

FEDERAL REGISTER

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Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Reserve System
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Food and Drug Administration
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Interior Department
Interstate Commerce Commission
Land Management Bureau
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Treasury Department
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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

St. Vincent National Wildlife Refuge, Fla.

On page 12099 of the FEDERAL REGISTER of July 25, 1969, there was published a notice of a proposed amendment to 50 CFR 32.21. The purpose of this amendment is to provide public hunting of upland game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

FLORIDA

St. Vincent National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69-10117; Filed, Aug. 25, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Recovery by Reserve Banks of Certain Litigation Expenses

1. Effective October 1, 1969, § 210.5 is amended by adding a paragraph (c) as follows:

§ 210.5 Sender's agreement.

(c) Whenever any action or proceeding is brought in any court against a Federal Reserve Bank which has collected an item, based upon the alleged failure of the sender of such item to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, or upon any action taken by such Federal Reserve Bank within the scope of its authority for the purpose of collecting such item, or upon any warranty or agreement with respect thereto made by such Federal Reserve Bank consistently with paragraph (b) of § 210.6, such Federal Reserve Bank may, upon the entry of a final judgment or decree in such action or proceeding, recover from the sender in the manner provided herein the amount of attorney's fees and other expenses of litigation actually incurred, and, in addition, any amount required to be paid by such Federal Reserve Bank under such judgment or decree, together with interest thereon. Such recovery may be effected by charging the amount thereof to any account of the sender maintained on the books of such Federal Reserve Bank (or if the sender is another Federal Reserve Bank, by entering a charge therefor against such other Federal Reserve Bank through the Interdistrict Settlement Fund), provided only (1) that such Federal Reserve Bank shall have made reasonable demand on the sender in writing to assume the defense of the action or proceeding, and (2) that the sender shall not have made any other provision acceptable to such Federal Reserve Bank for the payment of such amount. A Federal Reserve Bank against which any such charge has been entered through the Interdistrict Settlement Fund may recover from its sender, in any case herein provided, as if the action or proceeding against the Federal Reserve Bank which entered the charge had been brought against it. The failure of any Federal Reserve Bank to avail itself of the remedy provided by this paragraph shall not prejudice the enforcement by it in any other manner of the indemnity agreement referred to in paragraph (b) of this section.

2a. The purpose of the amendment is to provide a procedure under which a Federal Reserve Bank that is sued in connection with a cash item collected by it may recover from the sending bank expenses of such litigation and the amount of any adverse judgment by charging the account of the sending bank if the Reserve Bank has tendered defense of the suit to the sending bank and such tender has not been accepted.

b. On April 22, 1969, notice of proposed rule making regarding a sender's agreement (§ 210.5) and return of cash items (§ 210.12) was published in the FEDERAL REGISTER (34 F.R. 6739). After consideration of all relevant material, including communications from interested persons, the Board of Governors has adopted § 210.5(c), as set forth above, and has

deferred action on the proposed amendments to § 210.5(a) and to § 210.12.

Adopted: August 15, 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10125; Filed, Aug. 25, 1969; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1970 crop year. The crops on which insurance is offered are shown opposite the name of the county.

| State and County | Crop(s) |
|------------------|---|
| North Dakota: | |
| Barnes..... | Barley, Flax, Oats, Rye, Wheat. |
| Grand Forks..... | Barley, Corn, Flax, Oats, Wheat. |
| Pierce..... | Barley, Flax, Oats, Rye, Wheat. |
| Ransom..... | Barley, Corn, Flax, Oats, Wheat. |
| Richland..... | Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat. |
| Sargent..... | Barley, Corn, Flax, Oats, Wheat. |
| Steele..... | Barley, Flax, Oats, Wheat. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10173; Filed, Aug. 25, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1970 crop year.

| ALABAMA | |
|----------|-----------|
| Do Kalb, | Marshall. |
| Jackson. | |

MINNESOTA—Continued

Redwood.
Renville.
Rice.
Rock.

Scott.
Sibley.
Stearns.

Steele.
Stevens.

Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watonswan.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Let

NORTH CAROLINA

NORTH DAKOTA

Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Butler.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Payette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Charles Mix.
Clark.
Clay.
Codrington.
Davison.
Day.
Deul.
Douglas.
Grant.
Hamlin.

TENNESSEE

Franklin.

VIRGINIA

Nansemond.

WISCONSIN

Barron.
Buffalo.
Calumet.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.

WYOMING

Goshen.
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 69-10174; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR
COTTON CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regula-
tions, as amended, the following counties
have been designated for cotton crop in-
surance for the 1970 crop year.

ALABAMA

Barbour.
Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Conecuh.
Covington.
Crenshaw.
Cullman.
Dale.
Dallas.
De Kalb.
Escambia.
Etowah.
Geneva.

ARIZONA

Maricopa.
Pinal.

ARKANSAS

Arkansas.
Ashley.
Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Jefferson.
Lawrence.

CALIFORNIA

Fresno.
Imperial.
Kern.
Kings.

FLORIDA

Jackson.
Baker.
Ben Hill.
Brooks.
Bulloch.
Calhoun.
Candler.
Clay.
Coffee.
Colquitt.
Cook.
Crisp.
Decatur.
Dooly.
Early.

KENTUCKY

Fulton.

LOUISIANA

Acadia.
Avoyelles.
Bossier.
Caddo.
Caldwell.
Catahoula.
Concordia.
East Carroll.
Evangeline.
Franklin.

Hale.
Henry.
Houston.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Shelby.
Talladega.
Tuscaloosa.

Yuma.

Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Prairie.
Randolph.
Saint Francis.
Woodruff.

Madera.
Merced.
Riverside.
Tulare.

Irwin.
Lee.
Miller.
Mitchell.
Randolph.
Sumter.
Tattall.
Terrell.
Thomas.
Tift.
Toombs.
Turner.
Worth.

Madison.
Morehouse.
Natchitoches.
Pointe Coupee.
Rapides.
Red River.
Richland.
Saint Landry.
Tensas.
West Carroll.

MISSISSIPPI

Alcorn.
Benton.
Bolivar.
Calhoun.
Carroll.
Chickasaw.
Coahoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Issaquena.
Jefferson Davis.
Lee.
Leflore.

MISSOURI

Butler.
Dunklin.
Mississippi.
New Madrid.

NEW MEXICO

Chaves.
Dona Ana.

NORTH CAROLINA

Anson.
Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hertford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.

OKLAHOMA

Beckham.
Caddo.
Grady.
Harmon.

SOUTH CAROLINA

Alken.
Allendale.
Anderson.
Bamberg.
Barnwell.
Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Dorchester.
Edgefield.
Florence.

TENNESSEE

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Haywood.
Henderson.

TEXAS

Austin.
Bailey.
Bell.
Bosque.
Brazos.
Briscoe.

Burleson.
Calhoun.
Castro.
Cochran.
Collin.
Crosby.

TEXAS—Continued

| | |
|-------------|---------------|
| Culberson. | Lubbock. |
| Dawson. | Lynn. |
| Deaf Smith. | Matagorda. |
| Denton. | McLennan. |
| Ellis. | Milam. |
| El Paso. | Navarro. |
| Falls. | Nueces. |
| Fannin. | Parmer. |
| Floyd. | Pecos. |
| Fort Bend. | Presidio. |
| Garza. | Reeves. |
| Grayson. | Refugio. |
| Hale. | Robertson. |
| Haskell. | San Patricio. |
| Hill. | Swisher. |
| Hockley. | Terry. |
| Hudspeth. | Travis. |
| Hunt. | Victoria. |
| Knox. | Wharton. |
| Lamar. | Wilbarger. |
| Lamb. | Williamson. |
| Limestone. | |

VIRGINIA

| | |
|--------------|--------------|
| Greensville. | Southampton. |
|--------------|--------------|

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10175; Filed, Aug. 25, 1969;
8:49 a.m.]

[Amdt. 28]

PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop Years

COTTON

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1970 crop year in the following respects:

Subsection 5(f) of the cotton endorsement shown in § 401.136 is amended to read as follows:

(f) Notwithstanding any provisions of this section for determining the production to be counted, in any case where the quality of any production of cotton is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the Commodity Credit Corporation (CCC) loan rate for the crop year announced for warehouses in the applicable county for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of the damaged production, as determined by the Corporation, by 75 percent of the CCC warehouse loan rate per pound for the crop year announced for warehouses in the applicable county for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose: *Provided, however, That in counties where more than one warehouse loan rate has been announced or in counties where a warehouse loan rate has not been announced for any crop year, the price which shall be used in lieu thereof for that crop year shall be that established by the Corporation and*

placed on file in the office for the county: *Provided, further, That if a cotton loan program is not in effect for any crop year the market price at the local market at the time the loss is adjusted shall be used in lieu of the CCC loan rate announced for warehouses in the applicable county in both references above.*

(Secs. 506, 516, 52 Stat. 73, as amended 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on
August 12, 1969.

[SEAL] NELSON V. LITTLE,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 21, 1969.

CLARENCE D. PALMSBY,
Acting Secretary.

[F.R. Doc. 69-10166; Filed, Aug. 25, 1969;
8:48 a.m.]

PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop YearsAPPENDIX: COUNTIES DESIGNATED FOR DRY
BEAN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1970 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

| State and County | Class(es) of dry beans insured |
|------------------|--|
| Colorado: | |
| Boulder..... | Pinto. |
| Larimer..... | Pinto. |
| Logan..... | Pinto. |
| Morgan..... | Pinto. |
| Sedgwick..... | Pinto. |
| Washington..... | Pinto. |
| Weld..... | Pinto. |
| Idaho: | |
| Ada..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Canyon..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Cassia..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Gooding..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Jerome..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Lincoln..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Minidoka..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Owyhee..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |
| Twin Falls..... | Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹ |

¹ Insurance is also provided on bush varieties of garden seed beans.

| State and County | Class(es) of dry beans insured |
|-------------------|--|
| Michigan: | |
| Bay..... | Pea and Medium White. |
| Gratiot..... | Pea and Medium White. |
| Huron..... | Pea and Medium White. |
| Saginaw..... | Pea and Medium White. |
| St. Clair..... | Pea and Medium White. |
| Sanilac..... | Pea and Medium White. |
| Shiawassee..... | Pea and Medium White. |
| Tuscola..... | Pea and Medium White. |
| Nebraska: | |
| Box Butte..... | Great Northern, Pinto. |
| Morrill..... | Great Northern, Pinto. |
| Scotts Bluff..... | Great Northern, Pinto. |
| Sheridan..... | Great Northern, Pinto. |
| Washington: | |
| Adams..... | Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds. |
| Franklin..... | Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds. |
| Grant..... | Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds. |
| Wyoming: | |
| Big Horn..... | Great Northern, Pinto. |
| Goshen..... | Great Northern, Pinto. |
| Park..... | Great Northern, Pinto. |
| Platte..... | Great Northern, Pinto. |
| Washakie..... | Great Northern, Pinto. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10176; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop YearsAPPENDIX: COUNTIES DESIGNATED FOR
FLAX CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1970 crop year.

MINNESOTA

| | |
|----------------|------------------|
| Becker. | Otter Tail. |
| Big Stone. | Pennington. |
| Chippewa. | Pipestone. |
| Clay. | Polk. |
| Grant. | Pope. |
| Kittson. | Red Lake. |
| Lac Qui Parle. | Redwood. |
| Lincoln. | Roseau. |
| Lyon. | Stevens. |
| Mahnomen. | Swift. |
| Marshall. | Traverse. |
| Murray. | Wilkin. |
| Nobles. | Yellow Medicine. |
| Norman. | |

NORTH DAKOTA

| | |
|--------------|------------|
| Barnes. | La Moure. |
| Benson. | Logan. |
| Bottineau. | McHenry. |
| Burleigh. | McIntosh. |
| Cass. | McLean. |
| Cavalier. | Mountrail. |
| Dickey. | Nelson. |
| Eddy. | Pembina. |
| Emmons. | Pierce. |
| Foster. | Ramsey. |
| Grand Forks. | Ransom. |
| Griggs. | Renville. |
| Kidder. | Richland. |

NORTH DAKOTA—Continued

Rolette.
Sargent.
Sheridan.
Steele.
Stutsman.

Towner.
Traill.
Walsh.
Ward.
Wells.

SOUTH DAKOTA

Brookings.
Brown.
Campbell.
Clark.
Cordington.
Corson.
Day.
Deuel.
Edmunds.
Grant.

Hamlin.
Kingsbury.
Lake.
McPherson.
Marshall.
Miner.
Moody.
Roberts.
Waiworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
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Federal Crop Insurance Corporation.

[F.R. Doc. 69-10177; Filed, Aug. 25, 1969;
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PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR
GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regu-
lations, as amended, the following
counties have been designated for grain
sorghum crop insurance for the 1970
crop year.

ARIZONA

Maricopa.
Pinal.

COLORADO

Kit Carson.

KANSAS

Allen.
Anderson.
Atchinson.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Clay.
Cloud.
Coffey.
Cowley.
Crawford.
Dickinson.
Doniphan.
Douglas.
Elk.
Ellis.
Ellsworth.
Finney.
Franklin.
Geary.
Grant.
Greenwood.
Harvey.
Haskell.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Lafayette.
Lincoln.
Linn.
Lyon.
Marion.
Marshall.

McPherson.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Wabaunsee.
Washington.
Wichita.
Wilson.
Woodson.

Atchison.
Bates.

Adams.
Boone.
Butler.
Cass.
Clay.
Colfax.
Dodge.
Fillmore.
Franklin.
Gage.
Hall.
Hamilton.
Jefferson.
Johnson.
Kearney.
Lancaster.

Curry.

Alfalfa.
Blaine.
Caddo.
Canadian.
Craig.
Delaware.
Garfield.
Grady.
Grant.

Bon Homme.
Charles Mix.
Davison.
Douglas.

Bailey.
Bell.
Bosque.
Briscoe.
Calhoun.
Carson.
Castro.
Collin.
Crosby.
Dallam.
Deaf Smith.
Denton.
Ellis.
Falls.
Floyd.
Fort Bend.
Grayson.
Hale.
Hansford.
Hartley.
Hill.
Hunt.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
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Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT
CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regula-
tions, as amended, the following coun-
ties have been designated for oat crop
insurance for the 1970 crop year.

MISSOURI

Henry.
Vernon.

NEBRASKA

Madison.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Platte.
Polk.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
Webster.
York.

NEW MEXICO

Lea.

OKLAHOMA

Jackson.
Kay.
Kiowa.
Mayes.
Nowata.
Ottawa.
Texas.
Tulman.
Washita.

SOUTH DAKOTA

Hanson.
Hutchinson.
Sanborn.

TEXAS

Hutchinson.
Lamb.
Lubbock.
Matagorda.
McLennan.
Mllam.
Moore.
Navarro.
Nueces.
Ochiltree.
Oldham.
Farmer.
Randall.
Refugio.
San Patricio.
Sherman.
Swisher.
Travis.
Victoria.
Wharton.
Wilbarger.
Williamson.

Modoc.

Bureau.
Carroll.
Henry.

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cedar.
Cerro Gordo.
Cherokee.
Chickasaw.
Clarke.
Clay.
Clayton.
Clinton.
Crawford.
Dallas.
Decatur.
Delaware.
Des Moines.
Dickinson.
Dubuque.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Harrison.
Henry.
Howard.
Humboldt.
Ida.
Iowa.
Jackson.

Becker.
Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Kittson.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Mahnommen.
Marshall.
Martin.
Meeker.
Mower.
Murray.

CALIFORNIA

ILLINOIS

Jo Daviess.
Ogle.
Stephenson.

IOWA

Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marion.
Marshall.
Mills.
Mitchell.
Monona.
Monroe.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

MINNESOTA

Nicollet.
Nobles.
Norman.
Olmsted.
Otter Tail.
Pennington.
Pipestone.
Polk.
Pope.
Red Lake.
Redwood.
Renville.
Rice.
Rock.
Roseau.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

NORTH DAKOTA

Barnes.
Benson.
Burleigh.
Cass.
Cavaller.
Dickey.
Eddy.
Foster.
Grand Forks.
Griggs.
Kidder.
La Moure.
Logan.
Morton.

OREGON

Klamath.

PENNSYLVANIA

Chester.
Cumberland.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Brown.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Day.
Deuel.
Douglas.
Grant.
Hamlin.
Hanson.

WISCONSIN

Barron.
Buffalo.
Calumet.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.

WYOMING

Big Horn.
Park.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 69-10180; Filed, Aug. 25, 1969;
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PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop YearsAPPENDIX; COUNTIES DESIGNATED FOR PEA
(DRY) CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1970 crop year.

Nelson.
Pembina.
Pierce.
Ramsey.
Ransom.
Richland.
Sargent.
Stark.
Steele.
Stutman.
Towner.
Traill.
Walsh.

Benewah.
Kootenai.
Latah.

Umatilla.

Adams.
Columbia.
Franklin.
Grant.

(Secs. 506, 516, 52 Stat. as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 69-10182; Filed, Aug. 25, 1969;
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PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop YearsAPPENDIX; COUNTIES DESIGNATED FOR PEA
(CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1970 crop year.

IDAHO

Caribou.
Franklin.

MINNESOTA

Blue Earth.
Brown.
Dakota.
Dodge.
Faribault.
Freeborn.
Goodhue.
Kandiyohi.
Le Sueur.
McLeod.
Martin.
Meeke.
Mower.

OREGON

Umatilla.

UTAH

Box Elder.
Cache.
Davis.

WASHINGTON

Columbia.
Walla Walla.

WISCONSIN

Calumet.
Columbia.
Dane.
Dodge.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 69-10183; Filed, Aug. 25, 1969;
8:49 a.m.]

IDAHO

Lewis.
Nez Perce.

OREGON

Union.

WASHINGTON

Spokane.
Walla Walla.
Whitman.

PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop YearsAPPENDIX; COUNTIES DESIGNATED FOR
PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1970 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner.
Coffee—Runner.
Conecuh—Runner.
Covington—Runner.
Crenshaw—Runner.
Dale—Runner, Southeast Spanish, Virginia.
Geneva—Runner, Southeast Spanish, Virginia.
Henry—Runner, Southeast Spanish, Virginia.
Houston—Runner, Southeast Spanish, Virginia.
Pike—Runner.

FLORIDA

Jackson—Runner, Southeast Spanish, Virginia.

GEORGIA

Baker—Runner, Southeast Spanish, Virginia.
Ben Hill—Runner, Southeast Spanish, Virginia.
Bulloch—Runner, Southeast Spanish, Virginia.
Calhoun—Runner, Southeast Spanish, Virginia.
Clay—Runner, Southeast Spanish, Virginia.
Coffee—Runner, Southeast Spanish, Virginia.
Colquitt—Runner, Southeast Spanish, Virginia.
Cook—Runner, Southeast Spanish, Virginia.
Crisp—Runner, Southeast Spanish, Virginia.
Decatur—Runner, Southeast Spanish, Virginia.
Dooly—Runner, Southeast Spanish, Virginia.
Early—Runner, Southeast Spanish, Virginia.
Irwin—Runner, Southeast Spanish, Virginia.
Lee—Runner, Southeast Spanish, Virginia.
Miller—Runner, Southeast Spanish, Virginia.
Mitchell—Runner, Southeast Spanish, Virginia.
Randolph—Runner, Southeast Spanish, Virginia.
Sumter—Runner, Southeast Spanish, Virginia.
Terrell—Runner, Southeast Spanish, Virginia.
Thomas—Runner, Southeast Spanish, Virginia.
Tift—Runner, Southeast Spanish, Virginia.
Toombs—Runner, Southeast Spanish, Virginia.
Turner—Runner, Southeast Spanish, Virginia.
Worth—Runner, Southeast Spanish, Virginia.

NORTH CAROLINA

Bertie—Virginia.
Bladen—Virginia.
Chowan—Virginia.
Edgecombe—Virginia.
Gates—Virginia.
Halifax—Virginia.
Hertford—Virginia.
Martin—Virginia.
Northampton—Virginia.
Pitt—Virginia.
Washington—Virginia.

OKLAHOMA

Caddo—Southwest Spanish.
Grady—Southwest Spanish.

VIRGINIA

Dinwiddie—Virginia.
Greensville—Virginia.
Isle of Wight—Virginia.
Nansemond—Virginia.
Prince George—Virginia.
Southampton—Virginia.
Surry—Virginia.
Sussex—Virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
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Federal Crop Insurance Corporation.

[F.R. Doc. 69-10185; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR
POTATO CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regula-
tions, as amended, the following coun-
ties have been designated for potato
crop insurance for the 1970 crop year.

CALIFORNIA

Modoc.

IDAHO

Bannock. Jefferson.
Bingham. Minidoka.
Bonneville. Owyhee.
Canyon. Power.
Cassia. Twin Falls.

OREGON

Jefferson. Malheur.
Klamath.

WASHINGTON

Adams. Grant.
Franklin.

(Secs. 506, 516, 52 Stat. 73, as amended, 77,
as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10186; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR
RICE CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regula-
tions, as amended, the following counties
have been designated for rice crop insur-
ance for the 1970 crop year.

ARKANSAS

Arkansas. Jackson.
Ashley. Jefferson.
Chicot. Lonoke.
Clay. Monroe.
Craighead. Poinsett.
Crittenden. Prairie.
Cross. St. Francis.
Desha. Woodruff.
Greene.

LOUISIANA

Acadia. Jefferson Davis.
Calcasieu. St. Landry.
Evangeline.

MISSISSIPPI

Bolivar. Washington.
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as
amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop
Insurance Corporation.

[F.R. Doc. 69-10188; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 401—FEDERAL CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR
SOYBEAN CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regula-
tions, as amended, the following counties
have been designated for soybean crop
insurance for the 1970 crop year.

ALABAMA

Baldwin. Madison.
Escambia. Morgan.
Jackson. Shelby.
Lawrence. Talladega.
Limestone.

ARKANSAS

Arkansas. Lee.
Ashley. Lincoln.
Chicot. Lonoke.
Clay. Mississippi.
Craighead. Monroe.
Crittenden. Phillips.
Cross. Poinsett.
Desha. Prairie.
Greene. Randolph.
Jackson. St. Francis.
Jefferson. Woodruff.
Lawrence.

DELAWARE

Kent. Sussex.
New Castle.

ILLINOIS

Adams. De Witt.
Bond. Douglas.
Brown. Edgar.
Bureau. Effingham.
Cass. Fayette.
Champaign. Ford.
Christian. Fulton.
Clark. Greene.
Clinton. Grundy.
Coles. Hancock.
Crawford. Henderson.
Cumberland. Henry.
De Kalb. Iroquois.

ILLINOIS—Continued

Jasper. Morgan.
Jefferson. Moultrie.
Jersey. Ogle.
Kankakee. Peoria.
Kendall. Platt.
Knox. Pike.
La Salle. Putnam.
Lee. St. Clair.
Livingston. Sangamon.
Logan. Schuyler.
Macon. Scott.
Marshall. Shelby.
McDonough. Stark.
McLean. Tazewell.
Macoupin. Vermillion.
Madison. Warren.
Mason. Washington.
Menard. Wayne.
Mercer. Whiteside.
Monroe. Winnebago.
Montgomery. Woodford.

INDIANA

Adams. Kosciusko.
Allen. Lagrange.
Bartholomew. Madison.
Benton. Marion.
Blackford. Marshall.
Boone. Miami.
Carroll. Montgomery.
Cass. Morgan.
Clay. Newton.
Clinton. Noble.
Decatur. Parke.
De Kalb. Pulaski.
Delaware. Putnam.
Elkhart. Randolph.
Fayette. Ripley.
Fountain. Rush.
Pulton. Shelby.
Gibson. Sullivan.
Grant. Tippecanoe.
Hamilton. Tipton.
Hancock. Union.
Hendricks. Vermillion.
Henry. Vigo.
Howard. Wabash.
Huntington. Warren.
Jackson. Wayne.
Jasper. Wells.
Jay. White.
Johnson. Whitley.
Knox.

IOWA

Adair. Des Moines.
Adams. Dickinson.
Allamakee. Dubuque.
Audubon. Emmet.
Benton. Fayette.
Black Hawk. Floyd.
Boone. Franklin.
Bremer. Fremont.
Buchanan. Greene.
Buena Vista. Grundy.
Butler. Guthrie.
Calhoun. Hamilton.
Carroll. Hancock.
Cass. Hardin.
Cedar. Harrison.
Cerro Gordo. Henry.
Cherokee. Howard.
Chickasaw. Humboldt.
Clarke. Ida.
Clay. Iowa.
Clayton. Jackson.
Clinton. Jasper.
Crawford. Jefferson.
Dallas. Johnson.
Decatur. Jones.
Delaware. Keokuk.

RULES AND REGULATIONS

IOWA—Continued

Kossuth.
Lee.
Linn.
Louisa.
Lyon.
Madison.
Mahaska.
Marion.
Marshall.
Mills.
Mitchell.
Monona.
Monroe.
Montgomery.
Muscatine.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.

