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U.S. GOVERNMENT
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FEDERAL REGISTER

VOLUME 35 • NUMBER 75

Friday, April 17, 1970 • Washington, D.C.

Pages 6243–6304

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**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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ADJUSTING RATES OF PAY FOR CERTAIN STATUTORY SCHEDULES

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Federal Employees Salary Act of 1970 and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

General Schedule

SECTION 1. The rates of basic pay in the General Schedule contained in section 5332(a) of title 5, United States Code, are adjusted as follows:

"GENERAL SCHEDULE

"Grade	"Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1	$4,125	$4,262	$4,399	$4,536	$4,673	$4,810	$4,947	$5,084	$5,221	$5,358
GS-2	4,621	4,775	4,929	5,083	5,237	5,391	5,545	5,699	5,853	6,007
GS-3	5,212	5,386	5,560	5,734	5,908	6,082	6,256	6,430	6,604	6,778
GS-4	5,853	6,048	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608
GS-5	6,548	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510
GS-6	7,294	7,537	7,780	8,023	8,266	8,509	8,752	8,995	9,238	9,481
GS-7	8,098	8,368	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528
GS-8	8,956	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647
GS-9	9,881	10,210	10,539	10,868	11,197	11,526	11,855	12,184	12,513	12,842
GS-10	10,869	11,231	11,593	11,955	12,317	12,679	13,041	13,403	13,765	14,127
GS-11	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478
GS-12	14,192	14,665	15,138	15,611	16,084	16,557	17,030	17,503	17,976	18,449
GS-13	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
GS-14	19,643	20,298	20,953	21,608	22,263	22,918	23,573	24,228	24,883	25,538
GS-15	22,885	23,648	24,411	25,174	25,937	26,700	27,463	28,226	28,989	29,752
GS-16	26,547	27,432	28,317	29,202	30,087	30,972	31,857	32,742	33,627	
GS-17	30,714	31,738	32,762	33,786	34,810					
GS-18	35,505".									

Schedules for the Postal Field Service

SEC. 2. (a) The rates of basic compensation in the Postal Field Service Schedule contained in section 3542(a) of title 39, United States Code, are adjusted as follows:

"POSTAL FIELD SERVICE SCHEDULE

"Level	"Annual rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
PFS-1	$4,794	$4,954	$5,114	$5,274	$5,434	$5,594	$5,754	$5,914	$6,074	$6,234	$6,394	$6,554
PFS-2	5,182	5,355	5,528	5,701	5,874	6,047	6,220	6,393	6,566	6,739	6,912	7,085
PFS-3	5,602	5,789	5,976	6,163	6,350	6,537	6,724	6,911	7,098	7,285	7,472	7,659
PFS-4	6,056	6,258	6,460	6,662	6,864	7,066	7,268	7,470	7,672	7,874	8,076	8,278
PFS-5	6,548	6,766	6,984	7,202	7,420	7,638	7,856	8,074	8,292	8,510	8,728	8,946
PFS-6	7,077	7,313	7,549	7,785	8,021	8,257	8,493	8,729	8,965	9,201	9,437	9,673
PFS-7	7,650	7,905	8,160	8,415	8,670	8,925	9,180	9,435	9,690	9,945	10,200	10,455
PFS-8	8,269	8,545	8,821	9,097	9,373	9,649	9,925	10,201	10,477	10,753	11,029	
PFS-9	8,940	9,238	9,536	9,834	10,132	10,430	10,728	11,026	11,324	11,622		
PFS-10	9,645	9,967	10,289	10,611	10,933	11,255	11,577	11,899	12,221	12,543		
PFS-11	10,717	11,074	11,431	11,788	12,145	12,502	12,859	13,216	13,573	13,930		
PFS-12	11,905	12,302	12,699	13,096	13,493	13,890	14,287	14,684	15,081	15,478		
PFS-13	13,227	13,668	14,109	14,550	14,991	15,432	15,873	16,314	16,755	17,196		
PFS-14	14,695	15,185	15,675	16,165	16,655	17,145	17,635	18,125	18,615	19,105		
PFS-15	16,328	16,872	17,416	17,960	18,504	19,048	19,592	20,136	20,680	21,224		
PFS-16	18,138	18,743	19,348	19,953	20,558	21,163	21,768	22,373	22,978	23,583		
PFS-17	20,152	20,824	21,496	22,168	22,840	23,512	24,184	24,856	25,528	26,200		
PFS-18	22,390	23,136	23,882	24,628	25,374	26,120	26,866	27,612	28,358	29,104		
PFS-19	24,875	25,704	26,533	27,362	28,191	29,020	29,849	30,678	31,507	32,336		
PFS-20	27,636	28,557	29,478	30,399	31,320	32,241	33,162	34,083				
PFS-21	30,714	31,738	32,762	33,786	34,810"							

