, released June 16, 1970, and published in the FEDERAL REGISTER on June 20, 1970, 35 F.R. 10168, FCC 70-620, the following change should be noted:

Both paragraphs under "J. Policy recommendations" are deleted and the following paragraph substituted:

On the basis of the above considerations, and such others as may be relevant, indicate in detail the nature of the policy which the Commission, in your opinion, should adopt to govern licensing of overseas media

in the next decade, and the specific manner in which such policy should be implemented, e.g., the specific facilities (such as cable, satellite, etc., or a mix thereof) which should be used during the next decade in each ocean basin—Atlantic, Pacific, Caribbean, the timing of additions, the effect on existing facilities, the use to be made of such facilities. Explain reasoning in full, and to the extent not indicated elsewhere in comments, show in detail the investment and operating costs of such configuration and changes therein (including average cost per circuit, with associated facilities—see D above), as well as the effect on charges for services provided to the public. Show how such a policy would encourage the expansion of present services and the introduction of new services.

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

[F.R. Doc. 70-8500; Filed, July 2, 1970;
8:47 a.m.]

[Dockets Nos. 18886, 18887; FCC 70-654]

**EXEC AIR, INC., AND ST. JOSEPH
FLYING SERVICE, INC.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In regard applications of Exec Air, Inc., St. Joseph, Mo., Docket No. 18886, File No. 102-A-L-99; St. Joseph Flying Service, Inc., St. Joseph, Mo., Docket No. 18887, File No. 208-A-L-79; for aeronautical advisory station to serve the Rosecrans Memorial Airport, St. Joseph, Mo.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the Rosecrans Airport, St. Joseph, Mo., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary com-

munications as specified in § 87.257 of the Commission's rules.

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine if Exec Air, Inc., has operated a Unicom radio transmitter to communicate with aircraft at Rosecrans Memorial Airport, St. Joseph, Mo., without authorization from the Commission in violation of section 301 of the Communications Act and the Commission's rules.

(c) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issue (b) is placed on St. Joseph Flying Service, Inc.; and the burden of proceeding with the introduction of evidence on items (1) through (7) under issue (a), and issue (c), which is conclusory, is placed on St. Joseph Flying Service, Inc., and Exec Air, Inc., insofar as the issues pertain to each of the parties.

4. *It is further ordered*, That, to avail themselves of an opportunity to be heard, Exec Air, Inc., and St. Joseph Flying Service, Inc., 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 set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: June 24, 1970.

Released: June 29, 1970.

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

[F.R. Doc. 70-8501; Filed, July 2, 1970;
8:47 a.m.]

[Docket Nos. 18817, 18818; FCC 70R-213]

PRESCOTT T.V. BOOSTER CLUB, INC.

**Memorandum Opinion and Order
Enlarging Issues**

In regard applications of Prescott T.V. Booster Club, Inc., Prescott, Ariz., Docket No. 18817, File No. BPTTV-3306, for construction permit for new television broadcast translator station; Prescott T.V. Booster Club, Inc. (K06AE), Prescott, Ariz., Docket No. 18818, File No. BPTTV-3685, for construction permit.

1. The above-captioned TV translator applications of Prescott T.V. Booster Club, Inc. (Prescott T.V.), Prescott, Ariz., were designated for hearing on various issues by Commission Order, FCC 70-285, 22 FCC 2d 195, released March 26, 1970, 35 FR 5502, published April 2, 1970. Presently before the Review Board are a petition for leave to intervene and

a motion to enlarge issues, both filed May 7, 1970, by Grand Canyon Television Co., Inc. (Grand Canyon), permittee of television broadcast Station KOAI-TV, Channel 2, Flagstaff, Ariz.¹ By Order, FCC 70M-749, released May 27, 1970, the hearing examiner certified to the Review Board the Grand Canyon petition for leave to intervene for such action as it deems proper in connection with its ruling on Grand Canyon's motion to enlarge issues. Both requests relate to the same allegations; therefore, they will be considered together in this document.

2. Grand Canyon states that it is attempting to participate in this proceeding for the purpose of opposing Prescott's application for a TV translator on Channel 2. Grand Canyon claims that Prescott, Ariz., lies within the grade B contour of Station KOAI-TV and that operation of Prescott T.V.'s proposed translator will cause objectionable interference to Station KOAI-TV's signal in violation of § 74.703 of the Commission's rules. Section 74.703, in effect, prohibits the authorization of a VHF translator if it is apparent that interference will result to the direct reception of an authorized television broadcast station operating on the same or an adjacent channel.² The Broadcast Bureau, in its comments, supports Grand Canyon's requests. In our opinion, Grand Canyon has shown good cause for the late filing of its requests³ and has made an adequate showing on the merits of its enlargement motion. The fact that KOAI-TV will place a predicted grade B signal over the city of Prescott does not conclusively establish that Prescott T.V.'s proposed translator will cause objectionable interference to Grand Canyon's station warranting denial of the translator application; however, this fact does constitute a prima facie showing that interference would be caused, cf. Southern Minnesota Broadcasting Co., FCC 63-590, 25 RR 744, and warrants enlargement of the issues. Appropriate issues will therefore be specified. Since the added issues concern interference to Grand Canyon's television station, the petition to intervene will also be granted.

¹ Separate comments on both requests were filed by the Broadcast Bureau on May 20, 1970.

² Section 74.703(a) provides that an application for a new television broadcast translator station "will not be granted where it is apparent that interference will be caused." Section 74.703(b) requires the licensee of a VHF translator "to correct * * * any condition of interference to the direct reception of the signals of a television broadcast station operating on the same channel as that used by the VHF translator * * * which occurs as a result of the operation of the translator." Part (b) further provides that interference occurs when "reception of a regularly used signal is impaired * * *, regardless of the quality of such reception or the strength of the signal so used." If interference cannot be eliminated, operation of the translator must be suspended. Section 74.703(b).

³ The requests were filed less than 2 weeks' late, they are unopposed, and Grand Canyon acted as expeditiously as possible under the circumstances.