KANSAS

Allen.
Anderson.
Atchison.
Bourbon.
Brown.
Cherokee.
Coffey.
Crawford.
Doniphan.
Douglas.

KENTUCKY

Calloway.
Davies.
Fulton.
Graves.
Henderson.

LOUISIANA

Acadia.
Avoyelles.
Boazier.
Caddo.
Calcasieu.
Caldwell.
Catahoula.
Concordia.
East Carroll.
Evangeline.
Franklin.

MARYLAND

Caroline.
Kent.

MICHIGAN

Branch.
Cass.
Clinton.
Gratiot.
Hillsdale.
Lenawee.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac qui Parle.
Le Sueur.
Lincoln.
Lyon.

Polk.
Pottawattamie.
Poweshiek.
Sac.
Scott.
Shelby.
Sioux.
Story.
Tama.
Taylor.
Union.
Wapello.
Warren.
Washington.
Webster.
Winnebago.
Winnebush.
Woodbury.
Worth.
Wright.

MINNESOTA—Continued

Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.

Benton.
Bollivar.
Calhoun.
Carroll.
Chickasaw.
Coahoma.
De Soto.
Holmes.
Humphreys.
Issaquena.
Lee.
Leflore.

Adair.
Andrew.
Atchison.
Johnson.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Davies.
De Kalb.
Dunklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.

Cass.
Colfax.
Cuming.
Dodge.
Lancaster.
Nemaha.

Anson.
Beaufort.
Craven.
Hyde.
Johnston.
Jones.

Cass.
Richland.

Allen.
Ashland.
Auglaize.
Butler.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.

Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSISSIPPI

Monroe.
Pancola.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Worth.

NEBRASKA

Otoe.
Richardson.
Saunders.
Washington.
Wayne.

NORTH CAROLINA

Pamlico.
Pitt.
Robeson.
Union.
Washington.

NORTH DAKOTA

Trall.

OHIO

Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.

OHIO—Continued

Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.

Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Ottawa.

SOUTH CAROLINA

Craig.

Aiken.
Allendale.
Bamberg.
Barnwell.
Calhoun.
Clarendon.
Darlington.
Dillon.
Dorchester.
Florence.

Hampton.
Horry.
Kershaw.
Lee.
Lexington.
Marion.
Marlboro.
Orangeburg.
Sumter.
Williamburg.

SOUTH DAKOTA

Bon Homme.
Brookings.
Charles Mix.
Clay.
Deuel.
Grant.
Hamlin.
Hutchinson.
Kingsbury.

Lake.
Lincoln.
McCook.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Gibson.
Hardeman.
Haywood.

Lake.
Lauderdale.
Madison.
Obion.
Shelby.
Tipton.
Weakley.

VIRGINIA

Southampton.

WISCONSIN

Buffalo.
Dunn.
Jackson.
Jefferson.
Kenosha.
Pepin.
Pierce.

Polk.
Racine.
Rock.
St. Croix.
Trempealeau.
Walworth.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10189; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 401—FEDERAL CROP
INSURANCESubpart—Regulations for the 1969
and Succeeding Crop YearsAPPENDIX; COUNTIES DESIGNATED FOR
SUGAR BEET CROP INSURANCE

Pursuant to authority contained in
§ 401.101 of the above-identified regula-
tions, as amended, the following counties
have been designated for sugar beet crop
insurance for the 1970 crop year.

CALIFORNIA

Imperial.

COLORADO

Adams.
Boulder.
Kit Carson.
Larimer.

Logan.
Morgan.
Sedgwick.
Weld.

NORTH CAROLINA—Continued

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[F.R. Doc. 69-10190; Filed, Aug. 25, 1969;
8:50 a.m.]

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1970 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

| | | | |
|------------|-----|-------------|-----|
| Alamance | 11a | Hertford | 12 |
| Alexander | 11a | Hoke | 13 |
| Beaufort | 12 | Iredell | 11a |
| Bertie | 12 | Johnston | 12 |
| Bladen | 13 | Jones | 12 |
| Brunswick | 13 | Lee | 11b |
| Buncombe | 31 | Lenoir | 12 |
| Carteret | 12 | Madison | 31 |
| Caswell | 11a | Martin | 12 |
| Chatham | 11b | Mitchell | 31 |
| Chowan | 12 | Montgomery | 11b |
| Columbus | 13 | Moore | 11b |
| Craven | 12 | Nash | 12 |
| Cumberland | 13 | Northampton | 12 |
| Davidson | 11a | Onslow | 12 |
| Duplin | 12 | Orange | 11b |
| Durham | 11b | Pamlico | 12 |
| Edgecombe | 12 | Pender | 12 |
| Forsyth | 11a | Person | 11a |
| Franklin | 11b | Pitt | 12 |
| Gates | 12 | Randolph | 11a |
| Granville | 11b | Richmond | 11b |
| Greene | 12 | Robeson | 13 |
| Gulford | 11a | Rockingham | 11a |
| Halifax | 12 | Sampson | 12 |
| Harnett | 11b | Scotland | 13 |
| Haywood | 31 | Stokes | 13 |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[P.R. Doc. 69-10191; Filed, Aug. 25, 1969;
8:50 a.m.]

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties

have been designated for tomato crop insurance for the 1970 crop year.

OHIO

Darke.
Fulton.
Henry.
Lucas.

Ottawa.
Putnam.
Sandusky.
Wood.

UTAH

Box Elder.
Davis.
Salt Lake.

Utah.
Weber.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10192; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1970 crop year.

CALIFORNIA

Fresno.
Kern.
Kings.
Madera.

Merced.
Stanislaus.
Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10187; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1970 crop year.

ALABAMA

Chilton.

ARKANSAS

Cross.
Johnson.

Lee.
St. Francis.

GEORGIA

Peach.

Upson.

NORTH CAROLINA

Cleveland.
Montgomery.
Moore.

Richmond.
Rutherford.

SOUTH CAROLINA

Aiken.
Allendale.
Barnwell.
Chesterfield.
Edgefield.
Greenville.

Laurens.
Lexington.
Saluda.
Spartanburg.
York.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10184; Filed, Aug. 25, 1969;
8:50 a.m.]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 404.20 of the above-identified regulations, the following counties have been designated for apple crop insurance for the 1970 crop year.

OREGON

Umatilla.

WASHINGTON

Chelan.
Columbia.

Douglas.
Okanogan.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10169; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1970 crop year.

CALIFORNIA

Fresno.
Kern.

Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10181; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1970 crop year.

NORTH CAROLINA

Alexander.
Henderson.

Wilkes.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10168; Filed, Aug. 25, 1969;
8:48 a.m.]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1970 crop year.

ARIZONA

Maricopa.

Yuma.

CALIFORNIA

Imperial.

Riverside.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10172; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 410.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1970 crop year.

FLORIDA

Brevard.
De Soto.
Hardee.
Hernando.
Highlands.
Hillsborough.
Indian River.
Lake.
Manatee.

Marion.
Martin.
Orange.
Osceola.
Pasco.
Polk.
St. Lucie.
Seminole.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10171; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been

designated for grape crop insurance for the 1970 crop year.

NEW YORK
Chautauqua. Seneca.
Niagara. Steuben.
Ontario. Yates.
Schuyler.

PENNSYLVANIA

Erie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10179; Filed, Aug. 25, 1969;
8:49 a.m.]

PART 413—TEXAS CITRUS CROP
INSURANCE

Subpart—Regulations for the 1969
and Succeeding Crop Years

APPENDIX: COUNTIES DESIGNATED FOR
CITRUS CROP INSURANCE

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1970 crop year.

TEXAS

Cameron. Willacy
Hidalgo.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 69-10170; Filed, Aug. 25, 1969;
8:49 a.m.]

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

[Prune Reg. 7, Amdt. 1]

PART 925—FRESH PRUNES GROWN
IN DESIGNATED COUNTIES IN
IDAHO AND IN MALHEUR COUNTY,
OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee reflect its further appraisal of the 1969-70 fresh prune crop and current and prospective market conditions. More restrictive requirements should be made effective promptly because the market prices for prunes have declined severely. Prunes of the Late Italian variety are expected to be shipped in quantity shortly. However, such prunes can attain a higher percentage of soluble solids than is needed to meet the current requirement that prunes be mature and otherwise grade not less than U.S. No. 1. By limiting shipments of Late Italian prunes as specified the total current marketable supply will be reduced which should increase returns to the producers of fresh prunes.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 27, 1969. Shipments of Idaho-Malheur County, Oregon prunes are currently regulated pursuant to Prune Regulation 7 (34 F.R. 12492) and unless sooner terminated, will continue to be so regulated through December 31, 1969; determinations as to the need for, and extent of, continued regulation of Idaho-Oregon prune shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of prune shipments subsequent to August 27, 1969, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee on August 22, 1969, held to consider recommendations for regulations; the provisions of this amendment are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among handlers of Idaho-Malheur County, Oreg., prunes; it is necessary, in order to effectuate the declared policy of the act to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 925.308 (Prune Reg. 7; 34 F.R. 12494), paragraph (a)(1) is amended to read as follows:

§ 925.308 Prune Regulation 7.

(a) * * *

(1) *Minimum grade, size, and maturity requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1½ inches in diameter: *Provided*, That prunes which are effected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1: *And provided further*, That during the period August 27, 1969, through August 28, 1969, prunes of the Late Italian variety may be shipped only if such prunes also contain not less than seventeen (17) percent soluble solids, as determined by refractometer test of the juice from the blossom end sections of not less than 10 prunes selected at random from the lot. The blossom end section of each prune shall be cut at right angles to the longitudinal axis to the depth of the pit, and the juice therefrom tested on a composite basis.

(Secs. 1-19, 58 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, August 25, 1969, to become effective August 27, 1969.

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

[F.R. Doc. 69-10287; Filed, Aug. 25, 1969;
11:47 a.m.]

Title 5—ADMINISTRATIVE
PERSONNEL

Chapter I—Civil Service Commission

PART 630—ABSENCE AND LEAVE

Funeral Leave

A new subpart is added to Part 630 to provide regulations for the administration of new section 6326 of title 5, United States Code, added by Public Law 90-588, effective October 17, 1968. The section authorizes funeral leave for employees whose immediate relatives in the armed forces die under certain circumstances. Technical changes necessitated by the addition of the new subpart are made in §§ 630.101 and 630.201.

§ 630.101 Responsibility for administration.

The head of an agency having employees subject to this part is responsible for the proper administration of this part so far as it pertains to employees under his jurisdiction, and for maintaining an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

§ 630.201 Definitions.

(b) In Subparts B through G of this part:

Subpart H—Funeral Leave

- Sec.
 630.801 Applicability.
 630.802 Coverage.
 630.803 Definitions.
 630.804 Granting of funeral leave.

AUTHORITY: The provisions of this Subpart H issued under sec. 6326, title 5, U.S.C.; Public Law 90-588.

Subpart H—Funeral Leave

§ 630.801 Applicability.

This subpart and section 6326 of title 5, United States Code, apply to the granting of funeral leave to an employee in connection with the funeral of, or memorial service for, his immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the armed forces in a combat zone.

§ 630.802 Coverage.

This subpart applies to:

(a) An employee as defined in section 2105 of title 5, United States Code, who is employed by an executive agency as defined in section 105 of title 5, United States Code; and

(b) An individual who is employed by the government of the District of Columbia.

§ 630.803 Definitions.

(a) "Armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) "Combat zone" means those areas determined by the President in accordance with section 112 of the Internal Revenue Code.

(c) "Employee" means an employee or individual covered by § 630.802.

(d) "Immediate relative" means the following relatives of the deceased member of the armed forces:

- (1) Spouse, and parents thereof;
- (2) Children, including adopted children, and spouses thereof;
- (3) Parents;
- (4) Brothers and sisters, and spouses thereof; and

(5) Any individual related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.

(e) "Funeral leave" means leave authorized by section 6326 of title 5, United States Code, and this subpart.

§ 630.804 Granting of funeral leave.

(a) An agency shall grant an employee such funeral leave as is needed and requested by him, not to exceed 3 workdays, without loss of or reduction in pay, leave to which he is otherwise entitled, or credit for time or service, and without adversely affecting his performance or efficiency rating. Funeral leave is granted to allow an employee to make arrangements for, or to attend, the funeral or memorial service for an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the armed forces in a combat zone. The 3 days need not be consecutive but if not, the employee shall furnish the approving authority satisfactory reasons justifying a grant of funeral leave for nonconsecutive days.

(b) An agency may grant funeral leave only from a prescribed tour of duty, including regularly scheduled overtime, or, in the case of a substitute employee in the postal field service, from a period during which, except for absence on funeral leave, the employee would have worked.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to
the Commissioners.

[F.R. Doc. 69-10124; Filed, Aug. 25, 1969;
8:46 a.m.]

PART 713—EQUAL OPPORTUNITY

Miscellaneous Amendments

Part 713 is amended by (1) revising § 713.216(a) to allow the recording in the investigative file of information needed to resolve a discrimination complaint either in statistical form or, when available, by the names of persons who are members or nonmembers of the complainant's group; (2) revising § 713.217 (b) to limit the hearing on a discrimination complaint to the one available under Subpart A of Part 713 or, when an appeal has been accepted under Subpart B of Part 771, the one available under Subpart B of Part 771; and (3) revising § 713.218 (g) to clarify the authority of an appeals examiner to recommend remedial action.

§ 713.216 Investigation.

(a) The Equal Employment Opportunity Officer shall advise the Director of Equal Employment Opportunity of the acceptance of a complaint. The Director of Equal Employment Opportunity shall provide for the prompt investigation of the complaint. The person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The agency shall authorize the investigator to administer oaths and require that statements of witnesses shall be under oath or affirmation, without a pledge of confidence. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. Information needed for an appraisal of the utilization of members of the complainant's group as compared to the utilization of persons outside the complainant's group shall be recorded in statistical form in the investigative file, but specific information as to a person's membership or nonmembership in the complainant's group needed to facilitate an adjustment of the complaint or to make an informed decision on the complaint shall, if available, be recorded by

name in the investigative file. (As used in this subpart, the term "investigative file" shall mean the various documents and information acquired during the investigation under this section—including affidavits of the complainant, of the alleged discriminating official, and of the witnesses and copies of, or extracts from, records, policy statements, or regulations of the agency—organized to show their relevance to the complaint or the general environment out of which the complaint rose.) If necessary, the investigator may obtain information regarding the membership or nonmembership of a person in the complainant's group by asking each person concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information. The agency shall furnish the complainant or his representative a copy of the investigative file.

§ 713.217 Adjustment of complaint.

(b) If an adjustment of the complaint is not arrived at, the complainant shall be notified in writing of the proposed disposition thereof. In that notice, the agency shall advise the complainant of (1) his right to a hearing, with subsequent decision under § 713.221 by the head of the agency or his designee, under (i) this subpart or (ii) if an appeal has been accepted under Subpart B of Part 771 of this chapter concerning the action which gave rise to the complaint, under Subpart B of Part 771 of this chapter and (2) his right to a decision under § 713.221 without a hearing. The agency shall allow the complainant 7 calendar days from receipt of the notice to notify the agency whether or not he wishes to have a hearing.

§ 713.220 Avoidance of delay.

(a) The complaint shall be resolved expeditiously. To this end, both the complainant and the agency shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within (1) 60 calendar days after its receipt by the Equal Employment Opportunity Officer, exclusive of time spent in the processing of the complaint by the appeals examiner under § 713.218, or (2) 90 calendar days after its receipt by the Equal Employment Opportunity Officer when a hearing is held under Subpart B of Part 771 of this chapter. When the complaint has not been resolved within the applicable limit, the complainant may appeal to the Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the agency to take special measures to insure the expeditious processing of the complaint or may accept the appeal for consideration under § 713.234.

§ 713.221 Decision by head of agency or designee.

(a) The head of the agency, or his designee, shall make the decision of the agency on a complaint based on information in the complaint file. A person

designated to make the decision for the head of the agency shall be one who is fair, impartial, and objective. The decision of the agency shall be in writing and shall be transmitted by letter to the complainant and his representative. When there has been a hearing on the complaint, that letter shall also transmit (1) a copy of the findings, analysis, and recommended decision of the appeals examiner made under § 713.218(g) and the transcript of the oral testimony and other oral statements at the hearing or (2) if the hearing was under Subpart B of Part 771 of this chapter, a copy of the report made by the hearing committee under that subpart and the record of that hearing. When there has been a hearing, the decision of the agency shall adopt, reject, or modify (1) the decision as recommended by the appeals examiner under § 713.218(g) or (2) if the hearing was under Subpart B of Part 771 of this chapter, whatever recommendations were made by the hearing committee under that subpart. When the decision of the agency is to reject or modify the recommended decision of the appeals examiner (or the recommendations made by the hearing committee under Subpart B of Part 771 of this chapter), the letter transmitting the decision of the agency shall set forth the reasons for rejection or modification. When there has been no hearing and nondecision under § 713.217(c), the letter transmitting the decision of the agency shall set forth the findings, analysis, and decision of the head of the agency or his designee. The decision of the agency shall require any remedial action authorized by law determined to be necessary or desirable to effect the resolution of the issues of discrimination and to promote the policy of equal opportunity.

§ 713.222 Complaint file.

The agency shall establish a complaint file containing all documents pertinent to the complaint. The complaint file shall include copies of (a) the written report of the Equal Employment Opportunity Counselor under § 713.213 to the Equal Employment Opportunity Officer on whatever precomplaint counseling efforts were made with regard to the complainant's case, (b) the complaint, (c) the investigative file, (d) if the complaint is withdrawn by the complainant, a written statement of the complainant or his representative to that effect, (e) if adjustment of the complaint is arrived at under § 713.217, the written record of the terms of the adjustment, (f) if no adjustment of the complaint is arrived at under § 713.217, a copy of the letter notifying the complainant of the proposed disposition of the complaint and of his right to a hearing, (g) if decision is made under § 713.217(c), a copy of the letter to the complainant transmitting that decision, (h) if a hearing was held, the record of the hearing, together with (1) the appeals examiner's findings, analysis, and recommended decision on the merits of the complaint under § 713.218(g) or (2) if the hearing

was under Subpart B of Part 771 of this chapter, the report made by the hearing committee under that subpart, (i) if the Director of Equal Employment Opportunity is not the designee, the recommendations, if any, made by him to the head of the agency or his designee, and (j) if decision is made under § 713.221, a copy of the letter transmitting the decision of the head of the agency or his designee. The complaint file shall not contain any document that has not been made available to the complainant.

§ 713.218 Hearing.

(g) *Findings, analysis, and recommendations.* The appeals examiner shall transmit to the head of the agency or his designee (1) the complaint file (including the record of the hearing), (2) the findings and analysis of the appeals examiner with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose, and (3) the recommended decision of the appeals examiner on the merits of the complaint, including recommended remedial action, where appropriate, with regard to the matter which gave rise to the complaint and the general environment out of which the complaint arose. The appeals examiner shall notify the complainant of the date on which this was done. In addition, the appeals examiner shall transmit, by separate letter to the Director of Equal Employment Opportunity, whatever findings and recommendations he considers appropriate with respect to conditions in the agency having no bearing on the matter which gave rise to the complaint or the general environment out of which the complaint arose.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[P.R. Doc. 69-10216; Filed, Aug. 25, 1969; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-36]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 69-9587, appearing at page 13152 in the issue for Thursday, August 14, 1969, make the following change: Under § 71.171 in the Idaho Falls, Idaho, control zone description, the figure at the end of the seventh line reading "080" should read "030".

[Docket No. 9210; Amdt. 141-8]

PART 141—PILOT SCHOOLS

Quality of Instruction

The purpose of these amendments to Part 141 of the Federal Aviation Regulations is to provide for more effective FAA evaluation of the quality of instruction given by approved pilot schools at any stage before, as well as after, graduation.

As proposed, the rule will now apply to certificated pilot schools the "eight out of 10" standard already applied to approved training courses. This will remove a previous ambiguity on what group of persons the 80-percent standard should refer to. It also applies the standard to the most recent graduates of schools on their first test, instead of applying the previous standard under which repeated test failures by an applicant would not count against the quality level of instruction. The rule will also now apply the pre-graduation quality testing techniques of § 141.11(c) to all situations, instead of only to the two "proficiency" pilot training courses to which it has applied. These amendments also assure that the final progress check in a primary, commercial, or instrument flying school is course test time, and not FAA test time.

These amendments were proposed in Notice 68-26 issued on October 17, 1968, and published in the FEDERAL REGISTER on October 25, 1968 (33 F.R. 15806). Eight public comments were received on the notice. One comment concurred with the proposal; the others did not.

Two comments stated that the proposal was unnecessary, too restrictive, or too harsh. The notice proposed to use findings based on tests given by designated examiners, in evaluations under the "eight out of 10" standard, in addition to those already given by FAA inspectors to graduates of pilot training courses. Upon further attention, it is considered that a broader and more fair base would be obtained by limiting the quality evaluation to those recent graduates who are tested by FAA inspectors. In this manner, the evaluation is wholly within the normal spot checking activities of FAA inspectors, the amount of which may be increased when the inspector has reason to check more frequently. It has therefore been determined not to expand the area of evaluations to include tests by designated examiners.

According to another comment, the provision should read "seven out of 10 most recent" instead of "eight out of 10 most recent," since the usual passing standard on a test is 70 percent. However, these two standards apply to unrelated circumstances, and the "eight out of 10" standard for approved pilot schools is of long standing.

Another comment observed that there is no shallar monitoring of instructors' performance outside of approved school curriculums. However, the comment overlooks the fact that certificated flight instructors are subject to biennial practical testing for renewal of their certificates, a technique that is more

feasible as to them but not practicable for application to approved schools. Furthermore, the flight instructor testing requirement does in fact contemplate consideration of the instructor's flight instruction record, for purposes of the scope of the test.

Another comment agreed in principle, but would apply the standard to courses overall rather than to each course. However, this procedure would not enable the FAA to take corrective action with respect to particular courses that were deficient.

According to another comment, the rule change implies that failure to meet the standards would result in loss to the school of FAA approval. The failure of a school to meet the standards in the rule does not necessarily require the suspension or revocation of the school's certificate or termination of a pilot training course approval. Where failure does occur, the FAA will continue to take appropriate corrective action under its established enforcement proceedings, including discussion and understanding, and curriculum changes.

One comment opposed the proposal to substitute the word "graduation" for the initials "FAA" in appendices A and B, contending that this was a subterfuge to add more time to the various courses. This assertion is incorrect, for it entails an assumption that the applicant has passed the FAA flight test before graduating from the school.

After reviewing the proposed amendments in the light of comments received, it has been determined to issue the amendments as proposed, for the reasons stated in Notice 68-26, but with the modification discussed herein.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented.

In consideration of the foregoing, Part 141 of the Federal Aviation Regulations is amended as follows, effective October 25, 1969:

1. By amending paragraph (a) of § 141.11 to read as follows:

§ 141.11 Quality of instruction.

(a) Each certificated pilot school shall provide instruction of such quality that—

(1) Of its graduates of each pilot school curriculum or approved pilot training course who apply for a pilot certificate or rating within 60 days after they are graduated, at least eight out of the 10 most recent graduates tested by an FAA inspector qualify for the particular certificate or rating on their first test; and

(2) Of the students enrolled in any pilot school curriculum or approved pilot training course who are questioned, tested, or flight checked under paragraph (c) of this section, at least eight out of the 10 most recently checked show competence in the items of the school curriculum or course in which they are enrolled and that have, according to the

school schedule and records, been covered in that curriculum or course.

2. By striking out the initials "FAA" in paragraph (d) (4) of Appendix A, and substituting the word "graduation" therefor.

3. By striking out the initials "FAA" in paragraph (d) (4) of Appendix B, and substituting the word "graduation" therefor.

4. By adding a new subparagraph (3) to paragraph (d) of Appendix C to read as follows:

- (d) Progress checks. * * *
- (3) Final (for graduation certificate).

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 19, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-10112; Filed, Aug. 25, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Butter, Identity Standards; Use of Sorbic Acid and Certain Salts Thereof

In the matter of amending the standard of identity for fruit butter (21 CFR 29.1) to permit the use, with label declaration, of the chemical preservatives sorbic acid, sodium sorbate, and potassium sorbate, singly or in combination, so that the total quantity does not exceed 0.1 percent by weight of the finished food:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of May 27, 1969 (34 F.R. 8206), setting forth a proposal by the National Tea Co., 100 Crosby Street, Post Office Box 6970-A, Chicago, Ill. 60680.

Two comments were received in response to the proposal: A State regulatory agency supported it and a manufacturer of fruit butter opposed it. The latter did not present factual data refuting the grounds submitted by the petitioner in support of the proposal.