(b) The rates of basic compensation in the Rural Carrier Schedule contained in section 3543(a) of title 39, United States Code, are adjusted as follows:

"RURAL CARRIER SCHEDULE

	"Annual rates and steps											
	1	2	3	4	5	6	7	8	9	10	11	12
"Fixed compensation	$2,930	$3,088	$3,246	$3,404	$3,562	$3,720	$3,878	$4,036	$4,194	$4,352	$4,510	$4,668
For each mile up to 30 miles of route	110	112	114	116	118	120	122	124	126	128	130	132
For each mile of route over 30	26.50	26.50	26.50	26.50	26.50	26.50	26.50	26.50	26.50	26.50	26.50	26.50."

Schedules for the Department of Medicine and Surgery of the Veterans' Administration

SEC. 3. The schedules contained in section 4107 of title 38, United States Code, for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, are adjusted as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $35,505.
"Medical Director, $30,714 minimum to $34,810 maximum.
"Director of Nursing Service, $22,885 minimum to $29,752 maximum.
"Director of Chaplain Service, $22,885 minimum to $29,752 maximum.
"Chief Pharmacist, $22,885 minimum to $29,752 maximum.
"Chief Dietitian, $22,885 minimum to $29,752 maximum.

"Physician and Dentist Schedule

"Director grade, $26,547 minimum to $33,627 maximum.
"Executive grade, $24,671 minimum to $32,069 maximum.
"Chief grade, $22,885 minimum to $29,752 maximum.
"Senior grade, $19,643 minimum to $25,538 maximum.
"Intermediate grade, $16,760 minimum to $21,791 maximum.
"Full grade, $14,192 minimum to $18,449 maximum.
"Associate grade, $11,905 minimum to $15,478 maximum.

"Nurse Schedule

"Assistant Director grade, $19,643 minimum to $25,538 maximum.
"Chief grade, $16,760 minimum to $21,791 maximum.
"Senior grade, $14,192 minimum to $18,449 maximum.
"Intermediate grade, $11,905 minimum to $15,478 maximum.
"Full grade, $9,881 minimum to $12,842 maximum.
"Associate grade, $8,519 minimum to $11,075 maximum.
"Junior grade, $7,294 minimum to $9,481 maximum."

Foreign Service Schedules

SEC. 4. (a) The per annum salaries of Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), are adjusted as follows:

"Class 1	$33,600	$34,729	$35,505					
Class 2	26,358	27,237	28,116	$28,995	$29,874	$30,753	$31,632	
Class 3	20,888	21,584	22,280	22,976	23,672	24,368	25,064	
Class 4	16,760	17,319	17,878	18,437	18,996	19,555	20,114	
Class 5	13,618	14,072	14,526	14,980	15,434	15,888	16,342	
Class 6	11,245	11,620	11,995	12,370	12,745	13,120	13,495	
Class 7	9,450	9,765	10,080	10,395	10,710	11,025	11,340	
Class 8	8,098	8,368	8,638	8,908	9,178	9,448	9,718".	

(b) The per annum salaries of staff officers and employees in the schedule contained in section 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 870(a)), are adjusted as follows:

"Class 1	$20,888	$21,584	$22,280	$22,976	$23,672	$24,368	$25,064	$25,760	$26,456	$27,152
Class 2	16,760	17,319	17,878	18,437	18,996	19,555	20,114	20,673	21,232	21,791
Class 3	13,618	14,072	14,526	14,980	15,434	15,888	16,342	16,796	17,250	17,704
Class 4	11,245	11,620	11,995	12,370	12,745	13,120	13,495	13,870	14,245	14,620
Class 5	10,088	10,424	10,760	11,096	11,432	11,768	12,104	12,440	12,776	13,112
Class 6	9,045	9,347	9,649	9,951	10,253	10,555	10,857	11,159	11,461	11,763
Class 7	8,115	8,385	8,655	8,925	9,195	9,465	9,735	10,005	10,275	10,545
Class 8	7,276	7,519	7,762	8,005	8,248	8,491	8,734	8,977	9,220	9,463
Class 9	6,525	6,743	6,961	7,179	7,397	7,615	7,833	8,051	8,269	8,487
Class 10	5,853	6,048	6,243	6,438	6,633	6,828	7,023	7,218	7,413	7,608".

Conversion Rules

SEC. 5. (a) The officers hereinafter designated shall prescribe such rules as may be necessary to convert the rates of basic pay, basic compensation or salaries of officers and employees to the rates prescribed in this order:

(1) General Schedule, the Civil Service Commission.