Virginia Broadcasters, 18 FCC 2d 92, 16 RR 2d 381 (1969).

3. *Accordingly, it is ordered*, That the petition for leave to intervene, filed May 7, 1970, by Grand Canyon Television Co., Inc., is granted; that the motion to enlarge issues, filed May 7, 1970, by Grand Canyon Television Co., Inc., is granted; and that the issues in this proceeding are enlarged, as follows:

To determine whether the operation of the translator station proposed to operate on Channel 2 would cause objectionable co-channel interference within the meaning of § 74.703 of the Commission's rules to television Station KOAL-TV, Channel 2, Flagstaff, Ariz.

In the event that it is determined pursuant to the foregoing issue that objectionable interference would be caused by the translator, to determine the extent, if any, to which such interference can be reduced or eliminated.

4. *It is further ordered*, That Grand Canyon Television Co., Inc., is made a party to this proceeding; and

5. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and of proof under the issues added herein are upon Prescott T.V. Booster Club, Inc.

Adopted: June 16, 1970.

Released: June 18, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-9502; Filed, July 2, 1970;
8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to The Peoples National Bank and Trust Co., Dover, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of a new national bank into which would be merged The Peoples National Bank and Trust Co., Dover, Ohio (Peoples National). The new national bank has significance only as a means of acquiring all of the shares of the bank to be merged into it; the proposal is therefore treated herein as a proposal to acquire shares of Peoples National.

* Review Board member Pincock absent.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 29, 1970 (35 F.R. 6770), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is the ninth largest banking organization in Ohio, controlling five banks with deposits of \$530 million. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Acquisition of Peoples National (deposits \$37 million) would result in Applicant becoming the eighth largest banking organization in the State; it would control less than 3 percent of bank deposits in Ohio.

Peoples National is slightly more than one-half as large as the only other bank headquartered in Dover, and is the second largest of eight banks in Tuscarawas County (population 80,000). Applicant's closest subsidiaries are located in the adjoining counties of Coshocton and Guernsey, and their nearest offices are located 10-20 miles from any office of Peoples National. The area intervening Peoples National and the present subsidiaries is largely undeveloped, and no significant competition would be eliminated by consummation of the proposal.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as applied to the facts of record, lend some weight toward approval of the application, in the light of Applicant's expressed intention to augment the capital of Peoples National. Consummation of the proposal would also enable Peoples National to offer a broader array of specialized loan, trust, municipal financing, and computer services, and these considerations lend additional weight in favor of approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day follow-

ing the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,
June 26, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8493; Filed, July 2, 1970;
8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 30, 1970.

On September 18, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Colombia concerning exports of cotton textiles and cotton textile products from Colombia to the United States over a 3-year period beginning on July 1, 1968 and extending through June 30, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories; within the aggregate limit, group limits on Categories 1-4, 5-27, and 28-64; and within both of the aforesaid limits, specific limits on certain categories for the third agreement year beginning on July 1, 1970. The categories with specific limits are Categories 5/6, 9, 16, 19, 22, and 26, with a sublimit on duck fabric (part of Category 26).

The agreement also contains a provision covering overshipments of cotton textiles from Colombia which occurred during the period beginning on July 1, 1967, and which were exported to the United States through September 30, 1967. This provision provides that these overshipments are to be charged against the aggregate, applicable group, and specific limits during each of the 3 agreement years. Implementing this provision for the third agreement year results in the adjusted levels of restraint set forth in the letter.

Accordingly, there is published below a letter of June 29, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Categories 1 through 27, produced or manufactured

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Malsel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

In Colombia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 1, 1970, and extending through June 30, 1971, be limited to the designated adjusted levels. The letter does not establish controls on Categories 28-64, but notes that such controls may be established during the present agreement year, i.e., the 12-month period beginning July 1, 1970. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 29, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 1, 1970, and extending through June 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 27 produced or manufactured in Colombia, in excess of the adjusted levels of restraint set forth below.

The combined adjusted level of restraint for Categories 1 through 4 shall be 3,462,733 pounds.

The overall adjusted level of restraint for Categories 5 through 27 shall be 18,077,623 square yards.

Within the overall adjusted level of restraint for Categories 5 through 27, the following adjusted specific levels of restraint shall apply:

Category	Adjusted 12-month level of restraint
5/6-----	1,984,500 square yards of which not more than 330,750 square yards shall be in Category 6.
9-----	3,471,710 square yards.
16-----	992,250 square yards.
19-----	1,102,500 square yards.
22-----	6,037,354 square yards.
26-----	3,583,216 square yards of which not more than 521,489 square yards shall be in duck fabric. ¹

¹ Only T.S.U.S.A. Nos.:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Colombia, which have been exported to the United States from Colombia prior to

July 1, 1970, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning July 1, 1969, and extending through June 30, 1970. In the event that the level of restraint for the 12-month period ending June 30, 1970, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 18, 1968, between the Governments of the United States and Colombia which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The bilateral agreement of September 18, 1968, also provides a group limit on Categories 28-64. Import controls on these categories at an overall level of 661,500 square yards equivalent may be established during the current agreement year. In such an event you will be advised in a further directive from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions to the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet Textile Ad-
visory Committee.

[F.R. Doc. 70-8535; Filed, July 2, 1970;
8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1781]

CAPITAL INVESTMENT COMPANY OF WASHINGTON

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JUNE 26, 1970.

Notice is hereby given that Capital Investment Company of Washington (Applicant), 1001 Connecticut Avenue NW., Washington, D.C. 20036, incorporated under the laws of the District of Columbia and registered as a closed-end,

nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated on September 20, 1962, and is licensed to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 as amended. On December 13, 1968, Applicant registered as an investment company under the Act because its Board of Directors anticipated that Applicant could qualify to elect to be taxed as a regulated investment company pursuant to section 851 of the Internal Revenue Code of 1954 by diversifying its investments which then were not sufficiently diversified to enable Applicant to qualify and elect to be taxed under section 851 of the Code. It was also anticipated that legislation then pending in Congress to liberalize the diversification for small business investment companies electing to be taxed as regulated investment companies would be enacted, further facilitating Applicant's ability to qualify for the tax treatment afforded by section 851 of the Code. Applicant has been unable to accomplish the anticipated diversification of its investments, and the aforementioned pending legislation was not enacted. Applicant under present circumstances cannot qualify and elect to be taxed under section 851 of the Code.