Having considered the information submitted in the petition, the comments received, and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic

Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That § 29.1 be amended by revising the statement in paragraph (a) between subparagraphs (4) and (5), by adding to paragraph (a) a new subparagraph (6), and by redesignating subparagraph (8) in paragraph (g) as subparagraph (9) and adding a new subparagraph (8). The affected portions read as follows:

§ 29.1 Fruit butter; identity; label statement of optional ingredients.

- (a) * * *
- (4) * * *

Such mixture may also contain one or more of the following optional ingredients:

- (5) * * *
- (6) Sorbic acid, sodium sorbate, and potassium sorbate, singly or in combination, so that the total quantity does not exceed 0.1 percent by weight of the finished food.

(g) * * *

(8) When any optional ingredient listed in paragraph (a) (6) of this section is used, the label shall bear the statement "_____ added as a preservative," the blank being filled in with the common name or names by which the preservative ingredient used is designated in paragraph (a) (6).

(9) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined; for example, "cinnamon oil and cloves added." The label statements required by two or more of subparagraphs (3), (4), (5), (6), (7), and (8) of this paragraph may be combined; for example, "prepared with cider, apples, dried prunes, and honey."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack

thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 18, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-10105; Filed, Aug. 25, 1969;
8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRATE USED IN PROCESSING SMOKED CHUB

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2367) filed by Bureau of Commercial Fisheries, U.S. Department of Interior, Washington, D.C. 20240, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium nitrite to aid in inhibiting the outgrowth and toxin formation from *Clostridium botulinum* type E in the commercial processing of smoked chub. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 346(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1230 Sodium nitrite used in processing smoked chub.

The food additive sodium nitrite may be safely used in combination with salt (NaCl) to aid in inhibiting the outgrowth and toxin formation from *Clostridium botulinum* type E in the commercial processing of smoked chub in accordance with the following prescribed conditions:

(a) All fish in smoking establishments shall be clean and wholesome and shall be expeditiously processed, packed, and stored under adequate sanitary conditions in accordance with good manufacturing practice.

(b) The brining procedure is controlled in such a manner that the water phase portion of the edible portion of the finished smoked product has a salt (NaCl) content of not less than 3.5 percent, as measured in the loin muscle, and the sodium nitrite content of the edible portion of the finished smoked product is not less than 100 parts per million and not greater than 200 parts per million, as measured in the loin muscle.

(c) Smoked chub shall be heated by a controlled heat process which provides a monitoring system positioned in as many strategic locations in the smokehouse as necessary to assure a continuous temperature throughout each fish of at least 160° F. for a minimum of 30 minutes.

(d) The finished product shall be cooled to a temperature of 38° F. or below within 3 hours after smoking, and this temperature shall be maintained

during all subsequent storage and distribution. All shipping containers, retail packages, and shipping records shall indicate with appropriate notice the perishable nature of the product and specify that the product shall be held under refrigeration (38° F. or below) until consumed.

(e) To assure safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate directions to assure use in compliance with the provisions of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: August 19, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-10106; Filed, Aug. 25, 1969;
8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H-1—GENERAL

AUGUST 19, 1969.

Pursuant to the authority contained in the Act of November 2, 1921, C.115, 42 Stat. 208 (25 U.S.C. 13), and IPR 14-1.008, Chapter 14H of Title 41 of the Code of Federal Regulations is promulgated.

It is the general policy of the Bureau of Indian Affairs to allow time for interested parties to take part in the public rule making process. However, because this chapter is largely a general statement of existing Bureau policy and internal procedures, the rule making process will be waived under the excep-

tion provided in subsection (d)(2) of 5 U.S.C. 553. The contents of this chapter will become effective on the date indicated when published in the FEDERAL REGISTER.

These portions of Chapter 14H are effective on date of publication in the FEDERAL REGISTER.

FRED H. MASSEY,
Acting Commissioner
of Indian Affairs.

| Sec. | Scope of part. |
|--|---|
| 14H-1.000 | Scope of part. |
| Subpart 14H-1.0—Regulation System | |
| 14H-1.001 | Scope of subpart. |
| 14H-1.002 | Purpose. |
| 14H-1.003 | Authority. |
| 14H-1.004 | Applicability. |
| 14H-1.006 | Issuance. |
| 14H-1.006-1 | Code arrangement. |
| 14H-1.006-2 | Publication. |
| 14H-1.007 | Arrangement. |
| 14H-1.007-1 | General plan. |
| 14H-1.007-2 | Numbering. |
| 14H-1.007-3 | Citation. |
| 14H-1.008 | Agency implementation. |
| 14H-1.009 | Deviation. |
| 14H-1.009-2 | Procedure. |
| Subpart 14H-1.2—Definition of Terms | |
| 14H-1.205 | Procuring activity. |
| 14H-1.206 | Head of the procuring activity. |
| Subpart 14H-1.3—General Policies | |
| 14H-1.302 | Procurement sources. |
| 14H-1.302-3 | Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees. |
| Subpart 14H-1.4—Procurement Responsibility and Authority | |
| 14H-1.402 | Authority of contracting officers. |
| 14H-1.404 | Selection, designation and termination of designation of contracting officers. |
| 14H-1.404-2 | Designation. |
| 14H-1.404-3 | Termination of designation. |
| 14H-1.404-4 | Assignment of duties to contracting officers. |
| 14H-1.451 | Delegation and redelegation of authority and designation of contracting officers. |
| 14H-1.451-2 | Designation of contracting officer positions. |

AUTHORITY: The provisions of this Part 14H-1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 14H-1.000 Scope of part.

(a) This part establishes a system for the codification and publication of policies and procedures of the Bureau of Indian Affairs (Bureau) regulations which implement, supplement or deviate from the Federal Procurement Regulations (FPR) and Interior Procurement Regulations (IPR), when appropriate.

(b) The Federal Procurement Regulations are published as Chapter 1 of this title. The Interior Procurement Regulations which implement and supplement the FPR are published as Chapter 14 of this title. The Bureau Procurement Regulations which implement and supplement the FPR and IPR are published as Chapter 14H of this title. It is the basic

policy of the Bureau to apply the Federal Procurement Regulations and the Interior Procurement Regulations. Thus, as to most elements of the procurement process, substantive guidelines will be found by reference to those regulations in the order mentioned.

Subpart 14H-1.0—Regulation System

§ 14H-1.001 Scope of subpart.

This subpart establishes the Bureau of Indian Affairs Procurement Regulations (BIAPR) and states their relationship to the Federal Procurement Regulations (FPR) and the Interior Procurement Regulations (IPR).

§ 14H-1.002 Purpose.

This subpart establishes for the Bureau uniform policies and procedures related to procurement of personal property, nonpersonal services, construction, and real property by lease.

§ 14H-1.003 Authority.

BIAPR are prescribed by the Commissioner of Indian Affairs (Commissioner) under the Federal Property and Administrative Services Act of 1949, as amended, or other authority specifically cited.

§ 14H-1.004 Applicability.

BIAPR apply to all procurement activities of the Bureau to the extent indicated, unless otherwise provided by law.

§ 14H-1.006 Issuance.

§ 14H-1.006-1 Code arrangement.

BIAPR are issued in the Code of Federal Regulations as Chapter 14H of Title 41, Public Contracts and Property Management. BIAPR contain the alphabetical letter "H" which identifies the Bureau and which immediately follows the Code (14) which identifies the Department as illustrated in IPR.

§ 14H-1.006-2 Publication.

BIAPR will be published in the FEDERAL REGISTER and in separate looseleaf form on salmon colored paper.

§ 14H-1.007 Arrangement.

§ 14H-1.007-1 General plan.

The general plan, numbering system, and nomenclature used in FPR and IPR, which conform to the FEDERAL REGISTER standards, are adhered to in BIAPR.

§ 14H-1.007-2 Numbering.

For ease in identification, the numbering system and part, subpart, and section titles used in FPR, and in IPR are also used in BIAPR.

§ 14H-1.007-3 Citation.

Using this section as an example BIAPR should be cited as, "BIAPR 14H-1.007-3." When referred to formally in official documents such as legal briefs, the section should be cited as "41 CFR 14H-1.007-3."

§ 14H-1.008 Agency implementation.

(a) It is Bureau policy to utilize FPR and IPR to the fullest extent possible in the conduct of all procurement matters.

The Bureau will conform to this policy by avoiding implementation, supplementation, or deviation from FPR and IPR unless compelling reasons exist for doing so.

(b) FPR and IPR shall be applicable as issued unless implemented, supplemented, or deviated from in BIAPR.

(c) Matters which pertain to procurement but are primarily for internal guidance whether or not related to the material in FPR and IPR, will be issued as Bureau of Indian Affairs Procurement Instructions (BIAPI). To simplify usage of BIAPI in conjunction with FPR, IPR and BIAPR the same system and format used for those regulations will be followed. A yellow colored paper will be used for BIAPI.

§ 14H-1.009 Deviation.

§ 14H-1.009-2 Procedure.

Deviations from FPR and IPR by the Bureau will be kept to a minimum and controlled as follows:

(a) Requests for approval of deviations may be submitted by contracting officers to the Commissioner. The requests shall cite the specific part of FPR, or IPR, from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested. Requests considered meritorious will be submitted for approval as provided for in IPR. No deviation shall be effective until approved.

Subpart 14H-1.2—Definition of Terms

§ 14H-1.205 Procuring activity.

"Procuring activity" means the Bureau of Indian Affairs in which authority to contract for the procurement of personal property, nonpersonal services, and construction is vested.

§ 14H-1.206 Head of the procuring activity.

"Head of the procuring activity" means the Commissioner.

Subpart 14H-1.3—General Policies

§ 14H-1.302 Procurement sources.

§ 14H-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

Contracting Officers shall refer all proposed contracts with Government employees or business concerns substantially owned or controlled by Government employees to the Commissioner. Approval of the Assistant Secretary for Administration will be requested in those instances where the Commissioner determines it would be in the Government's interest to enter into such a contract.

Subpart 14H-1.4—Procurement Responsibility and Authority

§ 14H-1.402 Authority of contracting officers.

The authority under this section shall be exercised in conformity with § 14H-1.451.

§ 14H-1.404 Selection, designation, and termination of designation of contracting officers.

The authority under this section shall be exercised in conformity with § 14H-1.451.

§ 14H-1.404-2 Designation.

The authority under this section shall be exercised in conformity with § 14H-1.451.

§ 14H-1.404-3 Termination of designation.

The requirements of this section shall be exercised in conformity with § 14H-1.451.

§ 14H-1.404-4 Assignment of duties to contracting officers.

The requirements of this section shall be exercised in conformity with § 14H-1.451.

§ 14H-1.451 Delegation and redelegation of authority and designation of contracting officers.

Except for such limitations as are prescribed elsewhere, the authority delegated to the Commissioner with respect to all matters relating to contracting and procurement of supplies, services, and construction, except the authority to designate contracting officer positions, is hereby redelegated to the contracting officer positions designated in § 14H-1.451-2.

§ 14H-1.451-2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

- (1) Headquarters Office Officials:
 - (i) Deputy Commissioner.
 - (ii) Assistant Commissioner for Administration.
 - (iii) Assistant Commissioner for Engineering.
 - (iv) Headquarters Administrative Officer.
 - (v) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.
 - (vi) Chief, Division of Property and Supply Management.
 - (vii) Chief, Plant Management Engineering Center, Littleton, Colo.
 - (viii) Executive Officer, Indian Affairs Data Center, Albuquerque, N. Mex.
 - (ix) Property and Supply Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

- (2) Area Office officials:
 - (i) Area Director.
 - (ii) Deputy Area Director.
 - (iii) Assistant Area Director, Minneapolis and Sacramento Area Offices.
 - (iv) Assistant Area Director for Administration.
 - (v) Area Administrative Officer.
 - (vi) Area Property and Supply Officer.
 - (vii) Contract Engineering Adviser, Portland, Oreg.
 - (viii) Administrative Officer and Special Representative, Seattle, Wash.

[F.R. Doc. 69-10129; Filed, Aug. 25, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

UMATILLA NATIONAL WILDLIFE REFUGE, WASHINGTON AND OREGON

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 and 32.21 by the addition of Umatilla National Wildlife Refuge, Oregon and Washington, to the list of areas open to the hunting of migratory game birds and upland game as legislatively permitted.

It has been determined that regulated hunting of migratory game birds and upland game may be permitted as designated on the Umatilla National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

WASHINGTON AND OREGON
Umatilla National Wildlife Refuge.

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

WASHINGTON AND OREGON
Umatilla National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69-10118; Filed, Aug. 25, 1969;
8:45 a.m.]

[50 CFR Part 32]

RICE LAKE NATIONAL WILDLIFE REFUGE, MINN.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.21 by the addition of Rice Lake National Wildlife Refuge, Minn., to the list of areas open to the hunting of upland game, as legislatively permitted.

It has been determined that the regulated hunting of upland game may be permitted as designated on the Rice Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

MINNESOTA
Rice Lake National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 20, 1969.

[F.R. Doc. 69-10128; Filed, Aug. 25, 1969;
8:46 a.m.]

[50 CFR Part 32]

UMATILLA NATIONAL WILDLIFE REFUGE, WASH.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80

Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by the addition of the Umatilla National Wildlife Refuge, Wash., to the list of areas open to the hunting of big game, as legislatively permitted.

It has been determined that the regulated hunting of big game may be permitted as designated on the Umatilla National Wildlife Refuge without detriment to the objectives for which the area was established. This proposal does not open the hunting of big game on the Umatilla National Wildlife Refuge lands within the State of Oregon.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

WASHINGTON
Umatilla National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[F.R. Doc. 69-10120; Filed, Aug. 25, 1969;
8:45 a.m.]

[50 CFR Part 32]

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE, OREG.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by the addition of the Baskett Slough National Wildlife Refuge, Oreg., to the list of areas open to the hunting of big game, as legislatively permitted.

It has been determined that the regulated hunting of big game may be permitted as designated on the Baskett

Slough National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the *FEDERAL REGISTER*.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

OREGON

Baskett Slough National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 21, 1969.

[P.R. Doc. 69-10119; Filed, Aug. 25, 1969;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND AND EXTRA LONG STAPLE COTTON

Notice of Determinations Regarding 1970 Crops

The Secretary of Agriculture is preparing to make determinations with respect to the 1970 crops of upland cotton and extra long staple cotton pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 38, as amended; 7 U.S.C. 1281 et seq.). These determinations include the following:

(a) *Upland cotton*. (1) Whether a national marketing quota is required to be proclaimed for the 1970 crop of upland cotton under section 342 of the act;

(2) The number of bales of cotton of the national marketing quota under section 342 of the act;

(3) The national acreage allotment under section 344(a) of the act;

(4) The national reserve for minimum farm allotments under section 344(b) of the act;

(5) The apportionment of the national allotment and national reserve to the States and counties under section 344 (b) and (e) of the act;

(6) The national domestic allotment and farm domestic allotment percentage under section 350 of the act;

(7) The projected national, State and county yields under section 301(b)(13) (L) of the act;

(8) The national export market acreage reserve under section 346 of the act;

(9) The date or period for holding the national marketing quota referendum under section 343 of the act.

(b) *Extra long staple cotton*. (1) The number of bales of extra long staple cotton of the national marketing quota under section 347 of the act;

(2) The national acreage allotment under section 344(a) of the act;

(3) The apportionment of the national allotment to the States and counties under section 344 (b) and (e) of the act;

(4) The date or period for holding the national marketing quota referendum under section 343 of the act.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250, within 15 days following the publication of this notice in the *FEDERAL REGISTER*. The date of the postmark will be considered as the date of any submission. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Effective date: Date of publication in the *FEDERAL REGISTER*.

Signed at Washington, D.C., on August 20, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[P.R. Doc. 69-10165; Filed, Aug. 25, 1969;
8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1132]

[Docket No. AO-262-A19]

MILK IN TEXAS PANHANDLE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Tex., on July 15, 1969, pursuant to notice thereof issued on June 26, 1969 (34 F.R. 11099).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 1, 1969 (34 F.R. 12788; P.R. Doc. 69-9220), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of

the recommended decision (34 F.R. 12788; P.R. Doc. 69-9220) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Responsibilities of cooperative association handlers of milk in bulk tank trucks and of other handlers receiving milk from such cooperative associations.

2. Dates on which payments should be made to cooperative associations.

3. Whether an emergency exists with respect to issues 1 and 2.

4. Division of 2 percent shrinkage allowance.

5. Classification of sour cream and sour cream dips.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Responsibilities of handlers.* A cooperative association which acts as a handler on milk received from member producers' farms in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, should be responsible for reporting and accounting for such receipts and the disposition of such receipts to pool and nonpool plants. Handlers receiving milk at pool plants from such a cooperative association handler should be responsible for reporting and accounting for the utilization of such receipts in their pool plants.

Under present order provisions the cooperative is responsible for reporting the utilization of milk it delivers to pool plants. In practice, however, the pool plant operators report their utilization of milk to the market administrator and the market administrator provides the necessary information to the cooperative for its report.

The cooperative association which controls the hauling of milk from its members' farms to plants assumes responsibility for determining the weight and butterfat test of milk picked up from individual farms. It should also account for the aggregate quantity and butterfat content of milk received from all member producers' farms.

The cooperative should also account for the quantities of such receipts delivered to pool and nonpool plants. In the case of deliveries to nonpool plants, the cooperative should ascertain the classification of such deliveries and report such utilization to the market administrator. The cooperative should also report as its producer milk any excess of milk or butterfat receipts from farms which was not delivered to plants.

Operators of pool plants should report receipts from such cooperative association handlers as a receipt of producer milk. The pool plant operator should report and account to the producer-settlement fund according to his utilization of such producer milk.

This assignment of responsibility fits the actual circumstances and functions of handling controlled by the cooperative and the pool plant operator, respectively.

When milk is delivered from farms to a plant in a bulk tank truck, the hauler determines the weight of milk picked up at individual farms and takes samples of each lot for butterfat tests. After the milk is commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample, or reject the milk of an individual producer. Therefore, when weighing and testing are conducted under the direct supervision and control of a cooperative association, the cooperative should be the handler responsible for reporting receipts of milk from member producers and its disposition to plants, for pooling any such milk not disposed of to pool plants and for payments to individual member producers.

Although the cooperative association is responsible for accounting to the pool for the weight and tests of milk determined at the farm, handlers may purchase milk at such weights and tests instead of the scale weight and butterfat test of the bulk tank truckload. One handler was purchasing milk from the cooperative association on this basis at the time of the hearing. If a pool plant operator purchases on this basis, the entire quantity as measured at the farm becomes producer milk receipts of the pool plant operator.

The operator of the pool plant to which a cooperative association delivers milk picked up at the farm is the handler in control of the utilization of milk so received. He therefore should be responsible for reporting its utilization and for its value at the class prices applicable to such utilization. This can be accomplished by treating such milk the same as other producer milk at the pool plant.

The pool plant operator would be responsible to the producer-settlement fund and for administrative expense assessment on milk it received from the cooperative. The pool plant operator would be charged the class prices based on his utilization of milk he received at his plant from the cooperative association and would pay the cooperative handler the minimum uniform price for such milk, the same as for milk received from an individual producer. This assignment of responsibility for producer milk was proposed by the cooperative association which represents all producers supplying the market. This cooperative acts as a handler on milk delivered from member farms to plants in trucks it controls. There was no opposition to the proposal.

2. Payment dates. The order should specify dates on which a handler operating a pool plant shall pay a cooperative association handler for producer milk received from such cooperative association. The dates for partial and final payments should be at least 2 days earlier than the dates on which individual producers must be paid. This will permit the cooperative association to pay its members at the same time individual producers receive payment.

Also, the order should be corrected to require payments to cooperative associations acting as collecting agents (not handlers) as follows: partial payment on or before the 26th day of the month

of delivery, final payment on or before the 13th day of the month following the month of delivery. Since the cooperative in this market acts as the handler on all deliveries to pool plant operators, this provision is not applicable to current transactions. However, if the marketing practice changes and a cooperative acts only as a collecting agent, the payment dates should be the same as those applicable to receipts of producer milk on which the cooperative association acts as the handler.

3. Emergency with respect to issues one and two. Although the changes in order provisions as discussed under issues one and two should be made effective as soon as possible, they are not so urgent as to necessitate the omission of a recommended decision.

The proponent of the amendments to require a pool plant operator to account for milk received from a cooperative association handler as producer milk and to pay the cooperative at the uniform price on specified dates urged the omission of a recommended decision on these issues. The cooperative witness claimed one handler is delaying payments with the excuse that the order does not require earlier payment.

Since about the first of this year, payments by this handler have been about 2 weeks late, the partial payment being made on or before the 13th day of the following month and the final payment being made on or before the 26th day of the following month.

The order should be amended promptly to specify the responsibility and payment dates as proposed herein. However, the amendments to carry out this and other purposes dealt with in this decision are extensive and they deserve consideration in a recommended decision.

4. Division of shrinkage. The shrinkage allowance of 2 percent of receipts of producer milk which may be classified in Class II should apply when a pool plant operator purchases producer milk from a cooperative association handler on the basis of farm weights and tests.

The order now provides the plant operator a maximum Class II shrinkage allowance of 1½ percent of receipts from a cooperative association acting as a handler on bulk tank milk. The allowance applies whether the handler buys on the basis of farm weights and tests or on the weight and test of the truckload.

The order also allows shrinkage of one-half percent of the aggregate weight of milk at the farms for the cooperative handler even though the pool plant operator buys on the basis of farm weights and tests. Obviously, when the handler purchases from the cooperative on the basis of farm weights and tests, there is no loss sustained by the cooperative handler. To the extent there is some shrinkage in the farm to plant transfer, such shrinkage is sustained by the pool plant operator when he accounts for the receipt at the full amount measured at the farm.

5. Classification. Sour cream and sour cream products not labeled Grade A should be classified as Class II.

The handler who proposed Class II classification for such products pointed out that sour cream and sour cream products not labeled Grade A are classified as Class II in several orders regulating areas adjacent to or near the Texas Panhandle area. This handler competes for sales of sour cream and sour cream products with handlers regulated under these other orders.

The Texas State health authority has recently issued a regulation requiring sour cream to be labeled Grade A. Sour cream "dips" which contain nondairy foods and flavorings may be sold in Texas without the Grade A label. Sour cream products not labeled Grade A are classified in a class other than Class I in the orders regulating the handling of milk in the Eastern Colorado, Wichita, Rio Grande Valley, Red River Valley, and Lubbock-Plainview areas. Under the North Texas order, such products are Class II regardless of the labeling. Under the Oklahoma Metropolitan order, all sour cream and sour cream products are Class I.

Although it is not possible on this record to coordinate the pricing of such products under all of these orders, it is possible to achieve better price alignment by amending the Texas Panhandle order to conform to the most common classification in orders of this region. This is accomplished by excepting from the fluid milk product definition sour cream and sour cream products not labeled Grade A.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as

hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 21, 1969.

RICHARD E. LYNCH,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended as follows:

1. Section 1132.7 is revised as follows:
§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant as producer milk.

2. Section 1132.10 is revised as follows:
§ 1132.10 Pool plant.

"Pool plant" means a plant described in paragraph (a) or (b) of this section, subject to paragraph (c) of this section.

(a) A distributing plant from which a volume of Class I milk:

(1) Not less than 50 percent of the Grade A milk received at such plant from dairy farmers, from cooperative association handlers pursuant to § 1132.12(c), and from other plants, is disposed of during the month on routes (including

routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants); and

(2) Not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from cooperative association handlers pursuant to § 1132.12(c) during such month: *Provided*, That if such shipments are not less than 75 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a plant qualified pursuant to this section.

3. Section 1132.12(c) is revised as follows:

§ 1132.12 Handler.

(c) Any cooperative association with respect to milk of its member producers picked up at the farm for delivery to the pool plant of another handler in a tank truck owned or operated by such association or under control of such association, by contract or otherwise, in such a way that the association supervises and controls the determination of farm weights and tests of the milk of each of such member producers.

4. Section 1132.14 is revised as follows:
§ 1132.14 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1132.12 (b) and (c) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in paragraph (d) of this section; and

(2) Received at such pool plant directly from producers and from a cooperative association handler pursuant to § 1132.12(c). If the handler receiving milk from a cooperative association handler pursuant to § 1132.12(c) accounts for such receipt on the basis of farm weights and butterfat tests, the entire truckload shall be considered a receipt of producer milk at the first plant of delivery.

(b) Producer milk of a cooperative association handler pursuant to § 1132.12 (b) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted by such association for its account to a non-pool plant, subject to the limits prescribed in paragraph (d) of this section.

(c) Producer milk of a cooperative association handler pursuant to § 1132.12 (c) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced to the cooperative association at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

(d) Diverted milk is producer milk in any month only to the extent it meets conditions set forth in this paragraph:

(1) It is claimed as producer milk by the diverting handler in his report filed pursuant to § 1132.30;

(2) It is milk received from a dairy farmer who had producer status immediately prior to such diversion;

(3) It is not in excess of 15 days' production of each producer during any of the months July through February; and

(4) Such diverted producer milk shall be priced at the location of the pool plant where the producer's milk was last physically received.