(2) Postal Field Service including the Rural Carrier Schedule, the Postmaster General.

(3) Schedules for the Department of Medicine and Surgery of the Veterans' Administration, the Administrator of Veterans' Affairs.

(4) Foreign Service schedules, the Secretary of State.

(b) Subject to the provisions of this order, rules prescribed pursuant to subsection (a) shall conform as nearly as may be practicable to the provisions with regard to conversion contained in the Federal Salary Act of 1967, 81 Stat. 624. Entitlement to retroactive pay under such rules shall be subject to the provisions of section 5 of the Federal Employees Salary Act of 1970.

Effective Date

SEC. 6. This order shall take effect as of the first day of the first pay period beginning on or after December 27, 1969.

Richard Nixon

THE WHITE HOUSE,
April 15, 1970

[F.R. Doc. 70-4801; Filed, Apr. 15, 1970; 4:26 p.m.]

Executive Order 11525

ADJUSTING THE RATES OF MONTHLY BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me by the laws of the United States, including the Act of December 16, 1967, 81 Stat. 649, the Federal Employees Salary Act of 1970, and section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

SECTION 1. The rates of monthly basic pay for members of the uniformed services within each pay grade are adjusted upwards as set forth in the following tables:

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	2 or less	Over 2	Over 3	Over 4
O-10 [1]	$1,956.90	$2,025.90	$2,025.90	$2,025.90
O-9	1,734.30	1,779.90	1,818.00	1,818.00
O-8	1,570.80	1,617.90	1,656.60	1,656.60
O-7	1,305.00	1,394.10	1,394.10	1,394.10
O-6	967.20	1,063.20	1,132.50	1,132.50
O-5	773.40	909.00	971.10	971.10
O-4	652.50	793.80	847.50	847.50
O-3 [2]	606.30	677.70	723.90	801.60
O-2 [2]	486.00	577.20	693.30	716.40
O-1 [2]	417.60	462.60	577.20	577.20

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 6	Over 8	Over 10	Over 12
O-10 [1]	$2,025.90	$2,103.30	$2,103.30	$2,264.70
O-9	1,818.00	1,863.90	1,863.90	1,941.30
O-8	1,656.60	1,779.90	1,779.50	1,863.90
O-7	1,456.20	1,456.20	1,540.80	1,540.80
O-6	1,132.50	1,132.50	1,132.50	1,132.50
O-5	971.10	971.10	1,001.10	1,054.50
O-4	862.50	901.20	962.40	1,016.70
O-3 [2]	839.70	870.00	916.80	962.40
O-2 [2]	731.40	731.40	731.40	731.40
O-1 [2]	577.20	577.20	577.20	577.20

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-10 [1]	$2,264.70	$2,426.70	$2,426.70	$2,588.70
O-9	1,941.30	2,103.30	2,103.30	2,264.70
O-8	1,863.90	1,941.30	2,025.90	2,103.30
O-7	1,617.90	1,779.90	1,902.30	1,902.30
O-6	1,170.90	1,356.00	1,425.30	1,456.20
O-5	1,125.00	1,209.30	1,278.60	1,317.00
O-4	1,063.20	1,100.40	1,140.30	1,140.30
O-3 [2]	985.80	985.80	985.80	985.80
O-2 [2]	731.40	731.40	731.40	731.40
O-1 [2]	577.20	577.20	577.20	577.20

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O-10 [1]	$2,588.70	$2,750.40	$2,750.40
O-9	2,264.70	2,426.70	2,426.70
O-8	2,188.20	2,188.20	2,188.20
O-7	1,902.30	1,902.30	1,902.30
O-6	1,540.80	1,671.30	1,671.30
O-5	1,363.50	1,363.50	1,363.50
O-4	1,140.30	1,140.30	1,140.30
O-3 [2]	985.80	985.80	985.80
O-2 [2]	731.40	731.40	731.40
O-1 [2]	577.20	577.20	577.20

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000.00 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
O-3	$801.60	$839.70	$870.00	$916.80	$962.40
O-2	716.40	731.40	754.50	793.80	824.70
O-1	577.20	616.50	630.60	662.40	685.50

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-3	$1,001.10	$1,001.10	$1,001.10	$1,001.10
O-2	847.50	847.50	847.50	847.50
O-1	716.40	716.40	716.40	716.40

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O-3	$1,001.10	$1,001.10	$1,001.10
O-2	847.50	847.50	847.50
O-1	716.40	716.40	716.40