At a meeting held on September 23, 1969, the Board of Directors of Applicant authorized the execution and filing of an application for an order of the Commission declaring that Applicant has ceased to be an investment company, and the shareholders authorized the execution and filing of the application at a meeting held on June 23, 1970.

Applicant represents that at the time of filing its notification of registration under the Act, it had less than 100 shareholders, and there are now only 30 shareholders. Applicant states that it has not made any public offering of its securities and does not have a present intention to make such an offering.

Section 3(c)(1) of the Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides that when the Commission, upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the company at the address set forth 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 under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter 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. 70-8506; Filed, July 2, 1970;
8:48 a.m.]

TARIFF COMMISSION

[TEA-F-11]

ION CAPACITOR CORP.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by the Ion Capacitor Corp., Radio Road, Columbia City, Ind. 46725, the U.S. Tariff Commission, on June 29, 1970, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, certain electrolytic capacitors, like or directly competitive with articles produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The imported articles to which this investigation relates consist of electrolytic capacitors which are currently dutiable under item 685.80 of the Tariff Schedules of the United States at the rate of 11 percent ad valorem.

Petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of

the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

Inasmuch as the petition contains confidential business information, copies are not available for examination.

Issued: June 30, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-8505; Filed, July 2, 1970;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 29, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41984—*Liquid chlorine to Petersburg, Va.* Filed by Traffic Executive Association—Eastern Railroads, agent (E. R. No. 2978), for interested rail carriers. Rates on chlorine, liquid, in tank carloads, as described in the application, from Reybold, Del., and specified points in Michigan, New York, Ohio, and West Virginia, to Petersburg, Va.

Grounds for relief—Market competition.

Tariffs—Supplement 45 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-766, and three other schedules named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8510; Filed, July 2, 1970;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41985—*Sunflower seed hulls between points in southwestern Illinois and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-168), for interested rail carriers. Rates on sunflower seed hulls, ground,

unground, or pellets, in carloads, as described in the application, between points in southwestern territory, including Mississippi River crossings Memphis, Tenn., and south; also between points in southwestern territory, on the one hand, and points in Illinois and western trunk line territories, on the other.

Grounds for relief—Competition with related commodities.

Tariff—Supplement 49 to Southwestern Freight Bureau, agent, tariff ICC 4757.

FSA No. 41986—*Superphosphate from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A6178), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in carloads, as described in the application, subject to volume minimum of 500,000 pounds per shipment, from Occidental, Fla., to Meredosia, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 56 to Southern Freight Association, agent, tariff ICC S-818.

FSA No. 41987—*Class and commodity rates from and to Commerce Park, Fla.* Filed by O. W. South Jr., agent (No. A6179), for interested rail carriers. Rates on property moving on class and commodity rates, between Commerce Park, Fla., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8511; Filed, July 2, 1970;
8:48 a.m.]

[Notice 105]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 29, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28060 (Sub-No. 16 TA), filed June 22, 1970. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: Clifford J. Willers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products, and such material equipment and supplies used by meatpackers, from the plantsite of John Morrell & Co., Sioux Falls, S. Dak., and nearby warehouse and storage facilities utilized by John Morrell & Co., to Chicago, Ill., for 180 days.* Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57104 (Claude Stewart, Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 55822 (Sub-No. 11 TA), filed June 18, 1970. Applicant: VICTORY EXPRESS, INC., 2600 Wilowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Suite 605, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, and materials and supplies used with such paper and paper articles and in the processing thereof, from Chillicothe, Columbus, and Dayton, Ohio, and from Lemon Township, Butler County, near Monroe, Ohio, and Reno, Nev., to points in the United States, excepting those in Alaska and Hawaii, and damaged and rejected shipments on the return.* Restricted against duplicating authority contained in Docket No. MC 55822 and MC 55822 Sub-10 TA on shipments originating at Dayton, Ohio, and in Lemon Township, Butler County, near Monroe, Ohio, for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 77972 (Sub-No. 16 TA) (Correction), filed June 5, 1970, published in the FEDERAL REGISTER issue of June 20, 1970, and republished in part, as corrected, this issue. Applicant: MERCHANTS TRUCK LINE, INC., Post Office Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, Miss. 39205. NOTE: The purpose of this partial republication is to redescribe the route shown in (2), as follows: * * * "(2) between Laurel, Miss., and Collins, Miss., from Laurel over Mississippi Highway 15 to Bay Springs, thence over Mississippi Highway 18 to Puckett, thence over Mississippi Highway 43 to Mendenhall, thence over U.S. Highway 49 to Collins, and return over the same route, serving all intermediate points and the off-route points of Mize and Taylors-

ville". A portion of the above described route was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 82492 (Sub-No. 39 TA), filed June 22, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, (Mailing address: Post Office Box 2853), Kalamazoo, Mich. 49003. Applicant's representative: William Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 and 766, except commodities in bulk and hides, from the plantsite and warehouse facilities of Great Markwestern Packing Co. at Allenn Township (Hillsdale County), Mich., to points in Iowa, Minnesota, and Nebraska, for 180 days.* NOTE: Applicant states there will be no tacking nor interline intended. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich. 4307; (By Walter Hoffner, Director of Transportation and Distribution). Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 94901 (Sub-No. 3 TA), filed June 17, 1970. Applicant: EDDY MOVING & STORAGE CO., INC., 150-148 Pearl Street, Port Chester, N.Y. 10573. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, machine parts; computer tapes, cards, documents, records and equipment, materials supplies, requiring messenger delivery service, in parcels not exceeding 50 pounds each and in shipments not exceeding 1,000 pounds each, between all points in a territory in New York comprised of the following counties: Dutchess, Orange, Rockland, Ulster, Westchester, and New York City.* Restricted against shipments moving between banks and banking institutions, for 150 days. Supporting shipper: International Business Machines Corporation, Armonk, N.Y. 10504. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113267 (Sub-No. 240 TA), filed June 22, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, fresh or frozen, from the plantsite of the Great Markwestern Packing Co., at Allen Township (Hillsdale County), Mich., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, Tennessee and Kentucky, for 180*