5. Section 1132.15 is revised as follows:
§ 1132.15 Fluid milk product.

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (sweet or sour), or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, sour cream and sour cream products not labeled Grade A, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers); *Provided*, That when any such product is modified by the addition of nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

6. Section 1132.30 is revised as follows:
§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator:

(a) Each handler in his capacity as the operator of a pool plant(s) shall report:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1132.14;

(5) Inventories of fluid milk products on hand at the beginning and end of the month; and

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1132.12 (b) and (c):

(1) Skim milk and butterfat in milk received by such cooperative association from producers' farms;

(2) The quantities of such skim milk and butterfat delivered to each pool plant and each nonpool plant; and

(3) The utilization of skim milk and butterfat delivered to a nonpool plant.

7. Section 1132.41(b) (5) is revised as follows:

§ 1132.41 Classes of utilization.

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b) (1) but not to exceed the following:

(i) 2 percent of milk received directly from producers (not including diverted producer milk), and receipts of fluid milk products in bulk from other order plants and from unregulated supply plants (exclusive of the quantity for which Class II utilization was requested by the handler);

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1132.12(c), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association, the applicable percentage shall be 2 percent; and

(iii) 0.5 percent of milk received at the farm by a cooperative association handler pursuant to § 1132.12(c), exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

* * *

8. Section 1132.43 is revised as follows:

§ 1132.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association

handler pursuant to § 1132.12(c), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1132.14(a) (2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1132.12 (c) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1132.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

9. Section 1132.45 is revised as follows:

§ 1132.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and for each handler pursuant to § 1132.12 (b) and (c) and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk. Producer milk for which a cooperative association is the handler pursuant to § 1132.12 (b) and (c) shall be allocated separately from the allocation of receipts at any pool plant operated by such cooperative association.

10. Section 1132.80(c) (1) is revised and subparagraph (4) is added as follows:

§ 1132.80 Time and method of payment for producer milk.

(c) * * *

(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 26th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of

notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(4) For producer milk received from a cooperative association handler pursuant to § 1132.12(c), each handler shall make payments as follows:

(i) On or before the 26th day of the month, a partial payment for milk received during the first 15 days of such month at not less than the amount specified in paragraph (a) of this section; and

(ii) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subdivision (i) of this subparagraph.

11. The introductory text of § 1132.80 (d) is corrected as follows:

§ 1132.80 Time and method of payment for producer milk.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

[F.R. Doc. 69-10116; Filed, Aug. 25, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 850]

AGE DISCRIMINATION IN EMPLOYMENT

Recordkeeping Requirements

Pursuant to section 7 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 629) and section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211), and Secretary of Labor's Orders No. 10-68 (33 F.R. 9729) and No. 11-68 (33 F.R. 9690) it is hereby proposed to revise Part 850 of Title 29, Code of Federal Regulations, in the manner indicated below.

Interested persons are invited to submit written data, views, or arguments regarding the proposed revision to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Under the proposal, Part 850 of Title 29, Code of Federal Regulations would read as follows:

PART 850—RECORDS TO BE MADE OR KEPT RELATING TO AGE; NOTICES TO BE POSTED; ADMINISTRATIVE EXEMPTIONS

Subpart A—General

Sec.

850.1 Purpose and scope.

Subpart B—Records To Be Made or Kept Relating to Age; Notices To Be Posted

850.2 Forms of records.

850.3 Records to be kept by employers.

850.4 Records to be kept by employment agencies.

850.5 Records to be kept by labor organizations.

850.6 Availability of records for inspection.

850.7 Transcriptions and reports.

850.8-850.9 [Reserved]

850.10 Notices to be posted.

850.11 Petitions for recordkeeping exceptions.

Subpart C—Administrative Exemptions

850.15 Administrative exemptions; procedures.

850.16 Specific exemptions.

AUTHORITY: The provisions of this Part 850 issued under sec. 7, 81 Stat. 604; 29 U.S.C. 626; sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211.

Subpart A—General

§ 850.1 Purpose and scope.

(a) Section 7 of the Age Discrimination in Employment Act of 1967 (hereinafter referred to in this part as the Act) empowers the Secretary of Labor to require the keeping of records which are necessary or appropriate for the administration of the Act in accordance with the powers contained in section 11 of the Fair Labor Standards Act of 1938. Subpart B of this part sets forth the recordkeeping and posting requirements which are prescribed by the Secretary of Labor for employers, employment agencies, and labor organizations which are subject to the Act. Reference should be made to section 11 of the Act for definitions of the terms "employer", "employment agency", and "labor organization". General interpretations of the Act and of this part are published in Part 860 of this chapter. This part also reflects pertinent delegations of the Secretary of Labor's duties to the Administrator of the Wage and Hour and Public Contracts Divisions.

(b) Subpart C of this part sets forth the Department of Labor's rules under section 9 of the Act providing that the Secretary of Labor may establish reasonable exemptions to and from any or all provisions of the Act as he may find necessary and proper in the public interest.

Subpart B—Records To Be Made or Kept Relating to Age; Notices To Be Posted

§ 850.2 Forms of records.

No particular order or form of records is required by the regulations in this Part 850. It is required only that the records contain in some form the information specified. If the information re-

quired is available in records kept for other purposes, or can be obtained readily by recomputing or extending data recorded in some other form, no further records are required to be made or kept on a routine basis by this Part 850.

§ 850.3 Records to be kept by employers.

(a) Every employer shall make and keep for 3 years payroll or other records for each of his employees which contain:

- (1) Name;
- (2) Address;
- (3) Date of birth;
- (4) Occupation;
- (5) Rate of pay, and
- (6) Compensation earned each week.

(b) (1) Every employer who, in the regular course of his business, makes, obtains, or uses, any personnel or employment records related to the following, shall, except as provided in subparagraphs (3) and (4) of this paragraph, keep them for a period of 1 year from the date of the personnel action to which any records relate:

(i) Job applications, resumes, or any other form of employment inquiry whenever submitted to the employer in response to his advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual,

(ii) Promotion, demotion, transfer, selection for training, layoff, recall, or discharge of any employee,

(iii) Job orders submitted by the employer to an employment agency or labor organization for recruitment of personnel for job openings,

(iv) Test papers completed by applicants or candidates for any position which disclose the results of any employer-administered aptitude or other employment test considered by the employer in connection with any personnel action,

(v) The results of any physical examination where such examination is considered by the employer in connection with any personnel action,

(vi) Any advertisements or notices to the public or to employees relating to job openings, promotions, training programs, or opportunities for overtime work.

(2) Every employer shall keep on file any employee benefit plans such as pension and insurance plans and seniority systems and merit systems which are in writing, for the full period the plan or system is in effect, and for at least 1 year after its termination. If the plan or system is not in writing, a memorandum fully outlining the terms of such plan or system and the manner in which it has been communicated to the affected employees, together with notations relating to any changes or revisions thereto, shall be kept on file for a like period.

(3) In the case of application forms and other preemployment records of applicants for positions which are, and are known by applicants to be, of a temporary nature, every record required to be

kept under subparagraph (1) of this paragraph shall be kept for a period of 90 days from the date of the personnel action to which the record relates.

(4) When an enforcement action is commenced under section 7 of the Act regarding a particular applicant or employee, the Administrator may require the employer to retain any record required to be kept under subparagraph (1), (2), or (3) of this paragraph which is relative to such action until the final disposition thereof.

§ 850.4 Records to be kept by employment agencies.

(a)(1) Every employment agency which, in the regular course of its business, makes, obtains, or uses, any records related to the following, shall, except as provided in subparagraphs (2) and (3) of this paragraph, keep them for a period of 1 year from the date of the action to which the records relate:

- (i) Placements;
- (ii) Referrals, where an individual is referred to an employer for a known or reasonably anticipated job opening;
- (iii) Job orders from employers seeking individuals for job openings;
- (iv) Job applications, resumes, or any other form of employment inquiry or record of any individual which identifies his qualifications for employment, whether for a known job opening at the time of submission or for future referral to an employer;
- (v) Test papers completed by applicants or candidates for any position which disclose the results of any agency-administered aptitude or other employment test considered by the agency in connection with any referrals;
- (vi) Advertisements or notices relative to job openings.

(2) In the case of application forms and other preemployment records of applicants for positions which are, and are known by applicants to be, of a temporary nature, every record required to be kept under subparagraph (1) of this paragraph shall be kept for a period of 90 days from the date of the making or obtaining of the record involved.

(3) When an enforcement action is commenced under section 7 of the Act regarding a particular applicant, the Administrator may require the employment agency to retain any record required to be kept under subparagraph (1) or (2) of this paragraph which is relative to such action until the final disposition thereof.

(b) Whenever an employment agency has an obligation as an "employer" or a "labor organization" under the Act, the employment agency must also comply with the recordkeeping requirements set forth in § 850.3 or § 850.5, as appropriate.

§ 850.5 Records to be kept by labor organizations.

(a) Every labor organization shall keep current records identifying its members by name, address, and date of birth.

(b) Every labor organization shall, except as provided in paragraph (c) of this section, keep for a period of 1 year from the making thereof, a record of the name,

address, and age of any individual seeking membership in the organization. An individual seeking membership is considered to be a person who files an application for membership or who, in some other manner, indicates a specific intention to be considered for membership, but does not include any individual who is serving for a stated limited probationary period prior to permanent employment and formal union membership. A person who merely makes an inquiry about the labor organization or, for example, about its general program, is not considered to be an individual seeking membership in a labor organization.

(c) When an enforcement action is commenced under section 7 of the Act regarding a labor organization, the Administrator may require the labor organization to retain any record required to be kept under paragraph (b) of this section which is relative to such action until the final disposition thereof.

(d) Whenever a labor organization has an obligation as an "employer" or as an "employment agency" under the Act, the labor organization must also comply with the recordkeeping requirements set forth in § 850.3 or § 850.4, as appropriate.

§ 850.6 Availability of records for inspection.

(a) *Place records are to be kept.* The records required to be kept by this part shall be kept safe and accessible at the place of employment or business at which the individual to whom they relate is employed or has applied for employment or membership, or at one or more established central recordkeeping offices.

(b) *Inspection of records.* All records required by this part to be kept shall be made available for inspection and transcription by authorized representatives of the Administrator during business hours generally observed by the office at which they are kept or in the community generally. Where records are maintained at a central recordkeeping office pursuant to paragraph (a) of this section, such records shall be made available at the office at which they would otherwise be required to be kept within 72 hours following request from the Administrator or his authorized representative.

§ 850.7 Transcriptions and reports.

Every person required to maintain records under the Act shall make such extension, recomputation or transcriptions of his records and shall submit such reports concerning actions taken and limitations and classifications of individuals set forth in records as the Administrator or his authorized representative may request in writing.

§§ 850.8—850.9 [Reserved]

§ 850.10 Notices to be posted.

Every employer, employment agency, and labor organization which has an obligation under the Age Discrimination in Employment Act of 1967 shall post and keep posted in conspicuous places upon its premises the notice pertaining to the applicability of the Act prescribed by the Secretary of Labor or his author-

ized representative. Such a notice must be posted in prominent and accessible places where it can readily be observed by employees, applicants for employment and union members.

§ 850.11 Petitions for recordkeeping exceptions.

(a) *Submission of petitions for relief.* Each employer, employment agency, or labor organization who for good cause wishes to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period or periods prescribed in this part, may submit in writing a petition to the Administrator requesting such relief setting forth the reasons therefor and proposing alternative recordkeeping or record-retention procedures.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary or appropriate investigation supplementary thereto, the Administrator shall find that the alternative procedure proposed, if granted, will not hamper or interfere with the enforcement of the Act, and will be of equivalent usefulness in its enforcement, the Administrator may grant the petition subject to such conditions as he may determine appropriate and subject to revocation. Whenever any relief granted to any person is sought to be revoked for failure to comply with the conditions of the Administrator, that person shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or any delay of the Administrator in acting upon such petition shall not relieve any employer, employment agency, or labor organization from any obligations to comply with this part. However, the Administrator shall give notice of the denial of any petition with due promptness.

Subpart C—Administrative Exemptions

§ 850.15 Administrative exemptions; procedures.

(a) Section 9 of the Act provides that, "In accordance with the provisions of subchapter II of chapter 5, of title 5, United States Code, the Secretary of Labor . . . may establish such reasonable exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest."

(b) The authority conferred on the Secretary by section 9 of the Act to establish reasonable exemptions will be exercised with caution and due regard for the remedial purpose of the statute to promote employment of older persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment. Administrative action consistent with this statutory purpose may be taken under this section, with or without a request therefor, when found necessary and proper in the public

interest in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a reasonable exemption from the Act's provisions will be granted only if it is decided, after notice published in the FEDERAL REGISTER giving all interested persons an opportunity to present data, views, or arguments, that a strong and affirmative showing has been made that such exemption is in fact necessary and proper in the public interest. Request for such exemption shall be submitted in writing to the Administrator.

§ 850.16 Specific exemptions.

Pursuant to the authority contained in section 9 of the Act and in accordance with the procedure provided therein and in paragraph (b) of this section, it has been found necessary and proper in the public interest to exempt from all provisions of the Act all activities and programs under Federal contracts or grants, or carried out by the public employment services of the several States, designed exclusively to provide employment for, or to encourage the employment of, persons with special employment problems, including employment activities and programs under the Manpower Development and Training Act of 1962, as amended, and the Economic Opportunity Act of 1964, as amended, for persons among the long-term unemployed, handicapped, members of minority groups, older workers, or youth. Questions concerning the application of this exemption shall be referred to the Administrator for decision.

Signed at Washington, D.C., this 20th day of August 1969.

ROBERT D. MORAN,
Administrator.

[F.R. Doc. 69-10121; Filed, Aug. 25, 1969;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 6741; FCC 69-925]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Memorandum Opinion and Order

1. By notice of proposed rulemaking issued April 25, 1969, the Commission reopened the Clear Channel proceeding to continue the matter of a permanent operating assignment for Station KOB, Albuquerque, N. Mex., which now operates on 770 kc/s, a U.S. I-A clear channel on which WABC, New York City, is the I-A station (FCC 69-405, 34 F.R. 7033). Paragraph 53 of that notice, one of the usual concluding paragraphs in rule-making notices concerning procedural matters, sets the dates for comments and reply comments, stated that all relevant and timely comments and reply

comments would be considered before final action in the matter, and that:

In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

2. In a "Petition for Restricted Proceeding" filed on May 8, 1969, Hubbard Broadcasting, Inc. (Hubbard), the licensee of Station KOB, requests that this paragraph be amended. It is asserted that as written the notice ignores the principles concerning the proper conduct of rule-making proceedings enunciated in *Sangamon Valley Television Corp. v. U.S.* 269 F. 2d 221 (C.A.D.C. 1959), and invites ex parte contacts by the quoted language above. It is asserted that this is a matter involving "the resolution of conflicting claims to a valuable privilege", as referred to in *Sangamon*, involving the operation of two stations on 770 kc/s (KOB and WABC) and possible changes in operation by either or both. Therefore, it is urged, the principles of *Sangamon* should clearly apply, and the language mentioned above should be amended to make it clear that this is true and, in particular, that no ex parte contacts will be permitted and the decision will be reached on the basis of the record made. Reference is made to the ex parte rules governing adjudicatory proceedings (and some rule-making proceedings in other areas such as ratemaking) adopted in 1965 (Rules Governing Ex Parte Communications, 1 F.C.C. 49, 51 (1965)).

3. The rules mentioned do not govern rule making proceedings in most types of cases, including this one. Such rules were considered, following the *Sangamon* decision, in Docket 12947; however, in the 1965 decision mentioned, it was decided not to adopt rules in the rule making field generally. It was stated at the page mentioned above that the Commission would continue to operate under the principles set forth in *Sangamon*, indicating on a case-by-case basis those proceedings in which the Commission considers that these principles apply, i.e., those involving the resolution of conflicting private claims to a valuable privilege. This has been Commission policy for the past several years. Proceedings in which the resolution of conflicting private claims is an important element, are referred to as "closed" proceedings; the closing paragraphs of notices of proposed rule making in such proceedings include the language:

All submissions by parties to this proceeding, or by parties acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

This is the practice, for example, in rule making proceedings concerning channel changes in the FM and television Tables of Allocations (§§ 73.202(b) and 73.606(b)) of the rules, the type of proceeding considered by the Court in *Sangamon*.

4. We agree with Hubbard that the resolution of conflicting private claims is an important element in this proceeding, and that the matter should certainly not be decided on the basis of any ex parte information or presentations. On further consideration, we believe that it is appropriate to modify the language of paragraph 53 of the notice to indicate that this is a "closed" proceeding. Accordingly, as Hubbard requests, we are adding to that paragraph the sentence customarily included in Notices in such proceedings, forbidding ex parte contacts. However, other information, duly filed with the Commission but which will not necessarily be included in the filings at this stage of Docket 6741, may be significant in the decision herein.¹ Therefore we believe it appropriate to include also the language now in the notice, quoted in paragraph 1, above.

5. In view of the foregoing: *It is ordered*, That, paragraph 53 of the notice of proposed rule making in Docket 6741 (FCC 69-405, 34 F.R. 7033), adopted April 22 and released April 25, 1969, is amended to read as follows:

53. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 25, 1969, and reply comments on or before September 25, 1969. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. However, all submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

6. *It is further ordered*, That, the "Petition for Restricted Proceeding" filed on May 8, 1969, by Hubbard Broadcasting, Inc., is granted, to the extent indicated herein and in all other respects is denied.

Adopted: August 20, 1969.

Released: August 21, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-10155; Filed, Aug. 25, 1969;
8:48 a.m.]

¹ The notice invited Hubbard to submit a counterproposal looking toward Class I operation by KOB, and this could include operation on one of a number of I-A channels other than 770 kc/s. It might well be necessary, in reaching an intelligent decision, to consider material concerning gains and losses in service (and other services available to the affected areas) other than that submitted in response to the present notice. Such possibly pertinent material includes data in the previous record in Docket 6741, material concerning nighttime operation on clear channels recently submitted in Dockets 17562, 18023 and 18036 ("pre-sunrise" operation), and the material in Commission files concerning the service areas of authorized and applied-for stations.

² Commissioner Bartley dissenting; Commissioner Cox absent.

[47 CFR Part 73]

[Docket No. 18574; RM-1394]

FM BROADCAST STATIONS

Table of Assignments, Lineville and Roanoke, Ala.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); Docket No. 18574; RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. On June 20, 1969, the Commission released a notice of proposed rule mak-

ing in this proceeding (FCC 69-669) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 237A to Lineville, Ala., and the substitution of Channel 272A for 237A at Roanoke, Ala. The time for filing comments has expired and the date for filing reply comments is presently designated as August 22, 1969.

2. On August 19, 1969, Roanoke Broadcasting Co., licensee of WELR-FM, Roanoke, Ala., by its attorneys, filed a request for an extension to and including September 8, 1969, in which to file reply comments. Roanoke states that the comments of Clay County Broadcasters, proponents of the proposed amendment herein, have raised certain questions which require detailed WELR-FM study in order to determine accuracy of these points. It further states that in order that the results thereof may be completed

and evaluated and a reply prepared, an extension of time is necessary.

3. We are of the view that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including September 8, 1969.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: August 20, 1969.

Released: August 21, 1969.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

GEORGE S. SMITH,

Chief, Broadcast Bureau.

[P.R. Doc. 69-10156; Filed, Aug. 25, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary POTASSIUM CHLORIDE FROM CANADA

Determination of Sales at Less Than Fair Value

AUGUST 20, 1969.

Information was received on August 8, 1967, that potassium chloride, otherwise known as muriate of potash, from Canada, was being sold at less than fair value within the meaning of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160 et seq.), (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the *FEDERAL REGISTER* of June 18, 1968.

After consideration of all information received and views and arguments presented, I hereby determine that for the reasons stated below, potassium chloride, otherwise known as muriate of potash, from Canada is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Potassium chloride from Canada was sold to the United States to purchasers who were both related and unrelated within the meaning of section 207 of the Antidumping Act.

Sufficient quantity of such or similar merchandise was sold in the home market to afford a proper basis of comparison.

Purchase price or exporter's sales price, as appropriate, was compared with the home market price of such or similar merchandise for fair value purposes in the case of all exporters.

In the case of one exporter, International Minerals and Chemical (Canada) Ltd. (IMC), less than 25 percent of its merchandise was sold in the home market. After carefully considering the Anti-dumping law and regulations, it has been concluded that the fair value of IMC's exports should be determined by reference to the price at which such or similar merchandise is sold in Canada by a different Canadian producer. Such or similar merchandise, as defined in section 212(3) of the Antidumping Act, 1921, as amended (19 U.S.C. 170a(3)), was being sold or offered for sale for consumption in the Canadian home market by other Canadian exporters to the United States in quantities which were 25 percent or more of the quantity sold by such exporters other than for exportation to the United States. Accordingly, the determination of fair value of exports from IMC to the United States was made by comparing purchase price with the price at which such or similar merchandise

is sold for consumption in Canada by the Canadian exporter which sells the largest volume in the home market in amounts which were 25 percent or more of the quantity sold by such exporter, other than for exportation to the United States.

Exporter's sales price was determined by adjusting the resale price of the related United States purchaser for selling expenses, transportation costs, price reserves, and sundries, as appropriate to the comparison under consideration.

Purchase price was calculated by deducting freight allowances where appropriate from the actual selling prices of the merchandise to the United States.

Home market price was calculated by deducting from the actual home market selling prices of the merchandise applicable freight allowance, and competitive discounts where granted.

Comparison of purchase price or exporter's sales price with the home market price of such or similar merchandise revealed that home market price was higher than purchase price or exporter's sales price.

Sales by U.S. Borax & Chemical Co., Kallum, Saskatchewan, Canada, are excluded from this determination, since home market price in its case was found to be not higher than the purchase price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. (c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 20, 1969.

[F.R. Doc. 69-10076; Filed, Aug. 22, 1969;
8:49 a.m.]

POTASSIUM CHLORIDE FROM CANADA

Determination of Sales at Less Than Fair Value; Correction

AUGUST 22, 1969.

The concluding sentence of the fourth paragraph of the "Statement of Reasons" in F.R. Doc. 69-10076 is hereby corrected to read:

Accordingly, the determination of fair value of exports from IMC to the United States was made by comparing exporter's sales price with the price at which such or similar merchandise is sold for consumption in Canada by the Canadian exporter which sells the largest volume in the home market in amounts which were 25 percent or more of the quantity sold by such exporter, other than for exportation to the United States.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-10218; Filed, Aug. 25, 1969;
8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs AREA DIRECTORS ET AL.

Delegations of Authority

AUGUST 19, 1969.

10 BIAM 3, 5, and 6, Delegations of Authority, published at 34 F.R. 637 (F.R. Doc. 69-537) in the January 16, 1969, issue are hereby amended as follows:

1. 10 BIAM 3.3 is amended by the addition of a new subpart G, *Contracting and procurement*, to read as follows:

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

G. *Contracting and procurement.* Re-delegation of the contracting and procurement authority under the Buy Indian Act, section 23 of the act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47), to persons not occupying the contracting officer positions designated in 41 CFR Chapter 14H, Bureau of Indian Affairs Procurement Regulations.

2. Part 10 BIAM 5.2 is amended to read as follows:

5.2 *Buy Indian authority.* The contracting and procurement authority for the Central Office under the Buy Indian Act, section 23 of the act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47), is redelegated to persons occupying the designated Headquarters' contracting officer positions indicated in Title 41, Code of Federal Regulations—Public Contracts and Property Management, Chapter 14H—Bureau of Indian Affairs Procurement Regulations.

3. Part 10 BIAM 6.1-6.6 is hereby deleted.

FRED H. MASSEY,
Acting Commissioner.

[F.R. Doc. 69-10130; Filed, Aug. 25, 1969;
8:46 a.m.]

Bureau of Land Management

[Fairbanks 524]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 18, 1969.

The Bureau of Indian Affairs has filed an application, Fairbanks 524, for the withdrawal of the lands described herein from all forms of appropriation under the public lands laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Materials Act of 1947, as amended. The applicant desires the land for cemetery purposes near the village of Barrow.