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$617.40	$662.40	$662.40	$677.70	$708.30
W-3	561.30	609.00	609.00	616.50	624.00
W-2	491.70	531.60	531.60	547.20	577.20
W-1	409.50	469.80	469.80	508.80	531.60

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$739.50	$770.10	$824.70	$862.50	$893.40
W-3	669.60	708.30	731.40	754.50	777.30
W-2	600.00	632.10	654.90	677.70	701.10
W-1	554.70	577.20	600.90	624.00	647.10

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$916.80	$947.40	$978.60	$1,054.50	$1,054.50
W-3	801.60	832.20	862.50	893.40	893.40
W-2	723.90	747.00	777.30	777.30	777.30
W-1	669.60	693.30	693.30	693.30	693.30

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 [1]					
E-8					
E-7	$369.90	$443.40	$459.90	$476.10	$492.30
E-6	318.90	387.30	403.20	419.70	435.90
E-5	275.40	339.30	355.50	371.10	395.40
E-4	231.60	290.10	306.60	330.60	347.10
E-3	167.70	233.70	249.90	266.40	266.40
E-2	138.30	193.50	193.50	193.50	193.50
E-1	133.20	177.00	177.00	177.00	177.00
E-1 (Under 4 months)	124.50				

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 [1]		$701.40	$717.60	$734.10	$750.30
E-8	$588.60	605.10	621.00	637.50	653.70
E-7	507.00	524.10	540.00	564.00	580.80
E-6	451.80	468.30	492.30	507.00	524.10
E-5	411.60	427.80	443.40	451.80	451.80
E-4	347.10	347.10	347.10	347.10	347.10
E-3	266.40	266.40	266.40	266.40	266.40
E-2	193.50	193.50	193.50	193.50	193.50
E-1	177.00	177.00	177.00	177.00	177.00

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]	$767.10	$782.10	$823.50	$903.60	$903.60
E-8	669.30	685.80	726.30	807.00	807.00
E-7	597.00	605.10	645.60	726.30	726.30
E-6	532.50	532.50	532.50	532.50	532.50
E-5	451.80	451.80	451.80	451.80	451.80
E-4	347.10	347.10	347.10	347.10	347.10
E-3	266.40	266.40	266.40	266.40	266.40
E-2	193.50	193.50	193.50	193.50	193.50
E-1	177.00	177.00	177.00	177.00	177.00

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps basic pay for this grade is $1,098.30 regardless of cumulative years of service computed under section 205 of this title.

SEC. 2. (a) A person who became entitled after December 31, 1969, but before the date of enactment of the Federal Employees Salary Act of 1970, to payment for items such as lump-sum leave, reenlistment and variable reenlistment bonus, continuation pay, any type of separation pay, or six months death gratuity, shall not be entitled to any increase in any such payment by virtue of this order.

(b) Authority to prescribe other rules for payment of retroactive compensation shall be exercised for the uniformed services by the Secretary of Defense. Entitlement to retroactive pay under such rules shall be subject to the provisions of section 5 of the Federal Employees Salary Act of 1970, and shall conform as nearly as may be practicable to the provisions of Section 7 of the Act of December 16, 1967, 81 Stat. 654.

SEC. 3. This order shall take effect January 1, 1970.

Richard Nixon

THE WHITE HOUSE,
April 15, 1970.

[F.R. Doc. 70-4802; Filed, Apr. 15, 1970; 4:26 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Director, Office of Minority Business Enterprise, excepted under Schedule C, is revoked and that the position of Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3314 is amended by revoking subparagraph (18) and adding a new subparagraph (21) as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(18) [Revoked]

* * * * *

(21) Assistant to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-4732; Filed, Apr. 16, 1970; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Sections 213.3184 and 213.3384 are amended to show that one position of Program Assistant engaged in interdepartmental activities has been moved from Schedule A to Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 213.3184 and subparagraph (29) of paragraph (a) of § 213.3384 are amended as set out below.

§ 213.3184 Department of Housing and Urban Development.

* * * * *

(c) *Interdepartmental Programs.* (1) Three Program Assistants.

* * * * *

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. * * *

(29) Three Program Assistants for interdepartmental activities.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-4733; Filed, Apr. 16, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Requirement To Use Titanium Dioxide in Isolated Soy Protein

In the FEDERAL REGISTER of November 25, 1969 (34 F.R. 18820) there was published a notice of a proposed amendment to the Poultry Products Inspection Regulations (7 CFR Part 81) to require the use of titanium dioxide in isolated soy protein when such protein is used in porcessing of poultry products at establishments subject to the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

After due consideration of the comments made pursuant to said proposal and other relevant information, and under the authority conferred by the Poultry Products Inspection Act, as amended (21 U.S.C. 463), § 81.95(d) of the regulations (7 CFR 81.95(d)) is hereby amended by adding thereto a new subparagraph (4) to read as set forth below:

§ 81.95 Reinspection of poultry and other products; ingredients.