days. Supporting shipper: Great Markwestern Packing Co., Hillsdale, Mich. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 114019 (Sub-No. 207 TA), filed June 18, 1970. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the Descriptions Case (except commodities in bulk and hides), from Allen Township (Hillsdale Co.), Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days.* Supporting shipper: Walter Hoffner, Director of Transportation and Distribution, Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich. 48207. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117386 (Sub-No. 4 TA), filed June 22, 1970. Applicant: LEE S. BURRIS, Post Office Box 227, Bradgate, Iowa 50520. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution, in bulk, in tank vehicles, from Humboldt, Iowa, to points in Aurora, Beadle, Bon Homme, Brookings, Charles Mix, Clark, Clay, Codington, Davison, Douglas, Hamlin, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Moody, Spink, Turner, Union, and Yankton Counties, S. Dak., for 180 days.* Supporting shipper: Farmland Industries, Inc., 3315 North Oak, Kansas City, Mo. 64111. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 117883 (Sub-No. 148 TA), filed June 16, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, 791 East Main Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Allen Township (Hillsdale County), Mich., to points in*

Maine, New Hampshire, Vermont, Illinois, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott Street, Detroit, Mich. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123392 (Sub-No. 25 TA), filed June 18, 1970. Applicant: JACK B. KELLEY, INC., 3801 Virginia Street, Amarillo, Tex. 79109. Applicant's representative: Jack B. Kelley (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Concrete products, prestressed, precast or reinforced, which by reason of size or other physical characteristics, require the use of special devices, facilities, and equipment for their loading, unloading, or transportation, from points in Potter and Randall Counties, Tex., to points in New Mexico on and east of U.S. Highway 85, points in Colorado on and east of U.S. Highway 85 from the Colorado-New Mexico State line to junction with U.S. Highway 50 and on and south of U.S. Highway 50 to the Colorado-Kansas State line, points in Kansas on and south of U.S. Highway 50 from the Kansas-Colorado State line to junction U.S. Highway 81 and on and west of U.S. Highway 81 to the Kansas-Oklahoma State line, and points in Oklahoma on and west of U.S. Highway 81, for 180 days. Supporting shipper: Dallas Bishop, trucking foreman, Crowe-Gulde Cement Co., Post Office Box 9026, Amarillo, Tex. 79107. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.*

No. MC 124078 (Sub-No. 442), filed June 22, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Natural latex, in bulk, from Savannah, Ga., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016 (Reginald Slavin, General Manager of Transportation and Distribution). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.*

No. MC 124796 (Sub-No. 61 TA), filed June 17, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP.,

15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned or packaged food stuffs, from Sparks, Nev., to points in California, Oregon, and Washington;* (2) *returned, refused, or rejected shipments of canned or packaged food stuffs, toilet preparation, toilet articles, germicides; buffing, polishing, cleaning, scouring, and washing compounds; solvents, starch, sponges, sweetening compounds, drugs and janitorial supplies, from points in California, Oregon, and Washington, to Sparks, Nev.;* (3) *empty aerosol cans and corrugated cartons, knocked down, from points in California to points in Sparks, Nev.;* (4) *buffing and polishing compounds, cleaning, scouring and washing compounds, solvents, starch and sponges and janitorial supplies, from Glendale, Calif., to Sparks, Nev. All restricted against commodities in bulk, and restricted to traffic originating or terminating at the plantsite or warehouse facilities of Alberto-Culver Co., at Sparks, Nev., for 180 days. Supporting shipper: Alberto-Culver Co., 2525 Armitage Avenue, Melrose Park, Ill. 60160. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.*

No. MC 125624 (Sub-No. 12 TA) (Correction), filed June 5, 1970, published in the FEDERAL REGISTER issue of June 20, 1970, under No. MC 12564 (Sub-No. 12 TA), and republished in part, as corrected, this issue. Applicant: EVERGREEN FREIGHT LINES, INC., East 5205 Union, Spokane, Wash. 99206. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned as No. MC 125624 (Sub-No. 12 TA). The rest of the application remains as previously published.

No. MC 127299 (Sub-No. 1 TA), filed June 23, 1970. Applicant: PENNY EXPRESS, INC., 718 West Birchtree Lane, Claymont, Del. 19703. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: 1. *Such commodities, as are dealt in by retail department stores between the site of the warehouse of J. C. Penney Co., Inc., in Deptford Township, Gloucester County, N.J., on the one hand, and, on the other, Baltimore, Md., points in Delaware, Harford, and Cecil Counties, Md.; Montgomery, Philadelphia, Delaware, Bucks, Lancaster, Chester, Dauphin, Berks, Northampton, and Lehigh Counties, Pa., and Bergen, Camden, Burlington, Gloucester, Salem, Sussex, Middlesex, Union, Atlantic, Ocean and Mercer Counties, N.J.; the New York, N.Y., commercial zone, as defined by the Commission; and Nassau and Suffolk Counties, N.Y.;* Restriction: The operations authorized herein are limited to a trans-

portation service to be performed under a continuing contract or contracts with the J. C. Penney Co., Inc.; 2. *Household appliances, cabinets and heating and air conditioning equipment, from Philadelphia, Pa., to Wilmington, Del., and returned items on return. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with S. S. Fretz, Jr., Inc., for 180 days. Supporting shippers: J. C. Penney Co., Inc., 3236 Robert Kirkwood Highway, Wilmington, Del. 19808, Charles C. Ryan; S. S. Fretz, Jr., Inc., 870 North 28th Street, Philadelphia, Pa. 19130, George J. Vennell, Vice President, Sales. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.*