Alaska. The BIA originally requested withdrawal of 3.3 acres, and this amended application enlarges the request to 6.41 acres. This withdrawal will be subject to Naval Petroleum Reserve No. 4 which was created by Executive Order No. 3797-A of February 27, 1923, and to the jurisdiction granted to the Department of the Navy over the reserve by the act of August 10, 1956 (70 Stat. 457-462, as amended, 10 U.S.C. 7421-7438).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 231.1-3(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BARROW, ALASKA

Beginning at corner number 12 of U.S. Survey 4615, Barrow Townsite, Alaska; thence south 00°02'15" E., approximately 910.00 feet to a point on the north edge of the Will Rogers-Wiley Post Memorial Airport east-west runway; thence south 22°32'45" E., approximately 4640.65 feet to the true point of beginning and corner number 1 of this tract; thence north 86°02'45" E., 396 feet to corner number 2; thence south 03°57'15" E., 702 feet to corner number 3; thence south 86°02'45" W., 396 feet to corner number 4; thence north 03°57'15" W., 702 feet to the point of beginning.

Containing 6.41 acres.

T. G. BINGHAM,
Acting State Director.

[F.R. Doc. 69-10109; Filed, Aug. 25, 1969;
8:45 a.m.]

ALASKA

Notices of Filing of Protraction Diagrams

The notice of filing of protraction diagrams for northern Alaska appearing in the FEDERAL REGISTER on March 24, 1964 (29 F.R. 3677), is hereby amended to delete the sentence which reads as follows: "Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 192.140."

The notices of filing of protraction diagrams for northern Alaska appearing in the FEDERAL REGISTER on January 26, 1965 (30 F.R. 898), September 11, 1965 (30 F.R. 11697), March 19, 1966 (31 F.R. 4741), September 23, 1966 (31 F.R. 12575), and January 24, 1969 (34 F.R. 1190), are hereby amended to delete the sentence which reads as follows: "Each of such leasing blocks will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 3128.1."

BURTON W. SILCOCK,
State Director.

AUGUST 18, 1969.

[F.R. Doc. 69-10167; Filed, Aug. 25, 1969;
8:48 a.m.]

[Sacramento 2724]

CALIFORNIA

Opening of Lands From Waterpower Withdrawals

AUGUST 19, 1969.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to the authority redelegated to me by the Acting Manager, November 18, 1965 (30 F.R. 14444), it is ordered as follows:

1. In an order issued June 25, 1969, the Federal Power Commission vacated the withdrawal created pursuant to the filing on May 8, 1928, as supplemented on March 13, 1929, of an application for preliminary permit for proposed Project No. 894, for the following described lands:

MOUNT DIABLO MERIDIAN
PROPOSED PROJECT NO. 894

T. 35 N., R. 7 E.,
Sec. 10, lots 3 and 4;
Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 36 N., R. 7 E.,
Sec. 19, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, lots 12 and 13;
Sec. 30, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 32, lots 4, 5, 6, 10, 11, 15, and 16.

The areas described aggregate approximately 1,414 acres; approximately 131 acres are nonpublic lands; 1,043 acres are public lands and the remaining 240 acres are national forest lands. The lands lie along or near Horse Creek, a tributary of the Pit River, near the community of Little Valley in Lassen County. Those lands described in sections 22 and 26, T. 35 N., R. 7 E., are within the national forest.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public lands described in paragraph 1 hereof will, at 10 a.m. on September 18, 1969, be open to application, petition, location, and selection under the public land laws generally.

3. At 10 a.m., on September 18, 1969, the national forest lands described in paragraph 1 hereof, shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

All valid applications received at or prior to 10 a.m., on September 18, 1969, will be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

The State of California has waived the preference right afforded it under section 24 of the Federal Power Act, supra.

All lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the U.S. mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-10110; Filed, Aug. 25, 1969;
8:45 a.m.]

[M 9082; Group 99]

MINNESOTA

Notice of Filing of Plat of Survey

AUGUST 19, 1969.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Billings, Mont., effective 10 a.m., September 23, 1969.

FOURTH PRINCIPAL MERIDIAN, MINN.

T. 59 N., R. 21 W.,
Sec. 13, Lot 9;
Sec. 24, Lot 6.

The areas described contain 0.34 acres.
2. The lands will not be subject to disposition under the General Land Laws, by reason of the official filing of the plat, but may be opened at a later date by publication in the FEDERAL REGISTER.

K. J. SIRE,
*Acting Chief, Division of Lands
and Minerals, Program Man-
agement and Land Office.*

[F.R. Doc. 69-10131; Filed, Aug. 25, 1969;
8:46 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of August 1, 1969.

Dated: August 1, 1969.

JOHN S. ANDERSON.

[F.R. Doc. 69-10132; Filed, Aug. 25, 1969;
8:46 a.m.]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of July 29, 1969.

Dated: July 29, 1969.

C. A. CAMPBELL.

[F.R. Doc. 69-10133; Filed, Aug. 25, 1969;
8:46 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

HUBBELL CARPENTER.

[F.R. Doc. 69-10134; Filed, Aug. 25, 1969;
8:46 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Air West Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland General Electric Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
- (3) None.
- (4) None.

This statement is made as of August 1, 1969.

Dated: August 1, 1969.

GLENN J. HALL.

[F.R. Doc. 69-10135; Filed, Aug. 25, 1969;
8:46 a.m.]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 31, 1969.

Dated: August 5, 1969.

DAVID G. JETER.

[F.R. Doc. 69-10136; Filed, Aug. 25, 1969;
8:46 a.m.]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of August 11, 1969.

Dated: August 11, 1969.

J. W. KEPNER.

[F.R. Doc. 69-10137; Filed, Aug. 25, 1969;
8:46 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

LEWIS W. LENGNICK.

[F.R. Doc. 69-10138; Filed, Aug. 25, 1969;
8:46 a.m.]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

O. A. LENTZ.

[F.R. Doc. 69-10139; Filed, Aug. 25, 1969;
8:47 a.m.]

C. R. MACHEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Additions: Eastern Airlines, Pan American, Booth Computer, Mansfield Tire.
- (3) No change.
- (4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

C. R. MACHEN.

[F.R. Doc. 69-10140; Filed, Aug. 25, 1969; 8:47 a.m.]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

ROBERT R. McLAGAN.

[F.R. Doc. 69-10141; Filed, Aug. 25, 1969; 8:47 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) Director, Wisconsin Natural Gas Co.; Vice President, Wisconsin Natural Gas Co.; Vice President, Wisconsin Michigan Power Co.; Senior Vice President, Wisconsin Electric Power Co.; Director, Badger Auto Service Co.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 29, 1969.

Dated: July 29, 1969.

C. S. McNEER.

[F.R. Doc. 69-10142; Filed, Aug. 25, 1969; 8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

- (1) New position: Vice Executive Director from Assistant Executive Director for Power Operations in the Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico).
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 30, 1969.

Dated: July 30, 1969.

JULIO A. NEGRONI.

[F.R. Doc. 69-10143; Filed, Aug. 25, 1969; 8:47 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of July 29, 1969.

Dated: July 29, 1969.

RAFAEL RAMIREZ.

[F.R. Doc. 69-10144; Filed, Aug. 25, 1969; 8:47 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of August 14, 1969.

Dated: August 14, 1969.

LEROY J. SCHULTZ.

[F.R. Doc. 69-10145; Filed, Aug. 25, 1969; 8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 30, 1969.

Dated: July 30, 1969.

C. W. WATSON.

[F.R. Doc. 69-10146; Filed, Aug. 25, 1969; 8:47 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 28, 1969.

Dated: July 28, 1969.

CARL H. WILLIAMS.

[F.R. Doc. 69-10147; Filed, Aug. 25, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10508]

CERTAIN COMBINATION PREPARATIONS CONTAINING PENTYLENE-TETRAZOL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Geroniazol Injection; contains 100 milligrams of pentylenetetrazol and 50 milligrams of nicotinic acid, as sodium nicotinate, per milliliter; by Phillips Roxane Laboratories, Division of Phillips Rozane, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 11-742).

2. Nicozol with Reserpine Tablets; contains 100 milligrams of pentylenetetrazol, 50 milligrams of nicotinic acid, and 0.25 milligram of reserpine per tablet; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10-508).

The Food and Drug Administration concludes there is a lack of substantial evidence that these drugs will have the effects they purport or are represented

to have under the conditions of use prescribed, recommended, or suggested in their labeling, as follows:

1. Geroniazol Injection—for use in the treatment of senile confusion, senile depression, senile psychosis, senile fatigue, and senile debilitation.

2. Nicozol with Reserpine Tablets—for use in senile psychoses and psychoneuroses, when anxiety and nervous tension are present; and relief of dizzy spells, mental confusion, mild behavioral disorders, irritability, and functional memory defects in elderly patients, in the absence of more serious emotional and psychiatric disturbances.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug applications.

Prior to initiating such action, however, the Commissioner invites the holders of new-drug applications for these drugs, and any interested person who might be adversely affected by their removal from the market, to submit any pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER. To be considered acceptable for review, the material must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the products and must not have been previously submitted.

This announcement of the proposed action and implementation of the NAS-NRC report for these drugs is made to give notice to persons who might be adversely affected by their withdrawal from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holders of the subject new-drug applications have been mailed a copy of the NAS-NRC reports and any interested person may obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should refer to "DESI 10508," should be directed to the following appropriate office, and should be addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300). Comments or data regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This announcement is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 12, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-10107; Filed, Aug. 25, 1969; 8:45 a.m.]

Office of Education CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of publication in the FEDERAL REGISTER, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Central California Educational Television, Box 6, Sacramento, Calif. 95801, File No. 9/339/0055-TF, to improve the facilities of noncommercial educational television station KVIE-TV, Channel 6, Sacramento III, Calif., accepted as of March 15, 1969. Estimated project cost: \$828,445. Grant requested: \$621,334. Application signed by: John C. Crabbe, General Manager.

EDUCATIONAL RADIO

Huntington County Community School Corporation, John and Guilford Streets, Huntington, Ind. 46750, File No. 9/339/0060-RF, to improve the facilities of noncommercial educational radio station WVSH-FM, Channel 220, Huntington, Ind., accepted as of May 8, 1969. Estimated project cost: \$9,101. Grant requested: \$6,826. Application signed by: Gary Brown, Radio-TV Director.

San Mateo Junior College District, 1700 West Hillsdale Boulevard, San Mateo, Calif. 94402, File No. 9/339/0008-RF, to improve the facilities of noncommercial educational radio station KCSM-FM, Channel 215, San Mateo, Calif., accepted as of June 11, 1969. Estimated project cost: \$18,570. Grant requested: \$12,500. Application signed by: Clifford G. Erickson, Chancellor-Superintendent.

Approved: August 19, 1969.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 69-10108; Filed, Aug. 25, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 23,264]

GREAT WESTERN FINANCIAL CORP.

Notice of Intention To Acquire Safety Savings and Loan Association

AUGUST 21, 1969.

Resolved that the Secretary to the Federal Savings and Loan Insurance

Corporation is hereby directed to file the following notice for publication in the FEDERAL REGISTER and with the Savings and Loan Commissioner, State of California:

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Financial Corp., a savings and loan holding company, Beverly Hills, Calif., for approval of the latter corporation's acquisition of the Safety Savings and Loan Association, Los Angeles, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition would be effected by the purchase of the stock of Safety Savings and Loan Association by Great Western Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 5 days of the date this notice appears in the FEDERAL REGISTER.

For the Federal Savings and Loan Insurance Corporation.

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,
Secretary.

[F.R. Doc. 69-10161; Filed, Aug. 25, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-87]

DUNDEE CORP.

Notice of Qualification as U.S. Citizen

1. This is to give notice that pursuant to 19 CFR 3.21 (§ 3.21, Customs Regulations), issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), the Dundee Cement Company, Post Office Box 317, Dundee, Mich., incorporated under the laws of the State of Delaware, did on July 31, 1969, file with the Commandant of the U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

2. The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

3. The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on August 15, 1969 issued to the Dundee Corp., a certificate of compliance on form 1262, as provided in 19 CFR 3.21(i) (§ 3.21(i), Customs Regulations). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 19 CFR 3.21(h) (§ 3.21(h), Customs Regulations).

Dated: August 15, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[P.R. Doc. 69-10122; Filed, Aug. 25, 1969;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission is considering the issuance of an amendment to Provisional Operating License No. DR-15 which authorizes the General Electric Co. (General Electric), and Southwest Atomic Energy Associates (SAEA), with General Electric acting for itself and for SAEA, to possess, use and operate the plutonia-uranium-fueled, fast spectrum, sodium-cooled experimental reactor. The reactor, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark. The amendment would authorize: (1) The operation of the reactor at steady-state power levels up to a maximum of 20 megawatts thermal and in the pulsed mode of operations, and (2) the receipt, possession and use of up to 10 millicuries each of Krypton-85, Iodine-131, Xenon-133 and Cesium-137 in connection with the operation of the reactor.

The reactor is designed to operate at approximately 20 megawatts thermal and in the pulsed mode, but initial operation was limited to 1 megawatt thermal to permit initial fuel loading and testing. Provisional Operating License No. DR-15 was issued on March 4, 1969, authorizing operation of the re-

actor at power levels up to 1 megawatt thermal.

The Commission has found that the application for the provisional operating amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. The license will not be issued until the Commission makes the safety findings set forth in the proposed license.

Prior to issuance of the amendment, the facility will be inspected by the Commission to determine whether it has been constructed for 20 megawatt and pulsed operations in accordance with the provisions of Provisional Construction Permit No. CPPR-17 issued by the Commission on September 21, 1965. Upon issuance of the provisional operating license amendment, the licensees will be required to execute an amended indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and by 10 CFR Part 140.

Within thirty (30) days from the date of publication of this 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 regulations, 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 proposed amendment, see (1) the application for provisional operating license, as amended (Amendments Nos. 24, 25, 26, 27, 28, 29, and 30 to the license application, dated Nov. 1, 1968, Dec. 10, 1968, Jan. 14, 1969, Jan. 24, 1969, Feb. 20, 1969, Mar. 27, 1969, and May 16, 1969, respectively); (2) the reports of the Advisory Committee on Reactor Safeguards dated October 10, 1968 and March 13, 1969; (3) the original "Safety Evaluation" dated November 16, 1968, prepared by the Division of Reactor Licensing; (4) the "Supplemental Safety Evaluation"; (5) the proposed amendment to the operating license; and (6) the amended technical specifications which are incorporated in the proposed license amendment and designated as Appendix A thereto, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2), (3), (4), and (5) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of August 1969.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[P.R. Doc. 69-10213; Filed, Aug. 25, 1969;
8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21189]

DEL MONTE CORP. ET AL.

Notice of Proposed Approval

Application of Del Monte Corp., D&O Fairchild, Inc., et al., for approval of control relationships pursuant to section 408 of the Act, Docket 21189.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 20, 1969.

[SEAL]

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.
Application of Del Monte Corp., D&O Fairchild, Inc., et al., for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended; Docket 21189.

By joint application filed July 11, 1969, Del Monte Corp. (Del Monte), Edgar F. Hurff Co. (Hurff), D&O Fairchild, Inc. (D&O), Fairchild General Freight, Inc. (Fairchild), Encinal Terminals, Inc. (Encinal), and Air-Land Freight Consolidators, Inc. (Air-Land) request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of the acquisition by Del Monte, through its wholly-owned subsidiary, Hurff, of all the outstanding capital stock of D&O and Fairchild. Approval under section 409 is also requested for certain interlocking relationships which will result from the acquisition.

Del Monte, whose principal business is the production of canned fruits and vegetables is also involved in the ownership of several transportation enterprises. By Order 69-3-10, March 4, 1969, the Board approved, under section 408 of the Act, the acquisition of Air-Land, a domestic and international air freight forwarder, by Encinal, a wholly-owned Del Monte subsidiary, and approved the various control relationships among the interrelated Del Monte companies.

Fairchild has been granted, by the Interstate Commerce Commission, contract carrier authority over irregular routes to transport specialized commodities under contracts with the Owens Illinois Glass Co., and the Container Corp. of America.¹ Under those contracts, Fairchild operates between the States of Oregon and Washington. It also holds common carrier authority over irregular routes to transport livestock between points in Washington, Oregon, and Idaho and to

¹ Hurff is a New Jersey corporate shell with no present activity and no assets.

² According to the applicants, an "irregular route" authority is the type of grant utilized by the ICC to enable and require a carrier to provide what is essentially a "call on demand" service. As opposed to "regular route" authority, it does not permit regularly scheduled service between fixed terminals and over established routes, nor may the carrier permit its operations to develop into "regular route" authority.

transport wool from points in Washington to points in Oregon. Fairchild also holds intrastate operating authorities from the Washington Utilities and Transportation Commission (WUTC).

D&O has been granted, by the ICC, common carrier authority over irregular routes to transport box shooks from a plantsite in Washington to points in Oregon, California, Idaho, and Montana, and to transport fiberboard, paper or pulp board boxes and partitions between points in Washington and Oregon. In addition, D&O has recently accomplished a statutory merger under the laws of the State of Washington with Bonanza Trucking Co., an intrastate carrier within the State of Washington. D&O has been granted temporary authority from the WUTC to operate under Bonanza's permit and has filed an application requesting that such temporary authority be made permanent.

In support of their request for approval, the applicants state that the acquisition and control relationships between Del Monte and its subsidiary companies, and specifically between Air-Land, on the one hand, and D&O and Fairchild, on the other, would involve relationships between an air freight forwarder and motor carriers authorized to carry a very limited and circumscribed number of commodities, and to conduct operations of a specialized nature over limited distances which are not competitive with air transportation. The applicants assert that Air-Land's air freight forwarding operations cannot, and will not, be used in conjunction with either D&O's or Fairchild's services; that none of the transportation enterprises currently controlled by Del Monte can use the authorities held by D&O and Fairchild for "tacking" purposes; and that present plans call for Del Monte to dispense entirely with its limited current use of the services of both companies in the future. In addition, the applicants emphasize the fact that neither D&O nor Fairchild holds interstate general commodity authority, and further that the relationships presented by the instant case are similar to others which have heretofore been approved by the Board.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication, both in accordance with sections 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the unified control of D&O and Fairchild, on the one hand, and Air-Land, on the other, by Del Monte is subject to section 408 of the Act.³ However, it has been further concluded that such control relationships do not affect an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that

the public interest does not require a hearing. The control relationships involving motor carriers holding limited and/or restricted interstate operating authority are similar to others which have previously been approved by the Board.⁴ It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should the general character of any motor vehicle carrier in the Del Monte system of subsidiary companies alter in any significant respect through expansion of operations, new issues would be raised which would require the filing of a further application in the matter.

In view of the above determination with respect to the control relationships, it is concluded that the interlocking relationships for which the applicants request approval come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved, under section 408(b) of the Act without hearing, and that the application to the extent that it requests approval of the aforementioned interlocking relationships should be dismissed.

Accordingly, it is ordered:

1. That the control relationships described herein be and they hereby are approved; and
2. That, except to the extent granted herein, the application in Docket 21189 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within three days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10162; Filed, Aug. 25, 1969;
8:48 a.m.]

[Docket Nos. 20946, 20978]

HARLEE BRANCH, JR., ET AL.

Notice of Postponement of Prehearing Conference

Applications of Harlee Branch, Jr. et al., and United States Steel Corporation for disclaimer of jurisdiction or approval of control and interlocking relationships under sections 408 and 409 of

³ See, for example, Order 69-3-10, Mar. 4, 1969 (Del Monte, Air-Land, et al.); Orders 68-10-134, Oct. 25, 1968 and 68-11-61, Nov. 14, 1968 (Novo Industrial Corporation and Boss-Linco Lines); and Order 69-5-50, May 13, 1969 (Loomis Corp., et al.).

the Federal Aviation Act of 1958, as amended.

Notice is hereby given that the pre-hearing conference in the above-entitled matter is postponed until September 16, 1969, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before September 11, 1969, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 21, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 69-10163; Filed, Aug. 25, 1969;
8:48 a.m.]

[Docket No. 18650; Order 69-8-113]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, August 20, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20745, R-89 and R-90.

By Order 69-7-133, dated July 24, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-7-133 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-89 and R-90, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10164; Filed, Aug. 25, 1969;
8:48 a.m.]

⁴ Air Freight Forwarder Case, 9 CAB 473, 504 (1948).

CIVIL SERVICE COMMISSION NURSES

Notice of Adjustment of Minimum Rates and Rate Ranges

The Notice of Adjustment of Minimum Rates and Rate Ranges for Nurses, F.R. Doc. 69-9270, appearing in the FEDERAL REGISTER of Friday, August 8, 1969, on page 12896 is hereby revoked and the following document will take its place.

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain nurses positions for which special rates are currently established will be adjusted as set forth below. The new rate ranges, either special or regular as appropriate, will be effective the first day of the first pay period on or after July 1, 1969.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Boston, Mass., SMSA and Fort Devens, Mass.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$6,036 | \$6,830 | \$6,994 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 |
| GS-5 | 7,000 | 7,296 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |

¹ Corresponding statutory rates: GS-4—seventh; GS-5—fifth; GS-6—third.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| PFS-6 | \$7,111 | \$7,344 | \$7,577 | \$7,790 | \$8,013 | \$8,236 | \$8,459 | \$8,682 | \$8,905 | \$9,128 | \$9,351 | \$9,574 |
| PFS-7 | 7,698 | 7,939 | 8,180 | 8,421 | 8,662 | 8,903 | 9,144 | 9,385 | 9,626 | 9,867 | 10,108 | 10,349 |
| PFS-8 | 8,222 | 8,582 | 8,942 | 9,302 | 9,662 | 10,022 | 10,382 | 10,742 | 11,102 | 11,462 | 11,822 | 12,182 |

¹ Corresponding statutory rates: PFS-6—third; PFS-7—third; PFS-8—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Baltimore, Md., SMSA.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$6,258 | \$6,442 | \$6,626 | \$6,810 | \$6,994 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 |
| GS-5 | 7,000 | 7,296 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |

¹ Corresponding statutory rates: GS-4—fifth; GS-5—fourth; GS-6—second.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| PFS-6 | \$6,869 | \$7,121 | \$7,344 | \$7,567 | \$7,790 | \$8,013 | \$8,236 | \$8,459 | \$8,682 | \$8,905 | \$9,128 | \$9,351 |
| PFS-7 | 7,457 | 7,698 | 7,939 | 8,180 | 8,421 | 8,662 | 8,903 | 9,144 | 9,385 | 9,626 | 9,867 | 10,108 |
| PFS-8 | 8,062 | 8,322 | 8,582 | 8,842 | 9,102 | 9,362 | 9,622 | 9,882 | 10,142 | 10,402 | 10,662 | 10,922 |

¹ Corresponding statutory rates: PFS-6—second; PFS-7—second; PFS-8—second.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Washington, D.C. SMSA including the D.C. Government's Children's Center, Lenzel, Md., and the U.S. Marine Corps Base, Quantico, Va.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$6,810 | \$6,994 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 |
| GS-5 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 | 9,060 | 9,266 |
| GS-6 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 | 9,630 |
| GS-7 | 7,894 | 8,149 | 8,404 | 8,659 | 8,914 | 9,169 | 9,424 | 9,679 | 9,934 | 10,189 |

¹ Corresponding statutory rates: GS-4—eighth; GS-5—seventh; GS-6—fourth; GS-7—second.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| PFS-6 | \$7,344 | \$7,567 | \$7,790 | \$8,013 | \$8,236 | \$8,459 | \$8,682 | \$8,905 | \$9,128 | \$9,351 | \$9,574 | \$9,797 |
| PFS-7 | 7,939 | 8,180 | 8,421 | 8,662 | 8,903 | 9,144 | 9,385 | 9,626 | 9,867 | 10,108 | 10,349 | 10,590 |
| PFS-8 | 8,582 | 8,942 | 9,302 | 9,662 | 10,022 | 10,382 | 10,742 | 11,102 | 11,462 | 11,822 | 12,182 | 12,542 |

¹ Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: State of Nevada; State of California (excluding San Diego County and Division of Indian Health Nurses).

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$6,810 | \$6,994 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 |
| GS-5 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 | 9,060 | 9,266 |
| GS-6 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 | 9,630 |
| GS-7 | 7,894 | 8,149 | 8,404 | 8,659 | 8,914 | 9,169 | 9,424 | 9,679 | 9,934 | 10,189 |

¹ Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—fourth; GS-7—second.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| PFS-6 | \$7,344 | \$7,567 | \$7,790 | \$8,013 | \$8,236 | \$8,459 | \$8,682 | \$8,905 | \$9,128 | \$9,351 | \$9,574 | \$9,797 |
| PFS-7 | 7,939 | 8,180 | 8,421 | 8,662 | 8,903 | 9,144 | 9,385 | 9,626 | 9,867 | 10,108 | 10,349 | 10,590 |
| PFS-8 | 8,582 | 8,942 | 9,302 | 9,662 | 10,022 | 10,382 | 10,742 | 11,102 | 11,462 | 11,822 | 12,182 | 12,542 |

¹ Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

GS-410 NURSE SERIES

Geographic coverage: Pierce County (includes Tacoma), Wash.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,810 | \$5,994 | \$7,178 | \$7,862 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 |
| GS-5 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 | 9,060 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |

1 Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third.