* * * * *

(d) * * *

(4) All isolated soy protein used in products processed in any official establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

The foregoing amendment shall become effective 30 days following publication in the FEDERAL REGISTER.

Done at Washington, D.C., on April 14, 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70-4713; Filed, Apr. 16, 1970; 8:48 a.m.]

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Regulations are hereby revised for the operation of the Special Food Service Program for Children pursuant to the authority contained in section 13 of the National School Lunch Act, as amended (42 U.S.C. 1761).

GENERAL

Sec.
225.1 General purpose and scope.
225.2 Definitions.
225.3 Administration.
225.4 Apportionment of funds to States.
225.5 Payments to States.
225.6 Use of funds.

FOOD ASSISTANCE PROVISIONS

225.7 Requirements for participation.
225.8 Free and reduced price meals.
225.9 Requirements for meals.
225.10 Reimbursement payments.
225.11 Effective date for reimbursement.
225.12 Reimbursement procedure.

NONFOOD ASSISTANCE PROVISIONS

225.13 Funds for nonfood assistance.
225.14 Matching of funds.
225.15 Requirements for participation.
225.16 Reimbursement payments.
225.17 Reimbursement procedure.

MISCELLANEOUS PROVISIONS

225.18 Special responsibilities of State agenices.
225.19 Claims against service institutions.
225.20 Administrative analyses and audits.
225.21 Prohibitions.
225.22 Other provisions.
225.23 Program information.

AUTHORITY: The provisions of this Part 225 issued under sec. 3, 82 Stat. 117; 42 U.S.C. 1761.

GENERAL

§ 225.1 General purpose and scope.

Section 13 of the National School Lunch Act, as amended, authorizes the appropriation of funds to enable the Secretary to formulate and carry out a pilot program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions. This part announces the policies and prescribes the regulations under which this pilot program will be carried out. In general, the pilot program embodies two phases: (a) Payments will be made to service institutions at specified rates to reimburse them in connection with costs of obtaining agricultural commodities and other foods for service to children, and (b) payments will be made to service institutions to reimburse them in part for the cost of the purchase or rental of equipment for the storage, preparation, transportation and serving of food to children.

§ 225.2 Definitions.

For the purpose of this part the term:

(a) "Act" means the National School Lunch Act, as amended.

(b) "CND" means the Child Nutrition Division, Food and Nutrition Service of the Department.

(c) "Children" means persons under 21 years of age who are enrolled for care in a service institution, or who are counselors in a summer program conducted by a service institution.

(d) "Cost of obtaining food" means the cost of obtaining, during any fiscal

year, agricultural commodities and other food for consumption by children. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for or donated to, the program.

(e) "Department" means the U.S. Department of Agriculture.

(f) "Equipment" means articles (excluding one-time-use items such as paper plates and straws) and facilities, other than land and buildings, for the storage, preparation, transportation, and serving of meals.

(g) "Fiscal year" means a period of 12 calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(h) "FNS" means the Food and Nutrition Service of the Department.

(i) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(j) "Meal" means food which is served to children during their attendance at a service institution and which meets the nutritional requirements set out in this part.

(k) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands where a sufficient supply of fresh fluid whole milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands where a sufficient supply of fresh fluid whole milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

(l) "OIG" means the Office of the Inspector General of the Department.

(m) "Private nonprofit service institution" means a nonpublic service institution that is exempt from income tax under the Internal Revenue Code, as amended.

(n) "Program" means the Special Food Service Program for Children authorized by section 13 of the Act and operating pursuant to the provisions of this part.

(o) "Secretary" means the Secretary of Agriculture.

(p) "Service institution" means a private, nonprofit institution or a public institution, such as a child day-care center, settlement house, or recreation center, which provides day care, or other child care where children are not maintained in residence, for children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers. The term "service institution" includes a private, nonprofit institution or a public institution that develops a special summer program providing for children from such areas food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year, and includes a private, nonprofit institution or a public institution providing day-care services for handicapped children.

(q) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, or American Samoa.

(r) "State agency" means the State educational agency.

(s) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education.

§ 225.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the program. Within FNS, CND shall be responsible for program administration.

(b) Within the States, responsibility for the administration of the program shall be in the State agency, except that FNSRO shall administer the program in any State wherein the State agency is not permitted by law or is otherwise unable to disburse Federal funds apportioned to it under the program to any service institution in the State. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the program within a State.