No. MC 129219 (Sub-No. 3 TA) (Correction), filed May 22, 1970, published in the FEDERAL REGISTER issue of June 5, 1970, and republished as corrected, this issue. Applicant: CMD TRANSPORTATION, INC., 3750 Southeast Belmont Street, Portland, Ore. 97214. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, Ore. 97213. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Electric storage batteries and allied components, between Los Angeles and San Jose, Calif., on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington;* and (2) *scrap and junk electric storage batteries, from points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Los Angeles, Calif., Portland, Ore., and Salt Lake City, Utah, all under a continuing contract with E. S. B., Inc., for 180 days. Supporting shipper: ESB, Inc., 2000 East Ohio Building, Post Office Box 6266, Cleveland, Ohio 44101. Send protests to: District Supervisor W. J. Huettig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.*

No. MC 129631 (Sub-No. 13 TA), filed June 22, 1970. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, Utah 84117. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, between points in Bannock County, Idaho, on the one hand, and, on the other, points in Idaho, for 180 days. NOTE: Applicant indicates it will tack the authority here applied for to its presently held authority—tacking at Bannock County, Idaho. Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah. 84111.*

No. MC 133709 (Sub-No. 2 TA) (Correction), filed June 11, 1970, published in the FEDERAL REGISTER issue of June 20, 1970, and republished in part, as corrected, this issue. Applicant: HIA-WATHA PRODUCE COMPANY, 3850 Fourth Street, Winona, Minn. 55987. Applicant's representative: Francis Ciscuski (same address as above). NOTE: The sole purpose of this partial republication is to include Portland, Maine, as a point in the destination territory, which point was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 133788 (Sub-No. 1 TA), filed June 17, 1970. Applicant: E Z MESSENGER SERVICE, INC., 98-17 Horace Harding Expressway, Rego Park, N.Y. 11368. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile accessories and parts*, between Mahwah, N.J., on the one hand, and, on the other, New York, N.Y., and Bergen, Essex, and Hudson Counties, N.J. Restriction: Transportation restricted to services performed under contract with the Ford Motor Co., for 150 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: Anthony Chuisano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134017 (Sub-No. 1 TA), filed June 17, 1970. Applicant: R. M. HENDERSON AND MARVIN J. MCABEE, doing business as H & M MOTOR LINES, 520 Highlawn Avenue, Greenville, S.C. 29611. Applicant's representative: R. M. Henderson, 201 Balfer Drive, Greenville, S.C. 29607. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and articles including but not limited to polyethylene bags, liners, sheeting, and tubing, burlap products and articles, and paper products*, from Newark, N.J., to Mobile, Montgomery, Birmingham, Tuscaloosa, Anniston, Decatur, Huntsville, Gadsden, Demopolis, and Wetumpka, Ala.; to Little Rock, Helena, Magnolia, Benton, Springdale, Russellville, West Memphis, Hot Springs, Camden, Stuttgart Eldorado, and Fayetteville, Ark.; to Denver, Pueblo, Boulder, Vail, Greeley, Colorado Springs, La Junta, Grand Junction, and Durango, Colo.; to Phoenix, Tucson, South Tucson, Scottsdale, Tempe, Yuma, Mesa, and Nogales, Ariz.; to Pico Rivera, Sacramento, San Diego, San Francisco, Los Angeles, Bakersfield, Colfax, Pasadena, Novato, and San Jose, Calif.; to Hartford Norwalk, Shelton, New London, New Haven, Danbury, Gales Ferry, Canaan, Waterbury, Norwich, Willimantic, Glasgow, and Groton, Conn.; to Dover, Lewes, Milton, Milford, Wilmington, Seaford, Smyrna and Bridgeville, Del.; to Augusta, Trion, Atlanta, Deluth, Sylvester, Thomaston, Dalton, Savannah, Dublin, Gainesville, and Sea Island, Ga.; to Anderson, South Bend, La Porte, Muncie, Ligonier, Hammond, Dunkirk, New Albany, Indianapolis, and Lafayette, Ind.; to To-

peka, Wichita, Great Bend, Dodge City, Emporia, Ft. Leavenworth, Independence, Garden City, and Hickok, Kans.; to Tampa, Key West, Orlando, Miami, Jacksonville, Daytona Beach, Fort Pierce, Panama City, Pensacola, Naples, and De Land, Fla.; to Plainfield, Chicago, Springfield, Lake Zurich, Peoria, Waukegan, Erie, Morris, Streator, Mendota, and Utica Ill.;