GS-400 NURSE SERIES

GS-411 PUBLIC HEALTH NURSE SERIES

Geographic coverage: New Orleans, La.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,074 | \$5,268 | \$5,462 | \$5,656 | \$5,850 | \$6,044 | \$6,238 | \$6,432 | \$6,626 | \$6,820 |
| GS-5 | 6,588 | 6,794 | 7,000 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 |

1 Corresponding statutory rates: GS-4—fourth; GS-5—third.

GS-410 NURSE SERIES

GS-411 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Galveston, Tex.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,810 | \$5,994 | \$7,178 | \$7,862 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 |
| GS-5 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 | 9,060 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |

1 Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third.

GS-410 NURSE SERIES

GS-411 PUBLIC HEALTH NURSE SERIES

PFS-410 POSTAL FIELD SERVICE NURSE

Geographic coverage: Philadelphia, Pa.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,810 | \$5,994 | \$7,178 | \$7,862 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 |
| GS-5 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 | 9,060 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |

1 Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third.

GS-410 NURSE SERIES

GS-411 PUBLIC HEALTH NURSE SERIES

PFS-410 POSTAL FIELD SERVICE NURSE

Geographic coverage: Philadelphia, Pa.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| PFS-4 | \$7,121 | \$7,344 | \$7,567 | \$7,790 | \$8,013 | \$8,236 | \$8,459 | \$8,682 | \$8,905 | \$9,128 | \$9,351 | \$9,574 |
| PFS-5 | 8,682 | 8,905 | 9,128 | 9,351 | 9,574 | 9,797 | 10,020 | 10,243 | 10,466 | 10,689 | 10,912 | 11,135 |
| PFS-6 | 8,822 | 9,045 | 9,268 | 9,491 | 9,714 | 9,937 | 10,160 | 10,383 | 10,606 | 10,829 | 11,052 | 11,275 |

1 Corresponding statutory rates: PFS-4—third; PFS-5—third; PFS-6—third.

GS-410 NURSE SERIES
GS-411 PUBLIC HEALTH NURSE SERIES

Geographic coverage: San Diego County, Calif.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,258 | \$5,442 | \$5,626 | \$5,810 | \$5,994 | \$6,178 | \$6,362 | \$6,546 | \$6,730 | \$6,914 |
| GS-5 | 6,794 | 7,000 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 |
| GS-6 | 7,111 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 |

1 Corresponding statutory rates: GS-4—fifth; GS-5—fourth; GS-6—second.

GS-410 NURSE SERIES

GS-411 PUBLIC HEALTH NURSE SERIES

PFS-410 POSTAL FIELD SERVICE NURSE

Geographic coverage: New York, N.Y.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 | \$8,650 | \$8,834 |
| GS-5 | 8,854 | 9,038 | 9,222 | 9,406 | 9,590 | 9,774 | 9,958 | 10,142 | 10,326 | 10,510 |
| GS-6 | 9,268 | 9,452 | 9,636 | 9,820 | 10,004 | 10,188 | 10,372 | 10,556 | 10,740 | 10,924 |
| GS-7 | 9,682 | 9,866 | 10,050 | 10,234 | 10,418 | 10,602 | 10,786 | 10,970 | 11,154 | 11,338 |
| GS-8 | 10,096 | 10,280 | 10,464 | 10,648 | 10,832 | 11,016 | 11,200 | 11,384 | 11,568 | 11,752 |
| GS-9 | 10,510 | 10,694 | 10,878 | 11,062 | 11,246 | 11,430 | 11,614 | 11,798 | 11,982 | 12,166 |
| GS-10 | 10,924 | 11,108 | 11,292 | 11,476 | 11,660 | 11,844 | 12,028 | 12,212 | 12,396 | 12,580 |

1 Corresponding statutory rates: GS-4—fourth; GS-5—third; GS-6—second; GS-7—first; GS-8—first; GS-9—first; GS-10—first.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|----------|----------|
| PFS-4 | \$8,013 | \$8,236 | \$8,459 | \$8,682 | \$8,905 | \$9,128 | \$9,351 | \$9,574 | \$9,797 | \$10,020 | \$10,243 | \$10,466 |
| PFS-5 | 9,682 | 9,905 | 10,128 | 10,351 | 10,574 | 10,797 | 11,020 | 11,243 | 11,466 | 11,689 | 11,912 | 12,135 |
| PFS-6 | 9,822 | 10,045 | 10,268 | 10,491 | 10,714 | 10,937 | 11,160 | 11,383 | 11,606 | 11,829 | 12,052 | 12,275 |

1 Corresponding statutory rates: PFS-4—seventh; PFS-5—seventh; PFS-6—seventh.

GS-410 NURSE SERIES

GS-411 PUBLIC HEALTH NURSE SERIES

PFS-410 POSTAL FIELD SERVICE NURSE

Geographic coverage: Seattle and Bremerton, Wash.

Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,442 | \$5,626 | \$5,810 | \$5,994 | \$6,178 | \$6,362 | \$6,546 | \$6,730 | \$6,914 | \$7,098 |
| GS-5 | 6,794 | 7,000 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 |
| GS-6 | 7,111 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 |

1 Corresponding statutory rates: GS-4—fourth; GS-5—second.

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|----------|----------|----------|----------|----------|----------|
| PFS-4 | \$8,808 | \$9,031 | \$9,254 | \$9,477 | \$9,700 | \$9,923 | \$10,146 | \$10,369 | \$10,592 | \$10,815 | \$11,038 | \$11,261 |
| PFS-5 | 10,469 | 10,692 | 10,915 | 11,138 | 11,361 | 11,584 | 11,807 | 12,030 | 12,253 | 12,476 | 12,699 | 12,922 |
| PFS-6 | 10,609 | 10,832 | 11,055 | 11,278 | 11,501 | 11,724 | 11,947 | 12,170 | 12,393 | 12,616 | 12,839 | 13,062 |

1 Corresponding statutory rates: PFS-4—second; PFS-5—second; PFS-6—second.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: Division of Indian Health, Public Health Service, Continental United States; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps centers at Lydick Lake, Minn., and Box Elder, S. Dak.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$6,625 | \$6,810 | \$6,994 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 |
| GS-5 | 7,090 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |

¹ Corresponding statutory rates: GS-4—seventh; GS-5—fifth; GS-6—third.

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES

Geographic coverage: State of Alaska.
Effective date: First day of the first pay period beginning on or after July 1, 1969.

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$6,810 | \$6,994 | \$7,178 | \$7,362 | \$7,546 | \$7,730 | \$7,914 | \$8,098 | \$8,282 | \$8,466 |
| GS-5 | 7,206 | 7,412 | 7,618 | 7,824 | 8,030 | 8,236 | 8,442 | 8,648 | 8,854 | 9,060 |
| GS-6 | 7,340 | 7,569 | 7,798 | 8,027 | 8,256 | 8,485 | 8,714 | 8,943 | 9,172 | 9,401 |
| GS-7 | 7,594 | 7,849 | 8,104 | 8,359 | 8,614 | 8,869 | 9,124 | 9,379 | 9,634 | 9,889 |

¹ Corresponding statutory rates: GS-4—eighth; GS-5—sixth; GS-6—third; GS-7—second.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-10069; Filed, Aug. 25, 1969; 8:45 a.m.]

PHYSICAL SCIENCE SUBSERIES

Notice of Adjustment of Minimum
Rates and Rate Ranges

Correction

In F.R. Doc. 69-9701, appearing at page 13290 of the issue for Friday, August 15, 1969, the following change should be made:

In the table of per annum rates, the rate for step 2 of GS-9 now reading "\$11,479" should be changed to read "\$11,497".

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18634, 18635; FCC 69-902]

PACIFICA FOUNDATION AND NATIONAL
EDUCATION FOUNDATION,
INC.

Memorandum Opinion and Order
Designating Applications for Con-
solidated Hearings on Stated
Issues

In re applications of Pacifica Foundation, Washington, D.C., Docket No. 18634, File No. BPED-896, Requests: 89.3 mcs, No. 207; 44.7 kw; 643 feet; National Education Foundation, Inc., Washington, D.C., Docket No. 18635, File No. BPED-1012, Requests: 89.3 mcs, No. 207; 94.7 kw; 337.6 feet; for construction permits.

1. The Commission has before it for consideration (a) the above captioned and described applications which are mutually exclusive in that operation by

the applicants as proposed would result in mutually destructive interference, (b) the National Education Foundation, Inc. ("N.E.F."), "Petition for Reconsideration" of the rejection of its application for filing, (c) N.E.F.'s "Preface to Application and Request for Waiver of § 73.503 of the Rules" (d) the Pacifica Foundation ("Pacifica") "Opposition to Request for Waiver" (e) N.E.F.'s "Reply to Opposition to Request for Waiver", (f) N.E.F.'s "Petition to File Informal Objections to Commission's Acceptance of Pacifica Application Under § 1.587 of the Rules: Petition to Accept Late Petition to Deny Pacifica Grant and Waive § 1.580 (i) and Petition to Intervene and to Deny Pacifica Grant of Non-Commercial Educational Station (BPED-896)", (g) Pacifica's "Opposition to Petitions of National Education Foundation, Inc.", and (h) N.E.F.'s "Reply to Opposition of Pacifica Foundation."

2. Twice before the Commission has considered the matter of the acceptability for filing under § 73.503 of the Commission's rules of the N.E.F. application (or that of its predecessor-in-interest, Christ Church Foundation, Inc.). On both occasions the applications were found to be unacceptable for filing as a result of the Commission's determination that both entities were essentially religious rather than educational organizations and as such were ineligible to be licensees of noncommercial educational FM stations. N.E.F. seeks reconsideration of our rejection of its application or alternatively, waiver of § 73.503 of the rules, the latter request being contained in the preface to N.E.F.'s retendered application.

3. In its petition for reconsideration N.E.F. argues that contrary to the Com-

mission's conclusion, it is an educational organization, not a religious organization, and as such is eligible under the Commission's rules to obtain the requested authorization. In support of this proposition N.E.F. contends that it proposes more than 29 percent educational programming, that the station would be used for the advancement of an educational program, that the educational nature of its organization is specified in its charter, that it is not incorporated as a religious organization and does not claim to be such, that it does not perform any sacerdotal functions, that the fact of church support in no way alters the nature of the organization and that the self-perpetuation of N.E.F.'s directors does not carry any religious significance, but if the Commission concludes otherwise the self-perpetuating arrangement could be terminated.¹ In addition, N.E.F. has submitted a breakdown of the percentages for programming in various categories which differs somewhat from the figures previously utilized by the Commission.

4. N.E.F. has also supplied certain supplementary statements in connection with its retendered application. In addition to arguing that N.E.F. is not controlled by any church or religious body and does not limit its directors to members of such groups, N.E.F. states that it has altered the method of selection of its directors so that they may not succeed themselves.² N.E.F. also points out that its Executive Board contains two members (out of a total of five) and the Advisory Board 20 members (out of a total of 37) who are not members of Christ Church of which N.E.F.'s President is Pastor. Finally, N.E.F. indicates that it would intend seeking accreditation from the National Home Study Council. On the basis of these arguments N.E.F. seeks acceptance of its application with such waiver as is found to be necessary, particularly as to the matter of accreditation.

5. Pacifica opposes N.E.F. request for waiver arguing that there is no indication of any change in fact or circumstances which would warrant different treatment for N.E.F.'s application. In Pacifica's view, N.E.F. is simply relitigating an already-established point and has failed to provide sufficient reasons which if true would justify waiver, and as a result, that its request should be summarily dismissed. N.E.F.'s reply in addition to reiterating previously made points, expressed the opinion that Pacifica is not an educational organization within the meaning of the Commission's rules and that as a result, waiver in effect was granted to Pacifica to permit acceptance of its application. N.E.F. asserts that it too is entitled to such waiver.

6. One of the basic questions raised by the pleadings discussed in the preceding paragraphs is what action to

¹ In its retendered application N.E.F. indicates that the self-perpetuating arrangement has been terminated.

² Current members, however, would continue to select their successors.

take regarding N.E.F. in light of the present form of its application and its request for waiver. To a considerable degree N.E.F.'s arguments have been considered in connection with its previous submissions. Nevertheless, in response to the arguments made by N.E.F., we have reviewed the matter and find no basis for altering our previous actions on the basis of information then available. Moreover, our reexamination of the matter has convinced us that the standards employed in our earlier consideration of the N.E.F. application (and the Christ Church Foundation application as well) are valid and should continue to be employed. Viewed in this light, the question before us is simply whether there has been a sufficient change in circumstances so as to warrant reaching a different conclusion. After consideration of all of N.E.F.'s submissions, we believe that in light of the unusual circumstances presented by this case it would be preferable to resolve this question in the context of an evidentiary hearing. Use of this approach would permit a full exploration of the matter to an extent which would not be possible if action were to be taken solely on the basis of the pleadings filed. It should be noted, however, that N.E.F. has failed to provide any valid justification for waiver of § 73.503 if it should be found to be in conflict with its provisions, and its waiver request will be denied. Accordingly, N.E.F.'s petition for reconsideration will be granted to the extent of accepting its application for filing to permit its designation for hearing.

7. A second series of pleadings followed the filing of N.E.F.'s petition against the Pacifica application. In this connection N.E.F. requests waiver of § 1.580(i) of the rules to permit consideration of its late-filed pleading as a petition to deny, or failing that, it requests that the petition be treated as an informal objection. The technical aspects of this pleading and those filed in response to it need not detain us, for the matter at issue is one on which the Commission has already passed. It concerns complaints which had been made against Station WBAI-FM, New York City, alleging that the station broadcast antisemitic programming. N.E.F. argues that the broadcast went beyond the bounds of free speech and tended to promote mob violence and religious hatred and perhaps came within the purview of the activities prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide.*

8. On March 26, 1969, we considered the complaints against WBAI-FM and found that the station had discharged its responsibilities as a licensee including those required by the fairness doc-

trine.¹ N.E.F. has not presented any new information on this matter, and as a result, our previous action in this regard is dispositive of the issues raised by N.E.F.'s pleading. It, therefore, will be denied.

9. The applications and the pleadings filed in this proceeding have raised a number of questions (e.g., the eligibility question with respect to N.E.F.; a question of its financial qualifications, and N.E.F. has, in turn, raised a question of Pacifica's eligibility). Furthermore, both applicants have requested facilities in excess of the maximum limits² now permitted by the Commission for noncommercial educational operation in Zone I, which are 50 kw at 500 feet or an equivalent thereof. This limitation would restrict Pacifica to an effective radiated power (E.R.P.) of 27 kw at its proposed height of 643 feet and N.E.F. to an E.R.P. of 50 kw at its proposed height of 337.6 feet. Since Pacifica has indicated that it would not object to such limitation, and N.E.F. has made no showing warranting an exception to the Commission's policy, an appropriate ordering clause limiting the facilities available to either applicant will be included.

10. In the circumstances, we do not believe it necessary to delve further into the relative substantiality, or absence thereof, of the several questions. There must be a hearing in this case, and we believe that the most appropriate way to proceed is simply to adduce the full facts on the questions, and thus to be in a position to make an informed decision on these questions which remain relevant after the hearing process. Nor do we believe that obtaining of the full facts in this manner will result in drawing out the hearing process. In short, in view of the various questions which have been raised, we have concluded that the most appropriate and expeditious method of proceeding in this situation would be to have a full evidentiary hearing on the basic qualifications of both applicants, and, if both are found to be fully qualified, to proceed to a comparative consideration of their respective proposals.³ Accordingly, the Commission is of the opinion that the applications must be designated for hearing on the issues set forth below.

11. It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

* United Federation of Teachers, 17 FCC 2d 204 (1969).

² Iowa State University (WOI-FM) 13 FCC 2d 751 (1968); reconsideration denied, 17 FCC 2d 496 (1968).

³ Since even if both applicants are restricted to the maximum limits, Pacifica would serve a substantially greater area and population with a signal of 1 mv/m or greater intensity than would N.E.F., the matter of comparative coverage may be considered under the comparative issue.

(1) To determine the legal, financial, technical, and other qualifications of Pacifica Foundation to construct and operate the proposed noncommercial educational FM station.

(2) To determine the legal, financial, technical, and other qualifications of National Education Foundation to construct and operate the proposed noncommercial educational FM station.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

12. It is further ordered, That in the event of a grant of the application of Pacifica Foundation the construction permit shall specify:

Transmitter power output: 6 kilowatts.
Effective radiated power: 27 kilowatts.

13. It is further ordered, That in the event of a grant of the application of National Education Foundation, Inc., the construction permit shall specify:

Transmitter power output: 5.4 kilowatts.
Effective radiated power: 50 kilowatts.

14. It is further ordered, That the petition for reconsideration filed by National Education Foundation, Inc., is granted to the extent indicated and in all other respects is denied, and its request for waiver is denied.

15. It is further ordered, That the National Education Foundation, Inc., petition against the Pacifica Foundation application is denied.

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

17. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 14, 1969.

Released: August 20, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 69-10157; Filed, Aug. 25, 1969;
8:48 a.m.]

* Commissioners Cox and Johnson dissenting; Commissioner Wadsworth absent.

¹ Pacifica is sole stockholder of the licensee corporation, WBAI, Inc.

² This Convention has not been ratified by the United States.

FEDERAL RESERVE SYSTEM

LINCOLN FIRST BANKS, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Lincoln First Banks Inc., Rochester, N.Y., for approval of acquisition of voting shares of the successor by merger to National Bank of Westchester, White Plains, N.Y.

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)), an application by Lincoln First Banks Inc., Rochester, N.Y., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the outstanding voting shares of the successor by merger to National Bank of Westchester, White Plains, N.Y.

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.

As discussed in the accompanying statement, the New York State Banking Board approved an application involving the same proposal in accordance with a recommendation of the New York State Superintendent of Banks, and advised this Board of its action.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 27, 1969 (34 F.R. 5776), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. 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.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 19th day of August 1969.

By order of the Board of Governors,²

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10126; Filed, Aug. 25, 1969; 8:46 a.m.]

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Daane.

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Society Corp., which is a bank holding company located in Cleveland, Ohio, for prior approval of the Board of the acquisition of up to 40,000 (less directors' qualifying shares) of the voting shares of The American Bank, Port Clinton, Ohio.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 19th day of August 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 69-10127; Filed, Aug. 25, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

AUGUST 20, 1969.

The common stock, \$1 par value, of Commonwealth United Corp., being

listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for \$1 par common stock and the \$1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange, pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1969, through August 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-10149; Filed, Aug. 25, 1969; 8:47 a.m.]

[File No. 24W-2884]

DIGITATOR, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 20, 1969.

I. Digitator, Inc. (Issuer), 20 Dundalk Avenue, Dundalk, Md. 21222, incorporated in the State of Maryland on May 8, 1957, filed with the Commission on November 7, 1968 a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of its \$0.12 par value common stock at \$2 per share for an aggregate offering price of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on the basis of information provided by its staff, has reasonable cause to believe that:

A. The notification and offering circular of Digitator, Inc., contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The promoters and controlling persons of Issuer;

2. Certain sales of its unregistered securities;

3. The number of shares beneficially owned by certain of its officers, directors, promoters and controlling persons; and

4. The participation of a promoter and/or controlling person in certain legal fees to be paid by the Issuer from the offering proceeds.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The Issuer failed to disclose in the notification and offering circular that Nathan H. Cohen was a promoter and/or controlling person;

2. The Issuer failed to disclose in the notification and offering circular the names of all persons to whom the Issuer and/or its affiliates issued and/or sold unregistered securities within 1 year prior to the filing of the notification;

3. The Issuer failed to disclose in the notification and offering circular the actual amount of shares owned beneficially by certain of its officers, directors, promoters and controlling persons;

4. The Issuer failed to disclose in the offering circular that Nathan H. Cohen was to receive certain fees from the proceeds of the offering; and

5. No Regulation A exemption is available for the Issuer under the provisions of Rule 253(c) in that the Issuer was incorporated more than 1 year prior to the filing herein; and it has not had a net income from operations, of the character in which the Issuer intends to engage, for at least 1 year of its last 2 fiscal years; and 160,000 shares of the Issuer's common stock owned by Issuer's officers, directors, and promoters are not subject to escrow arrangements; therefore the aggregate offering price exceeds the \$300,000 limitation.

C. The offering, if made, would be in violation of sections 5 and 17 of the Securities Act of 1933, as amended.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining

whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-10150; Filed, Aug. 25, 1969;
8:47 a.m.]

[70-4777]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

AUGUST 20, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, or to renew, from time to time prior to September 30, 1970, to the banks named below its short-term promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The aggregate principal amount of notes to be outstanding at any one time will not exceed \$36 million.

Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

| | |
|---|-------------|
| The First National City Bank, New York, N.Y. | \$5,000,000 |
| Marine Midland Grace Trust Co., New York, N.Y. | 6,000,000 |
| Morgan Guaranty Trust Co., New York, N.Y. | 6,000,000 |
| The Fidelity Bank, Philadelphia, Pa. | 3,000,000 |
| The First Pennsylvania Banking & Trust Co., Philadelphia, Pa. | 7,000,000 |
| American Bank & Trust Company of Pennsylvania, Reading, Pa. | 3,000,000 |

| | |
|--|---------------------|
| National Bank & Trust Company of Central Pennsylvania, York, Pa. | \$1,650,000 |
| The Bank of Pennsylvania, Reading, Pa. | 1,100,000 |
| York Bank & Trust Co., Reading, Pa. | 1,100,000 |
| Reading Trust Co., Reading, Pa. | 650,000 |
| Southern Pennsylvania National Bank, York, Pa. | 500,000 |
| Harrisburg National Bank & Trust Co., Dillsburg, Pa. | 200,000 |
| The Peoples National Bank, Lebanon, Pa. | 200,000 |
| The First National Bank of Lebanon, Lebanon, Pa. | 200,000 |
| Northampton National Bank, Easton, Pa. | 200,000 |
| Lafayette Trust Co., Easton, Pa. | 200,000 |
| | \$36,000,000 |

Met-Ed intends to utilize the proceeds of the proposed notes to finance its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. Met-Ed's construction program for 1969 is estimated to cost approximately \$102,100,000.

The declaration states that the net proceeds, as defined, from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of such permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale or renewal of the notes are estimated at \$5,300, including counsel fees of \$5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 8, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such

rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 69-10151; Filed, Aug. 25, 1969;
8:47 a.m.]

[812-2437]

SHENANDOAH VARIABLE ANNUITY FUND A AND SHENANDOAH LIFE INSURANCE CO.

Notice of Application for Exemption

AUGUST 20, 1969.

Notice is hereby given that Shenandoah Variable Annuity Fund A ("Fund") and Shenandoah Life Insurance Co. ("Shenandoah") (herein collectively called "Applicants"), 2301 Brambleton Avenue SW., Roanoke, Va. 24015, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 17(f), 22(d), and 27(c) (2) of the Act and Rule 17f-2 thereunder. Shenandoah established Fund pursuant to Virginia law on February 23, 1968, as a separate account to offer individual or group variable annuity contracts. Some of such contracts will be offered in connection with pension or profit-sharing plans meeting the requirements of section 401(a) of the Internal Revenue Code of 1954, as amended (the "Code"), including plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended, and annuity purchase plans adopted by public school systems and certain tax-exempt organizations pursuant to section 403(b) of the Code. Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with the rules, regulations and orders adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption to permit access to the assets of Fund (which will be held pursuant to a custodian agreement by Bankers Trust Company of New York,

N.Y.) by duly authorized officers of Shenandoah as well as representatives of the Virginia State Corporation Commission.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants request an exemption from section 22(d), to the extent deemed necessary, so as to permit the crediting of additional accumulation or annuity units to variable contracts without further sales and administration expense deductions. Under the laws of certain jurisdictions where variable annuities may be sold, Shenandoah must recognize contributions to surplus on the part of variable contracts. Any such additional units may reflect a reduction in charges for administration and other expenses as well as sales expenses, and it is impossible to determine in advance the amount of such reduction or the proportion attributable to sales expenses.

Applicants further request an exemption from the provisions of section 22(d), to the extent deemed necessary, to permit payees eligible to receive benefits, including death benefits under life insurance policies and annuity contracts issued by Shenandoah, to transfer to a different form of settlement option, without the imposition of any additional sales charge.

Applicants further request an exemption from the provisions of section 22(d), to the extent deemed necessary, to permit the sale at reduced sales expense to public school systems qualified for tax deferred treatment under section 403(b) of the Code of Shenandoah's variable contracts purchased by employers, since such sales would be made pursuant to a uniform offer described in the prospectus, and such offer is also made to all organizations listed under Rule 22d-1(e) of the Act.