(c) Each State agency desiring to take part in the program shall enter into a written agreement with the Department for the administration of the program in the State in accordance with the provisions of this part. Such agreements shall cover the operation of the program during the period specified therein and may be extended at the option of the Department.

§ 225.4 Apportionment of funds to States.

(a) Any Federal funds made available for the purposes of section 13 of the Act for any fiscal year shall be apportioned among the States in accordance with the following provisions:

(1) Of the funds made available, 2 per centum shall be reserved for apportionment to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Each such State shall be apportioned an amount which bears the same ratio to the total of such reserved funds as the number of children aged 3 to 17, inclusive, in each bears to the total number of children of such ages in all such States.

(2) From the remainder of the funds made available, each State, other than Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, shall be apportioned not more than $50,000, as a basic grant. In addition, from the funds remaining after the basic grants have been made, each such State shall be apportioned an amount which bears the same ratio to such remaining funds as the number of children in that State aged 3 to 17, inclusive, in families with incomes of less than $3,000 per annum bears to the total number of such children in all such States.

(b) All of the funds apportioned to any State for the program shall be withheld by FNS if the State agency is not permitted by law or is otherwise unable to disburse the funds apportioned to it under the Act to any service institution in the State, and the funds so withheld shall be disbursed directly to service institutions in such State.

(c) If any State cannot utilize all funds apportioned to it, or if additional funds are made available for apportionment among the States under this section, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however*, That the Department may determine the minimum amount of such funds it is practicable to so apportion.

§ 225.5 Payments to States.

(a) The funds apportioned to any State under § 225.4 shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State agency. Such Letters of Credit shall be designed to provide funds for the State agency for the operation of the program in such amounts and at such times as the funds are needed to reimburse service institutions. As soon as practicable after funds are made available to FNS, FNS shall prepare a Letter of Credit for each State with which it has an approved agreement. Notwithstanding the foregoing provisions, if funds are made available by Congress for the operation of the program under a continuing resolution, Letters of Credit shall reflect only the amounts available for the effective period of the resolution with appropriate monthly limitations. The State agency shall obtain funds needed to reimburse service institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit (Form C&MS–218) to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The State agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State agencies shall report information on the use of program funds on a monthly basis to FNS on a form provided by FNS. Notwithstanding the foregoing provision for the use of Letters of Credit, program funds shall be made available to the State agency in the District of Columbia by means of Treasury Department checks on the same monthly basis as is prescribed for payments made by Letters of Credit.

(b) The State agency shall return to FNS any Federal funds paid to it under

the program which are unobligated at the end of each fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FNSRO.

§ 225.6 Use of funds.

(a) Federal funds made available for this program shall be used by the State agency, or FNSRO where applicable, only to reimburse service institutions in connection with meals served to children in accordance with the provisions of this part, during the fiscal year for which such funds are appropriated and the first 3 months of the following fiscal year, except that not to exceed 25 per centum of the program funds so made available may be used to assist service institutions by paying not to exceed 75 per centum of the cost incurred during such fiscal year and the first 3 months of the following fiscal year for the purchase or rental of equipment to enable the service institutions to establish, maintain, and expand food service under this part. The earliest claims accruing against program funds during such 3-month period shall be considered as claims against the funds so carried over, to the extent thereof.

(b) Income accruing to the food service program in any service institution shall be used only for program purposes: *Provided, however,* That such income shall not be used to purchase land, to acquire or construct buildings, or to make alterations of existing buildings.

FOOD ASSISTANCE PROVISIONS

§ 225.7 Requirements for participation.

(a) Service institutions shall make written application for participation to the State agency, or FNSRO where applicable. The service institution's need to participate in the program shall be reviewed annually by the State agency, or FNSRO where applicable.

(b) Applications shall include the name and address of the service institution in which the program will be operated and the following information: (1) Type of service institution; (2) age range of children attending; (3) hours of operation; (4) estimated average daily attendance or membership; (5) proportion of children from families having working mothers; (6) proportion of children from low-income families; (7) types of meals to be served; (8) price to be charged children for meals, if priced separately; (9) need of children in the service institution for free or reduced price meals; (10) economic condition of the area from which the service institution draws attendance; (11) need of the service institution for assistance as reflected by the financial condition of any food service operation in the service institution and by the availability of, or requests for assistance from, other Federal programs; (12 begining and closing date of food service under the program; and (13) if a private institution, a certification as to its nonprofit status.

(c) Any service institution may employ a food service management company in the conduct of its feeding operation. A service institution that employs a food service management company shall remain responsible for seeing that the feeding operation is in conformance with its agreement with the State agency, or FNS regional office. The contract between the service institution and the food service management company shall expressly provide that:

(1) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the service institution will need to meet its responsibilities under this part, and shall report thereon to the service institution promptly at the end of each month.