To Des Moines, Dubuque, Mason City, Storm Lake, Postville, Harlan, Hartley, and Sioux City, Iowa; to Covington, Frankfort, Paducah, Calvert City, Bowling Green, Pikeville, Columbia, Madisonville, Marion, and Louisville, Ky.; to Houma, Harvey, Baton Rouge, New Orleans, De Ridder, Taft, Bossier City, Oakdale, St. Francisville, Norco, and Berwick, La.; to Trappe, Odenton, Beaver Heights, Baltimore, Cumberland, Oakland, Salisbury, Hagerstown, and Chestertown, Md.; to Traverse City, Saginaw, Detroit, Bay City, Ludington, Midland, Escanaba, Dearborn, Zeeland, and Holland, Mich.; to Macon, Milan, St. Louis, Springfield, Moberly, Joplin, Jefferson City, Cape Girardeau, St. Joseph, and Columbia, Mo.; to Presque Isle, Rockland, Lewiston, Portland, Bangor, Sanford, North Monmouth, and Biddeford, Maine; to Boston, Hudson, Fall River, Pittsfield, Worcester, Leominster, Adams, Lawrence, and Woburn, Mass.; to Austin, St. Paul, Albert Lea, St. Cloud, Bloomington, Mankate, Worthington, Cloquet, Hibbing, and Duluth, Minn.; Grenada, Jackson, Gulfport, Hattiesburg, Laurel, Tupelo, and Greenville, Miss.; to Omaha, Scottsbluff, Lincoln, Beatrice, Norfolk, Lexington, Grand Island, Alliance, and North Platte, Nebr.; Burlington, Taboro, Raleigh, Charlotte, Old Fort, Newton, Wake Forest, Castle Hayne, Washington, and Wilkesboro, N.C.; to Santa Fe, Albuquerque, Gallup, Hobbs, Carlsbad, and Artesia, N. Mex.; to North Kingsville, Newark, Akron, Lumont, Cincinnati, Defiance, Ashtabula, Dayton, Wapakoneta, Youngstown, and Ironton, Ohio; to New York City, Long Island (several points), Buffalo, Amsterdam, Hauppauge, Albion, Niagara Falls, Canastota, Syracuse, Mt. Vernon, and Beacon, N.Y.; Fargo, Grand Forks, Williston, Minot, Bismarck, Jamestown, and Dickinson, N. Dak.; to Concord, Smersworth, Milford, Keene, Nashua, and Portsmouth, N.H.; Pryor, Guymon, Tulsa, Oklahoma City, Chickasha, and Fort Sill, Okla.;

To Portland, Salem, Springfield, Corvallis, Bend, Albany, and Klamath Falls, Oreg.; to Chester, Philadelphia, Erie, Reading, Doylestown, Chambersburg, Jeanette, Mountain Top, Washington, Wilkes-Barre, Woolrich, Lancaster, Seneca, and Warminster, Pa.; to Rapid City, Huron, Sioux Falls, Brookings, and Yankton, S. Dak.; to Big Spring, Houston, Orange, Fort Worth, Skellytown, Seagraves, Brownsville, Shreveport, Baytown, Amarillo, San Antonio, and Wichita Falls, Tex.; to Montpelier, Rutland, Burlington, Manchester, White River Junction, and Waterbury, Vt.; to Seattle, Tacoma, Olympia, Walla Walla, Spokane, and Bellingham, Wash.; to Woonsocket, Warwick, Providence, Paw-

tucket, and Newport, R.I.; to Lancaster, Greenwood, Buffalo, Lyman, Society Hill, Charleston, Lobeco, St. Stephen, Clearwater, and Mullins, S.C.; to Humboldt, Kingsport, Memphis, Nashville, Knoxville, Clarkesville, Morristown, Murfreesboro, Cleveland, Jackson, and Union City, Tenn.; to Salt Lake City, Nephi, Vernal, Murray, Brigham City, Kearns, and Logan, Utah; to Harrisonburg, Crozet, Frie, Norfolk, Petersburg, Temperanceville, Norwalk, Hopewell, Danville, Louisa, Exmore, Apple Grove, and Roanoke, Va., for 180 days. Supporting shipper: Packaging Products and Design Corp., 522 Ferry Street, Newark, N.J. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 134695 TA, filed June 16, 1970. Applicant: RDR OF GEORGIA, INC., 2701 South Bayshore Drive, Miami, Fla. 33133. Applicant's representative: Paul M. Pelletier (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen ice cream, ice cream novelties, sherberts, ice milk and ice cream cones*, from the plant and warehouse facilities of Swift Dairy & Poultry Co. in Bibb County, Ga., to points in Florida with advertising and display materials when incidental to the movement of above product. Transporting on return, *shipper-owned carts, dollies, pallets, and returned damaged or refused products* having moved southbound in the contract carrier service from Florida to Bibb County, Ga., and *ingredients* used in the manufacture of ice cream products, from suppliers of Swift Dairy & Poultry Co. located at points in Florida, to the plantsite of Swift Dairy & Poultry Co. in Macon, Ga., with no compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Swift Dairy & Poultry Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 134713 TA, filed June 22, 1970. Applicant: WILLIAM S. SMITH AND THOMAS A. ALBER, doing business as T.A.S., Secaucus, N.J. 07094. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed*, in bulk, in shipper's trailers, from the plantsite to Rozansky Feed Co., Secaucus, N.J., to New Haven, Conn., Berlin, Easton, Princess Anne, and Salisbury, Md., Brookhaven, Kiamesha Lake, Riverhead, and Woodridge, N.Y., Philadelphia, Pa., and Harrisonburg, Va.; and (2) *bakery waste*, in bulk, in shipper's trailers, from Horseheads, N.Y., and Philadelphia, Pa., to the plantsite of Rozansky Feed Co., Secaucus, N.J.; for 150 days. Supporting shipper: Rozansky Feed Co. 286 Secaucus Road, Secaucus, N.J. 07094. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate

Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134718 TA, filed June 23, 1970. Applicant: EDWARD P. HOWELL, INC., Rural Delivery No. 1, Box 381-A, Elkton, Md. 21921. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of pyrotechnics* (except classes A and B explosives and commodities in bulk), from the plantsite of Ordnance Products, Inc., in Cecil County, Md., to the plantsite of Martin Electronics, Inc., in Taylor County, Fla. *Empty containers*, from the plantsite of Ordnance Products, Inc., in Cecil County, Md., to Danbury, Conn.; *Empty shipper-owned trailers*, from the plantsite of Ordnance Products, Inc., in Cecil County, Md., to Hanover, Pa., and Danbury, Conn.; *Dye*, from Danbury, Conn., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Springs and pull rings*, from Bristol Conn., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Dies* from Plainville, Conn., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Hinge pins*, from South Hackensack, N.J., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Chemicals*, in containers, from South Plainfield, N.J., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Dismantled wooden boxes*, from Manchester and Concord, N.H., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Materials and supplies used in the manufacture of grenades* (except classes A and B explosives and commodities in bulk), from Philadelphia, Pa., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Zinc*, from Wilmington, Del., to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Lumber*, from points in Maine to the plantsite of Ordnance Products, Inc., in Cecil County, Md.; *Materials and supplies used in the manufacture of pyrotechnics* (except classes A and B explosives and commodities in bulk), and loaded fuse bodies and components thereof, from the plantsite of Martin Electronics, Inc., in Taylor County, Fla., to the plantsite of Ordnance Products, Inc., in Cecil County, Md. Restriction: Operations under the above authority are restricted to movements under a continuing contract or contracts with Ordnance Products, Inc., and Martin Electronics, Inc., for 180 days. Supporting shipper: Ordnance Products, Inc., North East, Md. 21901, Edward Bartels, authorized representative. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-8512; Filed, July 2, 1970;
8:48 a.m.]