Section 27(c) (2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank or trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 25(a) (2) and (3) for a unit investment trust. Section 26(a) (2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a) (3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that Shenandoah is closely regulated by the Virginia State Corporation Commission and that such control adequately protects the interest of the contract purchasers and affords the essential protection which the trusteeship or custodianship under section 26(a) (2) is designed to provide. The contractual obligations of Shenandoah to the participants cannot be abandoned until such obligations have been discharged. Since such supervision, inspection and undertakings render remote the possibility of orphanage of Fund by Shenandoah which the trusteeship under section 27(c) (2) is designed to prevent, Applicants request an exemption from the requirement of section 27(c) (2) for literal compliance with sections 26(a) (2) and (3). Applicants have consented to the requested exemption being subject to the conditions that the charges under the contracts for administrative services referred to in section 26(a) shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 9, 1969 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 Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by

Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-10152; Filed, Aug. 25, 1969;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 734]

FLORIDA, ALABAMA, MISSISSIPPI AND LOUISIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Florida, Alabama, Mississippi and Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected or to be affected in the aforesaid States, suffered damage or destruction resulting from Hurricane Camille beginning on or about August 17, 1969, and continuing thereafter.

OFFICES

Small Business Administration Regional Office, 400 West Bay Street, Jacksonville, Fla. 32202.

Small Business Administration Regional Office, 908 South 20th Street, Birmingham, Ala. 35205.

Small Business Administration Regional Office, 245 East Capitol Street, Jackson, Miss. 39205.

Small Business Administration Regional Office, 124 Camp Street, New Orleans, La. 70130.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 28, 1970.

Dated: August 18, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-10153; Filed, Aug. 25, 1969;
8:47 a.m.]

[Declaration of Disaster Loan Area 733]

MARYLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the Chillum area of Hyattsville, Md.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Chillum area, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about August 9, 1969.

OFFICE

Small Business Administration Regional Office, 1405 I Street NW., Washington, D.C. 20417.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1970.

Dated: August 18, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-10154; Filed, Aug. 25, 1969;
8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29

CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Avellone Pharmacy, Inc., drugstore; 27251 Wolf Road, Bay Village, Ohio; 6-6-69 to 6-5-70.

Badt's Pharmacy, Inc., drugstore; 243 North Paw Paw Street, Coloma, Mich.; 5-26-69 to 5-25-70.

Belle Meade Farms, agriculture; Hernando, Miss.; 6-14-69 to 6-13-70.

Bethania Hospital, hospital; 1600 11th Street, Wichita Falls, Tex.; 6-9-69 to 6-8-70.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, Mich.; 5-22-69 to 5-21-70.

C. H. Block & Co., Inc., agriculture; Tunica, Miss.; 6-16-69 to 6-15-70.

Bonson's Shop Rite, foodstore; Eagle River, Wis.; 5-31-69 to 5-30-70.

Bristol County Agricultural High School, agriculture; Segreganset, Mass.; 6-1-69 to 5-31-70.

Andrew Buist, Sr., agriculture; 1055 Chipewa, Jenison, Mich.; 6-5-69 to 6-4-70.

Dale Buist, agriculture; 7213 Pungee Street, Allendale, Mich.; 6-3-69 to 6-2-70.

Capitol Nursing Home & Annex, nursing home; 31 and 62 Barre Street, Montpelier, Vt.; 5-22-69 to 5-21-70.

Carson City Hospital, hospital; Elm at Third, Carson City, Mich.; 6-18-69 to 6-17-70.

Cary Plantation, agriculture; Cary, Miss.; 6-5-69 to 6-4-70.

Central Community Hospital, hospital; Elkader, Iowa; 5-23-69 to 5-22-70.

Central Store, Inc., department store; Central Avenue and Verity Parkway, Middletown, Ohio; 5-21-69 to 5-20-70.

Cheese Food Market, foodstore; 200 North Walnut, Lenox, Iowa; 5-26-69 to 5-25-70.

Clarys 5 & 10, variety store; 228 Grogan Street, Lawrenceville, Ga.; 5-7-69 to 5-6-70.

Covey and Dayton, agriculture; Cokeville, Wyo.; 5-26-69 to 5-25-70.

Craven County Hospital Corp.; hospital; 2000 Neuse Boulevard, New Bern, N.C.; 5-24-69 to 5-23-70.

Crestview, Inc., nursing home; North Downey Street, West Branch, Iowa; 6-18-69 to 6-17-70.

Dick's Super Market, foodstore; 255 McGregor Plaza, Plattville, Wis.; 5-26-69 to 5-25-70.

Dixie Kitchens, Inc., restaurant; 7812 Dodge Street, Omaha, Neb.; 6-13-69 to 6-12-70.

Eagle Stores Co., Inc., variety store; 102 East Broadway, Maryville, Tenn.; 6-12-69 to 6-11-70.

Eisenberg Department Store, Inc., department store; 401 Schoonmaker Avenue, Monessen, Pa.; 6-19-69 to 6-18-70.

Evanna Plantation, Inc., agriculture; Cary, Miss.; 6-5-69 to 6-4-70.

Fantle's, Inc., department store; 100 South Main Avenue, Sioux Falls, S. Dak.; 6-6-69 to 6-5-70.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon, Mich.; 6-16-69 to 6-15-70.

Food Giant Super Markets, Inc., foodstores from 5-24-69 to 5-23-70: Nos. 1 and 2, Tucson, Ariz.

Forrest Keeling Nursery, Inc., agriculture; Elsberry, Mo.; 5-25-69 to 5-24-70.

Garrett Drug Co., drugstores from 6-18-69 to 6-17-70: Nos. 1, 3, and 4, Nashville, Tenn.

Georgetown Farms, agriculture; Route No. 1, Althelmer, Ark.; 4-2-69 to 4-2-70.

Goldblatt Brothers, Inc., department stores from 6-1-69 to 5-31-70: 14 Country Fair Shopping Center, Champaign, Ill.; State and Van Buren Streets, Chicago, Ill.

W. T. Grant Co., variety-department stores: No. 494, Leominster, Mass.; 6-16-69 to 6-15-70; No. 373, Cleveland, Ohio; 4-26-69 to 4-25-70.

Hart-Albin Co., department store; Billings, Mont.; 5-22-69 to 5-20-70.

Herbst Variety, Inc., variety store; 108-110 North Main Street, Washington, Ill.; 5-29-69 to 5-28-70.

J. H. Hill & Sons, agriculture; Indianola, Miss.; 6-12-69 to 6-11-70.

Hockstad's Pharmacy, drugstore; 2411 Heron Road, Flint, Mich.; 5-26-69 to 5-25-70.

Hornbeak Grocery, foodstore; Ridgely, Tenn.; 5-29-69 to 5-28-70.

Ideal Poultry Breeding Farms, Inc., agriculture; Cameron, Tex.; 6-5-69 to 6-4-70.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, Ala.; 6-15-69 to 6-14-70.

Boulware H. Jameson, Inc., automobile dealer; 1200 Highway 54 South, Fulton, Mo.; 6-18-69 to 6-17-70.

Kaufman's, apparel store; 1301 11th Avenue, Altoona, Pa.; 6-19-69 to 6-18-70.

S. S. Kresge Co., variety-department stores: No. 303, Arlington Heights, Ill.; 6-6-69 to 6-5-70; No. 4600, Chicago, Ill.; 6-3-69 to 6-2-70; No. 90, Jacksonville, Ill.; 6-7-69 to 6-6-70; No. 244, Atchison, Kans.; 6-10-69 to 6-9-70; No. 4560, Kansas City, Kans.; 5-29-69 to 5-28-70; No. 689, Grandview, Mo.; 6-20-69 to 6-19-70.

S. H. Kress and Co., variety-department stores from 6-19-69 to 6-18-70 except as otherwise indicated: 1912 Second Avenue, Bessemer, Ala. (6-5-69 to 6-4-70); 116 North Main Street, Rockford, Ill.; 103 North Main Street, Nevada, Mo.; 257 South Main Street, Salt Lake City, Utah (6-12-69 to 6-11-70).

Kuhn Brothers Co., Inc., variety-department store; No. 13, Corinth, Miss.; 6-4-69 to 6-3-70.

Low Cost Drug Center, Inc., drugstore; 101 North Main, Logan, Utah; 6-10-69 to 6-9-70.

Maplecrest Nursing Home, nursing home; 174 Main Street, Madison, Maine; 6-10-69 to 6-9-70.

McAdams, apparel store; 146-147 Public Square, Lebanon, Tenn.; 5-22-69 to 5-21-70.

W. O. McCurdy & Sons, agriculture; Fremont, Iowa; 6-2-69 to 6-1-70.

McDonald's Hamburgers, restaurant; 9783A St. Charles Rock Road, St. Louis, Mo.; 6-2-69 to 6-1-70.

W. H. McLeod and Son, agriculture; Seabrook, S.C.; 5-21-69 to 5-20-70.

Morgan & Lindsey, Inc., variety-department store; No. 3036, Pascagoula, Miss.; 5-27-69 to 5-26-70.

G. C. Murphy Co., variety-department store; No. 87, Pittsburgh, Pa.; 6-17-69 to 6-16-70.

The Music Center, music store; 46 Fourth Street Southwest, Huron, S. Dak.; 5-29-69 to 5-28-70.

The Orme School and Ranch, agriculture; Mayer, Ariz.; 6-1-69 to 5-31-70.

Patten and Co., Inc., agriculture; 99 North Street, Tewksbury, Mass.; 5-26-69 to 5-25-70.

B. Pearl Plantation, agriculture; Onward, Miss.; 6-5-69 to 6-4-70.

Piggly Wiggly, foodstore; 927 North Federal Highway, Fort Lauderdale, Fla.; 6-3-69 to 6-2-70.

Powers Co., Inc., agriculture; Cary, Miss.; 5-24-69 to 5-23-70.

Rayless Department Store, variety-department store; 406 Elm Street, Lumberton, N.C.; 6-31-69 to 6-30-70.

Rhea's, Inc., bakery stores from 6-10-69 to 6-9-70: 441 Market Street, Pittsburgh, Pa.; 536 Smithfield Street, Pittsburgh, Pa.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, Minn.; 5-20-69 to 5-19-70.

Rivin's IGA, foodstore; Wagner, S. Dak.; 5-27-69 to 5-26-70.

Robie's Big Star, foodstore; 1001 East Main Street, Jeanerette, La.; 6-12-69 to 6-11-70.

Robie's Food Center, Inc., foodstore; 604 South State Street, Abbeville, La.; 6-12-69 to 6-11-70.

Rudyard Co-op Co., foodstore; Pickford, Mich.; 5-24-69 to 5-23-70.

St. Joseph Community Hospital, hospital; 308 North Maple Avenue, New Hampton, Iowa; 5-28-69 to 4-3-70.

St. Thomas More Hospital, Inc., hospital; 1019 Sheridan Avenue, Canon City, Colo.; 6-6-69 to 5-23-70.

Lyle H. Salter, Inc., foodstore; East Arlington, Vt.; 5-23-69 to 5-22-70.

Spurgeon's, department stores: 100 West Washington, Pittsfield, Ill.; 5-28-69 to 5-27-70; 116 West Main Street, Washington, Iowa; 6-3-69 to 6-2-70.

Stevens, apparel store; 221 East Capitol Street, Jackson, Miss.; 6-7-69 to 6-6-70.

Sward Kemp Drug, drugstore; 207 South Washington, Redwood Falls, Minn.; 6-10-69 to 6-9-70.

T. G. & Y. Stores Co., variety-department stores: No. 129, Kansas City, Mo.; 6-6-69 to 6-5-70; No. 39, Oklahoma City, Okla.; 5-27-69 to 5-26-70; No. 56, Oklahoma City, Okla.; 6-1-69 to 5-31-70; No. 172, Memphis, Tenn.; 6-2-69 to 6-1-70.

The Tankard Nurseries, agriculture; Exmore, Va.; 6-1-69 to 5-31-70.

Tate's Supermarket, Inc., foodstore; 58 Franklin Street, Clymer, Pa.; 5-23-69 to 5-22-70.

Valley View Home, nursing home; Third and Sycamore, Valley Falls, Kans.; 5-29-69 to 5-28-70.

Van Solkema Farms, Inc., agriculture; 8513 Harlow Avenue, Bryon Center, Mich.; 5-28-69 to 5-27-70.

Vann Brothers, agriculture; Trenton, S.C.; 6-5-69 to 6-4-70.

West Side Market, foodstore; 133 North Walker, Montgomery City, Mo.; 5-29-69 to 5-28-70.

Westboro Market, Inc., foodstore; 3110 Huntoon Street, Topeka, Kans.; 5-23-69 to 5-22-70.

Willie's Super Market, Inc., foodstore; 2422 Second Avenue, North, Birmingham, Ala.; 5-27-69 to 5-26-70.

Willis Nursery Co., agriculture; Ottawa, Kans.; 6-15-69 to 6-14-70.

Wood's 5 & 10¢ Stores, Inc., variety store; Whiteville, N.C.; 6-14-69 to 6-13-70.

F. W. Woolworth Co., variety-department stores from 5-31-69 to 5-30-70 except as otherwise indicated: Nos. 881 and 2403, Phoenix, Ariz.; No. 1027, St. Louis, Mo. (5-24-69 to 5-23-70); No. 1940, St. Louis, Mo. (6-6-69 to 6-5-70); No. 873, Coatesville, Pa.

J. W. Yonce & Sons, agriculture; Johnston, S.C.; 6-12-69 to 6-11-70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the

applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Avelone Pharmacy, Inc., drugstore; 395 West Bagley Road, Berea, Ohio; stock clerk, salesclerk; 11 to 31 percent; 6-6-69 to 6-5-70.

Bergemanns Market, foodstore; 804 North Spring Street, Beaver Dam, Wis.; carry out; 17 to 23 percent; 6-13-69 to 4-15-70, replacement.

Browdy's Fine Foods, foodstore; 2807 Cahaba Road, Mountain Brook, Ala.; carry out, bus boy (girl); 15 percent; 6-12-69 to 6-11-70.

Butler's Department Store, department store; 150 Main Street, Biddeford, Maine; salesclerk, office clerk; 2 to 28 percent; 6-8-69 to 6-7-70.

Dick's Super Market, foodstores: Wells Street, Darlington, Wis., bagger, carry out, stock clerk, clean up, 17 to 22 percent; 5-26-69 to 5-25-70; 138 South Iowa, Dodgeville, Wis., bagger, stock clerk, clean up, 17 to 23 percent; 6-10-69 to 6-9-70.

Dillon Companies, Inc., foodstores for the occupations of cashier, checker, carry out, wrapper, clerk, maintenance, 11 to 32 percent; 6-9-69 to 6-8-70; No. 74, Hutchinson, Kans.; No. 44, Junction City, Kans.; Nos. 43 and 73, Lawrence, Kans.; No. 46, Manhattan, Kans.; No. 47, Topeka, Kans.

Eagle Stores Co., Inc., variety store; No. 24, Clinton, S.C.; salesclerk; 3 to 17 percent; 5-25-69 to 5-24-70.

Edward's Inc., variety stores for the occupation of salesclerk, 11 to 14 percent except as otherwise indicated: James Island Shopping Center, Charleston, S.C., 6-5-69 to 12-1-69, Replacement; Midland Valley Shopping Center, Clearwater, S.C., 5-21-69 to 5-20-70 (10 to 15 percent); Laurens Plaza Shopping Center, Laurens, S.C., 6-5-69 to 12-8-69, replacement.

Egg-A-Day Farm Store, foodstore; 1575 Center Point Road, Birmingham, Ala.; salesclerk, stock clerk, cashier, janitorial; 21 to 44 percent; 6-4-69 to 6-3-70.

Elgin West Pharmacy, drugstore; 575 North McLean Boulevard, Elgin, Ill.; pharmacy clerk, stock clerk, office clerk; 4 to 17 percent; 6-6-69 to 6-5-70.

Food Giant Super Markets, Inc., foodstores for the occupations of bagger, stock clerk, cleanup, marker, carryout, except as otherwise indicated: 5-27-69 to 5-26-70 except as otherwise indicated: Hazard, Ky., 2 to 7 percent (stock clerk, marker, cashier, bagger, carryout); London, Ky., 3 to 7 percent (6-16-69 to 6-15-70); Mount Vernon, Ky., 4 to 21 percent; Somerset, Ky., 4 to 21 percent; Whitley City, Ky., 3 to 7 percent (stock clerk, marker, cashier, bagger, carryout, 6-16-69 to 6-15-70).

Food Giant Super Markets, Inc., foodstore; No. 5, Tucson, Ariz.; carryout; 13 to 45 percent; 5-24-69 to 5-23-70.

Garrett Drug Co., drugstore; No. 5, Nashville, Tenn.; drugstore worker; 21 to 25 percent; 6-18-69 to 6-17-70.

Gerald's IGA, foodstore; Tribune, Kans.; stock clerk, sacker, carryout, janitorial; 14 to 53 percent; 6-19-69 to 6-18-70.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 4 to 18 percent except as otherwise indicated, 5-31-69 to 5-30-70 except as otherwise indicated: No. 873,

Fontana, Calif.; No. 301, Fresno, Calif. (6-4-69 to 5-31-70); No. 1020, Fresno, Calif.; No. 224, Garden Grove, Calif. (6-17-69 to 6-16-70); No. 424, Inglewood, Calif. (4 to 14 percent, 6-17-69 to 6-16-70); No. 760, La Puente, Calif.; No. 894, Riverside, Calif.; No. 1185, Lewiston, Idaho (salesclerk, 2 to 14 percent, 6-4-69 to 5-31-70); No. 1066, Niles, Mich. (salesclerk, stock clerk, office clerk, cashier; 3 to 22 percent); No. 471, Concord, N.C. (salesclerk, 3 to 11 percent, 6-14-69 to 6-13-70); No. 963, New Kensington, Pa. (salesclerk, 6 to 20 percent).

H. E. B. Food Store, foodstores for the occupations of bottle clerk, package clerk, sacker, 10 percent, 6-17-69 to 6-16-70; No. 110, Georgetown, Tex.; No. 109, Marble Falls, Tex.

H. & L. Inc., foodstore; 6704 Main, Caseville, Mich.; carryout, stock clerk; 13 to 20 percent; 6-13-69 to 6-12-70.

Handy Andy, Inc., foodstore; No. 135, Austin, Tex.; package clerk, stock clerk, checker, office cashier, bakery salesclerk, produce clerk, bottle sorter, porter; 21 to 39 percent; 6-7-69 to 6-6-70.

Harvey's, Inc., variety stores for the occupation of salesclerk, 11 to 25 percent; 3838 Broadway, Gary, Ind., 6-9-69 to 6-8-70; 152 West Lincolnway, Valparaiso, Ind., 6-18-69 to 6-17-70.

Import Plaza, variety store; 1 Northwest Couch, Portland, Ore.; pricing clerk, stock clerk, dusting clerk, cashier; 69 percent; 6-18-69 to 5-31-70.

Iowa City Extended Care Center, Inc., nursing home; Route 5, Rochester Road and Scott Boulevard, Iowa City, Iowa; aide, orderly, kitchen helper, housekeeping helper, 6 to 17 percent; 5-29-69 to 5-14-70.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated; No. 4210, Atlanta, Ga., 3 to 13 percent, 5-31-69 to 5-30-70 (salesclerk); No. 4227, Des Plaines, Ill., 11 to 20 percent, 5-23-69 to 5-22-70; No. 4148, Hammond, Ind., 10 percent, 5-25-69 to 5-24-70 (salesclerk); No. 4152, Mishawaka, Ind., 10 percent, 6-8-69 to 6-7-70; No. 4550, Muscatine, Iowa, 3 to 10 percent, 6-9-69 to 6-8-70 (salesclerk, stock clerk, checker-cashier); No. 4006, Louisville, Ky., 11 to 16 percent, 6-12-69 to 6-11-70 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service); No. 4180, Louisville, Ky., 11 to 25 percent, 6-12-69 to 6-11-70 (checker-cashier, salesclerk, stock clerk, maintenance, office clerk, customer service); No. 279, St. Paul, Minn., 18 to 30 percent, 6-9-69 to 6-8-70; No. 585, Lincoln, Neb., 3 to 10 percent, 6-17-69 to 6-16-70; No. 4130, Omaha, Neb., 3 to 10 percent, 6-18-69 to 6-17-70; No. 4233, Youngstown, Ohio, 10 percent, 6-13-69 to 6-12-70 (salesclerk, checker-cashier, stock clerk, customer service, maintenance); No. 4202, Greenville, S.C., 11 to 22 percent, 6-9-69 to 6-8-70 (salesclerk); No. 4188, Charleston, W. Va., 7 to 47 percent, 6-12-69 to 6-11-70 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service).

S. H. Kress and Co., variety-department store; 36 West Landis Avenue, Vineland, N.J.; salesclerk, stock clerk; 17 to 35 percent; 5-25-69 to 5-24-70.

A. M. Landry, Inc., variety store; Grand Isle, La.; salesclerk, stock clerk, office clerk; 4 to 22 percent; 6-1-69 to 5-31-70.

Lerner Shops, apparel stores for the occupations of salesclerk, cashier, credit clerk, 6-13-69 to 6-12-70 except as otherwise indicated; Nos. 403, 470, 477, and 479, Phoenix, Ariz., 15 percent (5-23-69 to 5-22-70); No. 437, Colorado Springs, Colo., 10 to 28 percent; Nos. 411, 452, and 462, Denver, Colo., 10 to 28 percent; No. 463, Lakewood, Colo., 10 to 28 percent; No. 406, Pueblo, Colo., 10 to 28 percent; No. 460, Westminster, Colo., 10 to 28 percent; No. 179, Washington, D.C., 10 percent (6-1-69 to 5-31-70); No. 435, Boise, Idaho, 2 to 14 percent (6-13-69 to 5-31-70); No. 203, Berwyn, Ill., 15 to 32 percent; Nos. 201, 226, 229, 230, 241, and 247, Chicago, Ill., 15 to 32 percent; No. 275, Melrose Park, Ill., 15 to 32 percent; No. 161, Portland, Maine, 3 to 40 percent (6-1-69 to 5-31-70); No. 220, Flint, Mich., 4 to 10 percent (5-23-69 to 5-22-70); No. 249, Grand Rapids, Mich., 4 to 10 percent (5-23-69 to 5-22-70); No. 235, Jackson, Mich., 4 to 10 percent (5-23-69 to 5-22-70); No. 246, Kalamazoo, Mich., 4 to 10 percent (5-23-69 to 5-22-70); Nos. 219, 268, and 305, St. Louis, Mo., 10 to 17 percent (6-1-69 to 5-31-70); No. 240, Omaha, Neb., 10 to 17 percent (6-1-69 to 5-31-70); No. 421, Reno, Nev., 2 to 14 percent (6-13-69 to 5-31-70); No. 476, El Paso, Tex., 10 to 28 percent (5-22-69 to 5-21-70); No. 447, Provo, Utah, 2 to 14 percent (6-1-69 to 5-31-70); No. 407, Salt Lake City, Utah, 2 to 14 percent (6-1-69 to 5-31-70); Nos. 77 and 306, Norfolk, Va., 11 to 20 percent (5-28-69 to 5-27-70); Nos. 40, 52, and 76, Richmond, Va., 11 to 20 percent (5-28-69 to 5-27-70); No. 53, Seven Corners, Va., 11 to 20 percent (5-28-69 to 5-27-70).

Lofton's, department store; Brookhaven, Miss.; salesclerk, gift wrapper; 6 to 26 percent; 6-17-69 to 6-16-70.

Magic Mart, Inc., variety store; 105 North Rodney Parham Road, Little Rock, Ark.; salesclerk, stock clerk, janitorial; 6 to 17 percent; 6-16-69 to 6-15-70.

May's Drug Store, drugstores for the occupations of salesclerk, stock clerk, 5 to 8 percent, 6-14-69 to 6-13-70; No. 186, Bloomington, Ill.; No. 185, Crystal Lake, Ill.; No. 182, Freeport, Ill.; No. 200, McHenry, Ill.; No. 187, Mundelein, Ill.; Nos. 179, 188, and 196, Rockford, Ill.; No. 173, Round Lake, Ill.; Nos. 183, and 195, Waukegan, Ill.; No. 199, Woodstock, Ill.; No. 180, Beloit, Wis.; No. 176, Janesville, Wis.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk; No. 376, Freehold, N.J., 14 to 30 percent, 6-8-69 to 6-5-70; No. 1071, Allentown, Pa., 2 to 10 percent, 6-14-69 to 6-13-70.

Midlothian Pharmacy, drugstore; 4047 West 147th Street, Midlothian, Ill.; pharmacy clerk, stock clerk, office clerk; 10 to 19 percent; 6-6-69 to 6-5-70.

Minyard Food Stores, Inc., foodstore; 2138 Fort Worth Avenue, Dallas, Tex.; carry out; 11 to 16 percent; 5-26-69 to 2-19-70.