(2) Any federally donated commodities received by the service institution and made available to the food service management company shall enure only to the benefit of the service institution's feeding operation, and shall be utilized therein; and

(3) The books and records of the food service management company pertaining to the service institution's feeding operation's feeding operation shall be available, for a period of 3 years from the close of the Federal fiscal year to which they pertain, for inspection and audit by representatives of the State agency, of the Department, and of the General Accounting Office at any reasonable time and place.

(d) In no event shall any service institution which participates in the Special Milk Program for Children (7 CFR Part 215) be eligible for participation in the program.

(e) Service institutions selected for participation in the program shall enter into written agreements with the State agency on a form approved by FNSRO, or, in those States in which FNSRO administers the program, service institutions shall enter into written agreements with the Department. Such agreements shall provide that the service institution shall:

(1) Operate a nonprofit food service program and observe the limitations on the use of program income set forth in § 225.6(b);

(2) Serve meals which meet the minimum requirements prescribed in § 225.9 during a period designated as the attendance period by the service institution;

(3) If meals are priced, price each meal as a unit;

(4) Supply meals without cost or at reduced price to all children determined by the service institution to be unable to pay the full price thereof;

(5) Make no discrimination against any child because of his inability to pay the full price of the meals;

(6) Request reimbursement only for the type or types of meals specified in the agreement;

(7) Submit reimbursement vouchers in accordance with procedures established by the State agency, or FNSRO where applicable;

(8) Maintain, in the storage, preparation and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(9) Purchase, in as large quantities as may be efficiently utilized in the program, foods designated as plentiful by the State agency, or FNSRO where applicable;

(10) Accept and use, in as large quantities as may be efficiently utilized in the program, such foods as may be offered as a donation by the Department;

(11) Maintain any facilities necessary for storing, preparing, and serving food;

(12) Maintain full and accurate records of its food service operation, including records with respect to the following:

(i) *Meals.* (*a*) Daily number of meals served to children, by type of meal.

(*b*) Daily number of meals served free or at reduced price to children, by type of meal.

(*c*) Daily number of meals served to adults, by type of meal.

(ii) *Program receipts (income).* (*a*) From children's payments.

(*b*) From Federal reimbursement.

(*c*) From adults' payments.

(*d*) From all other sources.

(iii) *Program expenditures.* (Supported by invoices, receipts, or other evidence of expenditure.) (*a*) All service institutions shall keep records of expenditures for food.

(*b*) In addition, service institutions receiving reimbursement under the provisions of § 225.10(e) and service institutions charging separately for meals must keep records of program expenditures for labor and all other costs. Such records shall be retained for a period of 3 years and 3 months after the end of the fiscal year to which they pertain;

(13) Upon request, make all accounts and records pertaining to the program available to representatives of the State agency and to FNS for audit or administrative review at a reasonable time and place;

(14) Comply with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15) and the serving of free and reduced price meals.

(f) A service institution with no food service facilities or with totally inadequate food service facilities may utilize existing school food service facilites or obtain meals from an operating, centrally located school food service facility, provided that the service institution shall not pay to the supplying school a consideration which exceeds the cost of the meals prepared (food, labor, and other costs), and that the pertinent requirements of this part shall be embodied in a written agreement between the service institution and the school.

(g) Any service institution in which a food service program is operated under an agreement as provided in paragraph (e) of this section may serve children from any other service institution, whether or not such other service institution has any food service, and may request reimbursement in connection with all meals served.

(h) Application and agreement may be made on behalf of a service institution by a nonprofit agency that is exempt from income tax under the Internal Revenue Code, as amended, to which the service institution has delegated authority for the operation of its food service.

§ 225.8 Free and reduced price meals.

In determining the children to whom free or reduced price meals are to be served because of inability to pay the full price thereof, service institutions shall, to the extent practicable, consult with public welfare and health agencies. Such determination, and the serving of meals to such children, shall be effected in accordance with the regulations of the Department with respect to determining eligibility for free and reduced price meals.

§ 225.9 Requirements for meals.

(a) Service institutions shall serve one, or a combination of any two, of the following types of meals: (1) Breakfast; (2) lunch; (3) supper; (4) supplemental food served between such other meals.

(b) Except as otherwise provided in this section, each meal shall contain, as a minimum, the indicated food components: (1) A breakfast shall contain:

(i) A serving of fluid whole milk as a beverage, or on cereal, or used in part for each purpose.

(ii) A serving of fruit or full-strength fruit or vegetable juice.