[Notice 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 30, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13569 (Sub-No. 24 TA), filed June 22, 1970. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: David Millner, 744 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plant and mill sites of the Jones & Laughlin Steel Corp. at Pittsburgh and Aliquippa, Pa., to points in Illinois, Indiana, and the Lower Peninsula of Michigan. From points in Illinois, Indiana, and the Lower Peninsula of Michigan to Cleveland and Youngstown, Ohio, and Pittsburgh, and Aliquippa, Pa., for 120 days. Note: Applicant intends to tack with its existing authority if permitted: Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 30837 (Sub-No. 399 TA), filed June 24, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from Denver, Colo., to points in the United States (except Hawaii), for 180 days. Supporting shipper: Chaparral Industries, Inc., 5995 North Washington Street, Denver, Colo. 80216 (William R. Spaur, Manager, Procurement and Traf-

fic). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 43144 (Sub-No. 8 TA), filed June 24, 1970. Applicant: GUILFORD TRUCKING, INC., 123 Brook Road, Quincy, Mass. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Smashed and unsmashed automobiles and parts thereof*, from Johnston, R.I., to Everett, Mass., for 150 days. Supporting shipper: D & R Auto Parts, Inc., 75 Railroad Avenue, Johnston, R.I. Send protests to: Harold G. Danner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2211B, John F. Kennedy Government Center Building, Boston, Mass. 02203.

No. MC 78288 (Sub-No. 28 TA), filed June 24, 1970. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Jones and Laughlin Steel Corp., at Pittsburgh and Aliquippa, Pa., to points in Indiana, Illinois, and the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Jones and Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 107295 (Sub-No. 396 TA), filed June 25, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*; from Warren, Ark., to points in Connecticut, Delaware, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Wilson Oak Flooring Co., Inc., Post Office Box 509, Warren, Ark. 71671. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107403 (Sub-No. 796 TA), filed June 24, 1970. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank type vehicles, from Caddo Parish, La., to points in Arkansas, Mississippi, and Texas, for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, Conn. 06904; W. R. La Follette, Distribution Supervisor. Send protests

to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 115523 (Sub-No. 163 TA), filed June 24, 1970. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Dolomite, Utah, to all points in Montana, for 180 days. Supporting shipper: S. Birch, Inc., Box 2167, Great Falls, Mont. 59401 (Robert B. McIntyre). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 117589 (Sub-No. 14 TA), filed June 25, 1970. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 2535 Airport Way S., Seattle, Wash. 98134. Applicant's representative: George R. La-Bissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings*, from Boise, Idaho to Spokane, Yakima, Tacoma, Seattle, and Bellingham, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Idaho's Best Foods, Inc., Post Office Box 7503, 2903 Idaho Street, Boise, Idaho 83707. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 118178 (Sub-No. 3 TA), filed June 24, 1970. Applicant: BILL MEEKER, 1733 North Washington, Box 11184, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts*, from Wellington, Kans., to Dallas and Fort Worth, Tex., and points in their commercial zones, for 120 days. Supporting shipper: Welco Aerospace Corp., 1515 North Highway 81, Wellington, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, 221 South Broadway, Wichita, Kans. 67202.

No. MC 124083 (Sub-No. 42 TA), filed June 24, 1970. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite*, in bulk, in dump vehicles, from Gibsonburg, Ohio to Lapel, Ind., for 180 days. Supporting shipper: Brockway Glass Co., Inc., Fortville, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124333 (Sub-No. 13 TA), filed June 24, 1970. Applicant: BAKER PE-

TROLEUM TRANSPORTATION CO. INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, for account of Dover Equipment and Machine Co., Inc., from plant-site of Paragon Oil Co., Claymont, Del., to Bishop, Md., for 180 days. Supporting shipper: Dover Equipment & Machine Co., Inc., New Castle, Del. 19720 (Robert S. Appleby, Vice President). Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md.