Morgan & Lindsey, Inc., variety-department stores for the occupations of salesclerk, stock clerk, 6 to 31 percent except as otherwise indicated, 6-2-69 to 6-1-70 except as otherwise indicated; No. 3067, Metairie, La.; No. 3089, New Orleans, La. (5-21-69 to 5-20-70); No. 3119, West Monroe, La. (3 to 15 percent).

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 9 to 15 percent except as otherwise indicated, 6-2-69 to 6-1-70 except as otherwise indicated; No. 296, Decatur, Ala.; No. 297, Gadsden, Ala.; No. 306, Huntsville, Ala.; No. 26, Marion, Ohio (9 to 24 percent, 6-16-69 to 6-15-70).

Newman Pharmacy, drugstore; 3458 West 111th Street, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 16 to 26 percent, 6-6-69 to 6-5-70.

Pence Food Centers, Inc., foodstore; Highway 169 North, Humboldt, Kans.; sacker, carryout, stock clerk, checker, janitorial; 8 to 25 percent; 6-20-69 to 6-19-70.

Piggly Wiggly, foodstores for the occupations of sacker, carryout except as otherwise indicated, 10 percent except as otherwise

indicated, 5-25-69 to 5-24-70 except as otherwise indicated; South Market Street, Moulton, Ala. (sacker, 12 to 16 percent, 6-16-69 to 6-15-70); Cherry and Central, Harrison, Ark. (carryout, sacker, cart clerk, 8 to 20 percent, 5-31-69 to 5-30-70); Ozark Shopping Center, Mountain Home, Ark. (carryout, sacker, cart clerk, 8 to 20 percent, 5-31-69 to 5-30-70); No. 6, Van Buren, Ark. (stock clerk, sacker, checker, 18 to 25 percent, 6-13-69 to 6-12-70); 226 North Waukeasha Street, Bonifay, Fla. (9 to 10 percent); Cotton Street, Graceville, Fla. (9 to 10 percent); Northeast West Lafayette Street, Marianna, Fla. (9 to 10 percent); Brent Lane and Palafox Avenue, Pensacola, Fla. (9 to 10 percent); Scott and Green, Bainbridge, Ga. (sacker, 6-9-69 to 6-8-70); 209 West College Street, Colquitt, Ga. (9 to 10 percent); Nos. 28 and 29, De Ridder, La. (stock clerk, checker, sacker, clerk, 6-18-69 to 6-17-70); No. 30, Oakdale, La. (stock clerk, checker, sacker, clerk, 6-18-69 to 6-17-70); 16th Street, Laurel, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); Main Street, Leakesville, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); Winter Street and Highway 90, Lucedale, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); 116 South Second Street, Wiggins, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); No. 5, West Florence Annex, S.C. (sacker, stock clerk, marker, janitorial, market clerk, 9 to 10 percent, 6-7-69 to 6-6-70); No. 26, Ennis, Tex. (stock clerk, checker, sacker, clerk, 6-12-69 to 6-11-70).

Pullman Pharmacy, drugstore; 11254 South Michigan Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk, 9 to 18 percent; 6-6-69 to 6-5-70.

Rayless Department Store, variety-department stores for the occupations of salesclerk, stock clerk, office clerk, marker, cashier, wrapper, janitorial except as otherwise indicated, 13 to 34 percent except as otherwise indicated, 5-31-69 to 5-30-70 except as otherwise indicated; Scottsboro Shopping Center, Scottsboro, Ala. (office clerk, salesclerk, stock clerk, marker, janitorial, 6-15-69 to 6-14-70); 317 Chickamauga Avenue, Rossville, Ga. (salesclerk, stock clerk, office clerk, marker, janitorial, 11 to 29 percent); Brainerd Village Shopping Center, Chattanooga, Tenn.; 607 Market Street, Chattanooga, Tenn.

Red Star Pharmacy, drugstore; 9200 South Commercial Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 9 to 18 percent; 6-6-69 to 6-5-70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 5-15-69 to 5-14-70 except as otherwise indicated; No. 172, Augusta, Ga., 6 to 21 percent; No. 170, Hendersonville, N.C., 4 to 35 percent; No. 112, Norfolk, Va., 13 to 27 percent (salesclerk, 5-31-69 to 5-30-70).

Ruben's Richmond Department Store, Inc., department store; 914-8 Broad Street, Augusta, Ga.; salesclerk, stock clerk, marker; 5 to 11 percent; 6-16-69 to 6-15-70.

Sterling Jewelry and Distributing Co., Inc., jewelry store; 5801 East Northwest Highway, Dallas, Tex.; stock clerk, salesclerk, sacker, runner; 7 to 27 percent; 5-24-69 to 5-23-70.

Sterling Stores Co., Inc., variety stores for the occupations of salesclerk, stock clerk, janitorial; Caraway Plaza Shopping Center, Jonesboro, Ark., 8 to 31 percent, 6-5-69 to 6-4-70; University and Markham Streets, Little Rock, Ark., 17 to 40 percent, 6-2-69 to 6-1-70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 6-12-69 to 6-11-70 except as otherwise indicated; No. 249, Fort Smith, Ark., 11 to 30 percent; No. 515, Covina, Calif., 19 to 35 percent; No. 517, Garden Grove, Calif., 19 to 33 percent; No. 534, Huntington

indicated, 5-25-69 to 5-24-70 except as otherwise indicated; South Market Street, Moulton, Ala. (sacker, 12 to 16 percent, 6-16-69 to 6-15-70); Cherry and Central, Harrison, Ark. (carryout, sacker, cart clerk, 8 to 20 percent, 5-31-69 to 5-30-70); Ozark Shopping Center, Mountain Home, Ark. (carryout, sacker, cart clerk, 8 to 20 percent, 5-31-69 to 5-30-70); No. 6, Van Buren, Ark. (stock clerk, sacker, checker, 18 to 25 percent, 6-13-69 to 6-12-70); 226 North Waukeasha Street, Bonifay, Fla. (9 to 10 percent); Cotton Street, Graceville, Fla. (9 to 10 percent); Northeast West Lafayette Street, Marianna, Fla. (9 to 10 percent); Brent Lane and Palafox Avenue, Pensacola, Fla. (9 to 10 percent); Scott and Green, Bainbridge, Ga. (sacker, 6-9-69 to 6-8-70); 209 West College Street, Colquitt, Ga. (9 to 10 percent); Nos. 28 and 29, De Ridder, La. (stock clerk, checker, sacker, clerk, 6-18-69 to 6-17-70); No. 30, Oakdale, La. (stock clerk, checker, sacker, clerk, 6-18-69 to 6-17-70); 16th Street, Laurel, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); Main Street, Leakesville, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); Winter Street and Highway 90, Lucedale, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); 116 South Second Street, Wiggins, Miss. (sacker, packer, carryout, 5-28-69 to 5-27-70); No. 5, West Florence Annex, S.C. (sacker, stock clerk, marker, janitorial, market clerk, 9 to 10 percent, 6-7-69 to 6-6-70); No. 26, Ennis, Tex. (stock clerk, checker, sacker, clerk, 6-12-69 to 6-11-70).

Pullman Pharmacy, drugstore; 11254 South Michigan Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk, 9 to 18 percent; 6-6-69 to 6-5-70.

Rayless Department Store, variety-department stores for the occupations of salesclerk, stock clerk, office clerk, marker, cashier, wrapper, janitorial except as otherwise indicated, 13 to 34 percent except as otherwise indicated, 5-31-69 to 5-30-70 except as otherwise indicated; Scottsboro Shopping Center, Scottsboro, Ala. (office clerk, salesclerk, stock clerk, marker, janitorial, 6-15-69 to 6-14-70); 317 Chickamauga Avenue, Rossville, Ga. (salesclerk, stock clerk, office clerk, marker, janitorial, 11 to 29 percent); Brainerd Village Shopping Center, Chattanooga, Tenn.; 607 Market Street, Chattanooga, Tenn.

Red Star Pharmacy, drugstore; 9200 South Commercial Avenue, Chicago, Ill.; pharmacy clerk, stock clerk, office clerk; 9 to 18 percent; 6-6-69 to 6-5-70.

Rose's Stores, Inc., variety-department stores for the occupations of salesclerk, stock clerk except as otherwise indicated, 5-15-69 to 5-14-70 except as otherwise indicated; No. 172, Augusta, Ga., 6 to 21 percent; No. 170, Hendersonville, N.C., 4 to 35 percent; No. 112, Norfolk, Va., 13 to 27 percent (salesclerk, 5-31-69 to 5-30-70).

Ruben's Richmond Department Store, Inc., department store; 914-8 Broad Street, Augusta, Ga.; salesclerk, stock clerk, marker; 5 to 11 percent; 6-16-69 to 6-15-70.

Sterling Jewelry and Distributing Co., Inc., jewelry store; 5801 East Northwest Highway, Dallas, Tex.; stock clerk, salesclerk, sacker, runner; 7 to 27 percent; 5-24-69 to 5-23-70.

Sterling Stores Co., Inc., variety stores for the occupations of salesclerk, stock clerk, janitorial; Caraway Plaza Shopping Center, Jonesboro, Ark., 8 to 31 percent, 6-5-69 to 6-4-70; University and Markham Streets, Little Rock, Ark., 17 to 40 percent, 6-2-69 to 6-1-70.

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 6-12-69 to 6-11-70 except as otherwise indicated; No. 249, Fort Smith, Ark., 11 to 30 percent; No. 515, Covina, Calif., 19 to 35 percent; No. 517, Garden Grove, Calif., 19 to 33 percent; No. 534, Huntington

Beach, Calif., 19 to 30 percent; No. 759, Orlando, Fla., 2 to 17 percent (6-18-69 to 6-17-70); No. 314, Atchison, Kans., 3 to 16 percent (6-1-69 to 5-31-70); No. 305, Kansas City, Kans., 9 to 19 percent; No. 96, Topeka, Kans., 19 to 30 percent (5-28-69 to 5-27-70); No. 230, Baton Rouge, La., 3 to 30 percent (6-5-69 to 6-4-70); No. 318, Shreveport, La., 3 to 15 percent (6-18-69 to 6-17-70); No. 293, Silver City, N. Mex., 13 to 24 percent (5-29-69 to 5-28-70); No. 449, Oklahoma City, Okla., 28 to 30 percent; No. 831, Austin, Tex., 30 percent (6-1-69 to 5-31-70); No. 833, Beaumont, Tex., 7 to 20 percent (6-1-69 to 5-31-70); No. 355, Big Spring, Tex., 6 to 20 percent; No. 358, Huntsville, Tex., 30 percent; No. 110, Lubbock, Tex., 6 to 21 percent (5-29-69 to 5-28-70); No. 706, San Antonio, Tex., 30 percent (6-5-69 to 6-4-70).

Tom Thumb Stores, Inc., foodstore; No. 40, Dallas, Tex.; package clerk; 11 to 16 percent; 5-31-69 to 5-30-70.

Uncle Ray's, Inc., foodstore; Vassar, Mich.; stock clerk, carry out; 13 to 20 percent; 5-28-69 to 5-27-70.

Unimart Thrift Center, foodstore; No. 503, Kearney, Neb.; carry out, stock clerk, clean up; 21 to 29 percent, 6-2-69 to 5-18-70.

Village Market and Bakette, Inc., foodstore; 1010 Ohio, Augusta, Kans.; stock clerk, sacker, carry out, clean up; 7 to 8 percent; 6-3-69 to 6-2-70.

Whittaker Foods, foodstore; No. 5, Oklahoma City, Okla.; package clerk, carry out, delivery clerk; 30 percent; 5-26-69 to 5-25-70.

Wood's 5 & 10¢ Stores, Inc., variety store; Lewis Smith Shopping Center, Whiteville, N.C.; salesclerk, stock clerk; 9 to 20 percent; 5-28-69 to 5-27-70.

F. W. Woolworth Co., variety-department stores; No. 487, Phoenix, Ariz., salesclerk, office clerk, stock clerk, 2 to 7 percent, 5-31-69 to 5-30-70; No. 2650, Dallas, Tex., salesclerk, 6 to 21 percent, 6-1-69 to 5-31-70.

Zukors, apparel store; Portland, Oreg., office clerk, stock clerk, customer service, cashier; 2 to 22 percent; 6-9-69 to 5-31-70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 19th day of August 1969.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.D. Doc. 69-10148; Filed, Aug. 25, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Revised Notice No. 35130]

ILLINOIS CENTRAL RAILROAD CO., ET AL.

Applicable Tariff Provisions Regarding Freight Charges on New Empty Tank Cars

AUGUST 18, 1969.

This notice revises previous notice served in this proceeding July 16, 1969, and published at 34 F.R. 12147 on July 19, 1969.

Notice is hereby given that petitioners, Illinois Central Railroad Co., Louisville & Nashville Railroad Co., Penn Central Co., and Southern Railway System, have filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order, as authorized by section 554(e) of the Administrative Procedure Act, to terminate a controversy discussed hereinbelow and for which the District Court of the United States, Western District of Kentucky, has stayed its disposition of the proceeding in Louisville and Nashville Railroad Co. v. Union Tank Car Co. (Civil Action No. 5913).

The issues to be determined in this proceeding are:

(1) Whether a tank car is an article of freight, subject to freight charges, or an instrumentality of transportation to be credited with mileage for equalization purposes, under the following circumstances:

(a) A new tank car being moved on its own wheels from the point at which the construction of the car was started to the point at which construction will be completed by installation of rubber linings, or installation or addition of some other part that will become an integral part of the car, where both points are published in the Official Railway Equipment Register as "home points" of the car owner; and

(b) A new tank car being moved on its own wheels from the point at which construction of the car was completed (which is listed in the Official Railway Equipment Register as a "home point" of the car owner) to the point at which it is anticipated, the car will be loaded for the first time.

(The petitioners contend that, in both instances, freight charges apply); and

(2) If the movements described in (1) above are found subject to freight charges, whether the imposition of such charges is reasonable and lawful under the provisions of the Interstate Commerce Act.

¹ Formerly 5(d) of the Administrative Procedure Act.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this revised notice in the FEDERAL REGISTER, file replies to the petition, supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies each upon the following attorneys representing petitioners herein, namely: Mr. John H. Doeringer, Illinois Central, 135 East 11th Place, Chicago, Ill. 60605; Mr. Roy L. Sherman, Louisville & Nashville, 908 West Broadway, Louisville, Ky. 40201; Mr. Paul R. Duke, Penn Central, 6 Penn Center Plaza, Philadelphia, Pa. 19104; and Mr. Duncan B. Phillips, Southern Railway, Post Office Box 1808, Washington, D.C. 20013. Thereafter the Commission will proceed to render its decision in this matter, including the observance of any additional requirements that appear warranted to assure due process of law.

Notice pursuant to statutory requirements of the filing of this petition will be given by publication hereof in the FEDERAL REGISTER.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10158; Filed, Aug. 25, 1969; 8:48 a.m.]

[Notice 892]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 21, 1969.

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 18535 (Sub-No. 49 TA), filed August 7, 1969. Applicant: HICKLIN

MOTOR LINE, INC., Post Office Box 377, St. Matthews, S.C. 29135. Applicant's representative: **Lawrence M. Gressette, Jr.**, St. Matthews, S.C. 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts, and agricultural commodities*, otherwise exempt from regulation under section 203(b) 6 of the Act, when transported in mixed shipments with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Florida, and Alabama, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, Fla.; Gillis Coleman, Columbia State Farmers Market, Columbia, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 73688 (Sub-No. 34 TA), filed August 14, 1969. Applicant: **SOUTHERN TRUCKING CORPORATION**, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Paul Costin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Memphis, Tenn., and points in its commercial zone, to the plant site of West Virginia Pulp & Paper Co., near Wickliffe, Ky., for 180 days. Supporting shipper: United Fabricators, Inc., 2176 South Third Street (plant address), Post Office Box 9284, Memphis, Tenn. 38109. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 107561 (Sub-No. 2 TA), filed August 14, 1969. Applicant: **M. O'HARA'S VAN SERVICE AND STORAGE WAREHOUSE, INC.**, 229 East 120th Street, New York, N.Y. 10035. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated and crated, from carrier's warehouse at Palisades Park, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y.; (2) *return shipments* of same commodities, from points in Nassau, Suffolk, Westchester Counties, N.Y., to Palisades Park, N.J., for 150 days. Supporting shipper: Charles L. Apisdorf, 206 Lexington Avenue, New York, N.Y. 10016. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114848 (Sub-No. 47 TA) (Clarification), filed July 2, 1969, published **FEDERAL REGISTER**, issue of July 15, 1969, and republished this issue. Applicant: **WHARTON TRANSPORT CORPORATION**, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative:

James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from West Memphis, Ark., to points in Mississippi, Tennessee, Alabama, Kentucky, and Georgia, for 180 days. Note: Applicant states it does intend to interline with other carriers. It intends to interline with the Chicago-Rock Island and Pacific Railway Co., on traffic originated by such railroad at its points and interlined with applicant at West Memphis, Ark., on a joint rail-truck movement. The purpose of this republication is to add the above note, in order to clarify the operations proposed. Supporting shippers: Burrus Mills, Inc., 330 Mercantile Securities Building, Post Office Box 448, Dallas, Tex. 75221 (Mr. Gayle Johnson, General Traffic Manager), and Flour Mills of America, Inc., Post Office Box 2568, Kansas City, Mo. 64142 (Mr. A. W. Schroeder, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

No. MC 118056 (Sub-No. 3 TA), filed August 15, 1969. Applicant: **ANGELO DEL SORDO**, doing business as **DEL'S TRANSPORTATION COMPANY**, 7 Summer Street, Fairhaven, Mass. 02719. Applicant's representative: Angelo Del Sordo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Fall River, Mass., to Providence, R.I., for 180 days. Supporting shippers: Wesco Banana Co., 44 Harris Avenue, Produce Building, Providence, R.I. 02903; YelloGold Banana Co., 6-8 Harris Avenue, Produce Building, Providence, R.I. 02903. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 118959 (Sub-No. 50 TA), filed August 8, 1969. Applicant: **JERRY LIPPS, INC.**, 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products* (except commodities in bulk), from Social Circle, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Certain-Teed Products Corp., Box 988, McPherson, Kans. 67460. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119619 (Sub-No. 16 TA), filed August 8, 1969. Applicant: **DISTRIBUTORS SERVICE CO.**, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and agricultural commodities*, otherwise exempt, from economic regulations under section 203(b) (6) of the act when transported in mixed shipments with regulated commodities, from Wilmington, Del., to points in Ohio, Michigan, Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Kentucky, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129241 (Sub-No. 2 TA), filed August 12, 1969. Applicant: **MORRISON MOVING & STORAGE CO., INC.**, West 304 Pacific Avenue, Spokane, Wash. 99204. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Grant, Adams, Kittitas, and Spokane Counties, Wash., restricted to traffic having a prior or subsequent movement in containers, and further restricted to pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and de-containerization of such traffic, for 180 days. Note: Applicant intends to interline with other carriers at Spokane and Moses Lake, Wash. Supporting shipper: Lyon Van & Storage Co., Household Shipping Division, 1950 South Vermont Avenue, Los Angeles, Calif. 90007. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 129386 (Sub-No. 5 TA), filed August 15, 1969. Applicant: **REESE, REESE & SHERMAN, INC.**, 1007 Mul-lowney Lane, Billings, Mont. 59102. Applicant's representative: R. F. Hibbs, Post Office Box 1321, Billings, Mont. 59102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, salted, cooked, cured, or preserved, from Billings, Mont., to points in Minnesota, Illinois, and Wisconsin, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129594 (Sub-No. 1 TA), filed August 8, 1969. Applicant: **TRIPLE "D" CARTAGE, INC.**, 251 18th Street SE., Mason City, Iowa 50401. Applicant's

representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment materials, and supplies used in the conduct of such business, from Mason City, Iowa, to Litchfield and St. Cloud, Minn., and points in Minnesota south of Minnesota Highway 19, with return from Owatonna, Rochester, Sleepy Eye, Waseca, and Wells, Minn., to Mason City, Iowa, for 180 days. Supporting shipper: Consolidated Foods Corp., 1811 19th Street SW., Mason City, Iowa 50401. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.*

No. MC 133879 (Sub-No. 1 TA), filed August 5, 1969. Applicant: BEN J. AND EFFIE N. TEATER, a partnership, doing business as BLUE RIBBON DELIVERIES SERVICE, Standiford Field, Post Office Box 21101, Louisville, Ky. 40221. Applicant's representative: Robert W. Brunow, Suite 203-6 Colony Way Building, 195 Colony Way, Louisville, Ky. 40207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Broken or faulty appliance parts, and broken and faulty machine parts used in the manufacture of appliances, from the site of the plant of General Electric Co. at Appliance Park, Ky., near Louisville, Ky., to points in Indiana, Illinois, Ohio, and that part of Michigan on and south of a line beginning at Detroit and extending along Interstate Highway 96 to junction U.S. Highway 27 southeast of Lansing, thence south along U.S. Highway 27 through Charlotte to junction Interstate Highway 94, and thence along Interstate Highway 94 to the Michigan-Indiana State line. Restriction: The operations authorized above are restricted to the transportation of freight of 5,000 pounds or less from the shipper to any one consignee, in any 1 day; (2) repaired or replacement parts for machinery used in the manufacture of appliances, from the destination points specified above, to the site of the plant of General Electric at Appliance Park, Ky., near Louisville, Ky. Restriction: The operations authorized next above are restricted to the transportation of freight of 5,000 pounds or less from any one supplier or repair installation to the shipper, in any 1 day; (3) supplies, parts, and equipment used in the manufacture of appliances, from the destination points specified under the first commodity description herein, to the site of the plant of General Electric Co. at Appliance Park, Ky., near Louisville, Ky. Restriction: The operations authorized next above are restricted*

to the transportation of freight of 2,000 pounds or less from any one supplier to the shipper, in any 1 day. Restriction: The service authorized herein is subject to the following conditions: (a) The operations authorized herein are restricted to the transportation of traffic originating at the described origin points and destined to their respective destination points. (b) The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with General Electric Co., Appliance Park, Ky., for 180 days. Supporting shipper: Charles A. Moore, Manager, Traffic, General Electric Co., Appliance Park, Louisville, Ky. 40225. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 133955 TA, filed August 15, 1969. Applicant: ART DICKEN, doing business as FALLS FARM SERVICE, 125 LeBree Avenue South, Thief River Falls, Minn. 56701. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, in bulk, from Grandin, N. Dak., to points in Becker County, Minn., for 180 days. Supporting shipper: Ralston Purina Co., 3815 Hiawatha Avenue South, Minneapolis, Minn. 55406. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.*

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10159; Filed, Aug. 25, 1969;
8:48 a.m.]

[Notice 399]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1969.

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-71473. By order of August 14, 1969, the Motor Carrier Board approved the transfer to Rowe Transportation Inc., Pacoima, Calif.; of certificate of registration in No. MC-99892 (Sub-No. 1), and the certificate in No. MC-99892 (Sub-No. 2), issued February 4, 1964, and March 14, 1968, respectively, to John Donald Rowe, doing business as Rowe Transportation, Pacoima, Calif.; authorizing the transportation of specified commodities, between points in California. Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014, attorney for applicants.

No. MC-FC-71530. By order of August 15, 1969, the Motor Carrier Board approved the transfer to Kealy Trucking Co., a corporation, Cleveland, Ohio, of the certificate of registration No. MC-98762 (Sub-No. 1) issued June 17, 1965, to John J. Kealy, doing business as Kealy Trucking Co., Cleveland, Ohio, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Ohio. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-71535. By order of August 15, 1969, the Motor Carrier Board approved the transfer to Watts Express, Inc., 9112 Railroad Street, Taberg, N.Y. 13471, of the certificate of registration, in No. MC-99087 (Sub-No. 1), issued December 17, 1963, to Joseph R. Doti, doing business as Utica-Rome Express, Upper Main Street, Whitesboro, N.Y. 13492, authorizing the transportation of general commodities between specified points in the State of New York.

No. MC-FC-71536. By order of August 15, 1969, the Motor Carrier Board approved the transfer to Sorenson Transportation Co., Inc., Bethany, Conn., of the certificates in Nos. MC-70322, MC-70322 (Sub-No. 4), and MC-70322 (Sub-No. 5) issued September 14, 1968, May 27, 1946, and December 13, 1965, respectively, to Louis Meridy, doing business as M. & S. Transportation Co., Hartford, Conn., authorizing the transportation of castings and patterns from Plainville, Conn., to Westfield, Mass.; scrap metals from Hartford, Conn., to Perth Amboy, N.J.; household goods, general commodities, with exceptions, and other specified commodities, between points in Connecticut; newspapers and supplements, from New Haven, Conn., to Hartford, Conn., and Springfield, Mass.; magazines, magazine parts, magazine inserts, and mats, molds, plates, shells, and vinylites used in connection with the printing of magazines, from Bradley Field, Windsor Locks, Conn., to Albany, N.Y. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10160; Filed, Aug. 25, 1969;
8:48 a.m.]

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