No. MC 124796 (Sub-No. 62 TA), filed June 18, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet tacking rims or strips and tools, materials, supplies and equipment utilized in the installation and maintenance of floor covering, carpet and carpet tacking rims or strips, adhesives, and sealants; doors and door frames, and hardware therefor*, from City of Industry, Calif., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; (2) *Returned, refused, or rejected shipments of the commodities specified in (1) above from the destination States specified in (1) above to City of Industry, Calif.;* (3) *Materials, supplies, and equipment utilized in the manufacture, sale, and distribution of the commodities specified in (1) above and materials, supplies, and equipment utilized in the installation and maintenance of floor covering, carpet and carpet tacking rims, or strips*, from the destination States specified in (1) above to City of Industry, Calif.; (4) *Wooden doors*, from Orange, Calif., to points in the destination States specified in (1) above; (5) *Returned, refused, or rejected shipments of wooden doors*, from the destination States specified in (1) above to Orange, Calif., for 150 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, Calif. 91747. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124796 (Sub-No. 63 TA), filed June 18, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Materials, supplies, and equipment utilized in the installation and maintenance of floor covering, carpet and carpet tacking rims, or strips; door frames and hardware therefor; and sealants*, from City of Industry, Calif., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wisconsin; (2) *Returned, refused, or rejected shipments of carpet tacking rims or strips, adhesive cement, iron or steel doors, and hardware therefor, mechanic hand tools, wooden doors, floor mats and runners, advertising materials and racks or stands therefor*, and the commodities described in (1) above from the destination States in (1) above to City of Industry, Calif.; (3) *Materials, supplies, and equipment utilized in the manufacture, sale, and distribution of carpet tacking rims or strips, doors and door frames, adhesives, and sealants, and materials, supplies, and equipment utilized in the installation and maintenance of floor covering, carpet and carpet tacking rims, or strips*, from points in the destination States specified in (1) above to City of Industry, Calif.; (4) *Wooden doors*, from Orange, Calif., to the destination States specified in (1) above; (5) *Returned, refused, or rejected shipments of wooden doors*, from the destination States specified in (1) above to Orange, Calif. All restricted against commodities in bulk or those which by reason of size or weight required special equipment. Limited to transportation service under continuing contract with Roberts Consolidated Industries, Inc., for 150 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, Calif. 91747. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126514 (Sub-No. 24 TA), filed June 25, 1970. Applicants: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicants' representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes and paper*, from Westfield, Mass., to Livermore, Sebastopol, Pasadena, San Jose; Los Angeles commercial zone and San Francisco commercial zone, Calif., for 180 days. Supporting shipper: Old Colony Envelope Co., Westfield, Mass. 01085. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129350 (Sub-No. 9 TA), filed June 24, 1970. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Hennepin, Ill., to Arvada, Aurora, Commerce City, Englewood, Lakewood, Littleton, and Wheatridge, Colo., for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134614 (Sub-No. 1 TA), filed June 24, 1970. Applicant: SELLAND AUTO TRANSPORT, 6715 Corson Avenue South, Seattle, Wash. 98108. Applicant's representative: Clyde MacIver, 3712 Seattle First National Bank Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles and light-duty trucks*, between Seattle, Wash., and points in Washington, and Oregon, for 150 days. Supporting shippers: Mazda Motors of America, Inc., 120 Andover Park East, Seattle, Wash. 98188; Bob McConkey's South Seattle Auto Auction, 10844 East Marginal Way South, Seattle, Wash. 98168. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134721 TA, filed June 24, 1970. Applicant: GEORGE M. DZIAK, doing business as DZIAK PRODUCE CO., West 1201 Ide Avenue, Spokane, Wash. 99201. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, in mixed loads with exempt commodities*, from points in Los Angeles County, Calif., to the port of entry at the international boundary line between the United States and Canada near Patterson, Wash., for 180 days. Supporting shipper: F. W. Wholesale, Ltd., 156 Wellington Street, Trail, British Columbia, Canada. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8513; Filed, July 2, 1970;
8:48 a.m.]

[Notice 554]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72127. By order of June 10, 1970, the Motor Carrier Board approved the transfer to Delta Express, Inc., Natchitoches, La., of the operating rights in certificate No. MC-133168 and permit No. MC-117969 (Sub-No. 3) issued December 6, 1968, and March 20, 1964, respectively to Stanley J. Smith, doing business as S. J. Smith Trucking Service, Joyce, La., authorizing the transportation of lumber and veneer lumber stock from Joyce, La., to points in Mississippi and a described area of Texas, and treated poles and piling from Winfield, La., to a described area of Texas. John Schwab, Post Office Box 3036, Baton Rouge, La. 70821, attorney for applicants.

No. MC-FC-72215. By order of June 25, 1970, the Motor Carrier Board approved the transfer to Al's Towing Service, Inc., Covington, Ky., of Certificate No. MC 123724, issued March 2, 1962, to Russell T. Smith, doing business as Sycamore Sales and Service, Mason, Ohio, authorizing the transportation of: Disabled motor vehicles, in wrecker service, replacement vehicles for disabled motor vehicles, incidental to the performance of wrecker service, disabled buses, in wrecker service, and disabled aircraft, from and to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, North Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and points in Hamilton and Clermont Counties, Ohio; and from and to points in Ohio, and the above named States to Cleveland, and Cincinnati, Ohio, Louisville, Ky., Detroit, Mich., and Chicago, Ill. David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202, attorney for applicants.

No. MC-FC-72217. By order of June 25, 1970, the Motor Carrier Board ap-

proved the transfer to King B. Rowland Trucking, Inc., New London, Ohio, of the operating rights in Permit Nos. MC 126910 and MC 126910 (Sub-No. 2), issued August 24, 1965 and April 28, 1970, respectively, to King B. Rowland, New London, Ohio, authorizing the transportation of clay and concrete products, drainage materials, pipe liners, and coupling from New London, and Findlay, Ohio to points in New York and Pennsylvania and between New London and Findlay, Ohio, on the one hand, and, on the other, Corunna, Mich.; and tile and drainage materials, fittings, connection lines and filters between New London, Ohio and Corunna, Mich., on the one hand, and, on the other, points in Michigan and Ohio. Paul F. Beery, Beery, Patterson & Pemberton, 88 East Broad Street, Columbus, Ohio 43215.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8515; Filed, July 2, 1970;
8:48 a.m.]

[Notice No. 554A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1970.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72251. By application filed June 26, 1970, EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801, seeks temporary authority to lease the operating rights of WARREN C. SHEPARD and RAYMOND CLAIRMONT, doing business as C & S DISTRIBUTORS, 320 West Central Avenue, Missoula, Mont. 59801, under section 210a(b). The transfer to EUGENE TRIPP, of the operating rights of WARREN C. SHEPARD and RAYMOND CLAIRMONT, doing business as C & S DISTRIBUTORS, is presently pending.

No. MC-FC-72252. By application filed June 26, 1970, INDUSTRIAL CARTAGE, INC., 9120 San Fernando Road, Sun Valley, Calif., seeks temporary authority to lease the operating rights of IRISH TRUCK LINES, INC., 1736 Chapin Road, Montebello, Calif. 90640, under section 210a(b). The transfer to INDUSTRIAL CARTAGE, INC., of the operating rights of IRISH TRUCK LINES, INC., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8514; Filed, July 2, 1970;
8:48 a.m.]

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