(iii) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls or muffins, etc., made of whole-grain or enriched meal or flour; or a serving of whole-grain cereal or enriched or fortified cereal or a combination of any of these foods.

(2) A lunch or supper shall contain:

(i) A serving of fluid whole milk as a beverage.

(ii) A serving of lean meat, poultry or fish; or cheese; or an egg or cooked dry beans or peas; or peanut butter; or a combination of any of these foods.

(iii) A serving of two or more vegetables or fruits, or a combination of both.

(iv) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc. made of whole-grain or enriched meal or flour.

(v) A serving of butter or fortified margarine.

(3) Supplemental food shall include:

(i) A serving of milk or full-strength fruit or vegetable juice—or an equivalent quantity of fruit or vegetable.

(ii) A serving of whole-grain or enriched bread or cereal; or an equivalent serving of cornbread, biscuits, rolls, muffins, crackers or cookies made of whole-grain or enriched meal or flour.

(4) Except as otherwise provided in this section, the minimum amounts of component foods to serve at meals as set forth in subparagraphs (1), (2), and (3) of this paragraph are as follows:

(i) Age 1 up to 3:

(a) Breakfast—½ cup of milk; ¼ cup of juice or fruit; ½ slice of bread or equivalent or ¼ cup of cereal or an equivalent quantity of both bread and cereal.

(b) Lunch or supper—½ cup of milk; 1 ounce (edible portion as served) of lean meat or an equivalent quantity of an alternate; ¼ cup of vegetables or fruits or both consisting of two or more kinds; ½ slice of bread or equivalent; ½ teaspoon of butter or fortified margarine.

(c) Supplemental food—½ cup of milk or juice, or equivalent quantity of fruit or vegetable; ½ slice of bread or equivalent.

(ii) Age 3 up to 6:

(a) Breakfast—¾ cup of milk; ½ cup of juice or fruit; ½ slice of bread or equivalent or ½ cup of cereal or an equivalent quantity of both bread and cereal.

(b) Lunch or supper—¾ cup of milk; 1½ ounces (edible portion as served) of lean meat or an equivalent quantity of an alternate; ½ cup of vegetables or fruits or both consisting of two or more kinds; ½ slice of bread or equivalent; ½ teaspoon of butter or fortified margarine.

(c) Supplemental food—½ cup of milk or juice or an equivalent quantity of fruit or vegetable; ½ slice of bread or equivalent.

(iii) Age 6 up to 12:

(a) Breakfast—1 cup of milk; ½ cup of juice or fruit; 1 slice of bread or equivalent or ¾ cup of cereal or equivalent quantity of both bread and cereal.

(b) Lunch or supper—1 cup of milk; 2 ounces (edible portion as served) of lean meat or an equivalent quantity of an alternate; ¾ cup of vegetables or fruits or both consisting of two or more kinds; 1 slice of bread or equivalent; 1 teaspoon of butter or fortified margarine.

(c) Supplemental food—1 cup of milk or juice or equivalent quantity of fruit or vegetable; 1 slice of bread or equivalent. Younger children of this group (age 6 up to 9) may be served lesser quantities of the foods (other than bread or milk) in the above types of meals, provided that such adjustments are based on the lesser food needs of such children.

(iv) Age 12 and over: Adult-sized portions based on the greater food needs of older boys and girls.

(5) For the purpose of this section, a cup means a standard measuring cup.

(6) To improve the nutrition of participating children additional foods may be served with each meal as follows:

(i) Breakfast:

(a) Include as often as practical an egg; or a 1-ounce serving (edible portion as served) of meat, poultry or fish; or 1 ounce of cheese; or 2 tablespoons of peanut butter or an equivalent quantity of any combination of these foods.

(b) Additional foods may be served as desired.

(ii) Lunch or supper: Additional foods may be served as desired.

(iii) Supplemental food: Include as often as practical a serving of meat or alternate such as peanut butter or cheese or other foods needed to satisfy appetites.

(c) If emergency conditions prevent a service institution normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches or suppers without milk during the emergency period.

(d) The inability of a service institution to obtain a supply of milk on a continuing basis shall not bar it from participation in the program. In such cases the State agency, or FNSRO where applicable, may approve the service of meals without milk, provided that an equivalent amount of canned, whole dry or nonfat dry milk is used in the preparation of the components of all meals.

(e) In American Samoa, Puerto Rico, the Virgin Islands and the Trust Territory of the Pacific Islands the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, sweetpotatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings or noodles may be substituted for the bread requirement.

(f) Substitutions may be made in food listed in paragraph (b), (1), (2), (3) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(g) The CND may approve variations in the food components of the meals on an experimental or a continuing basis in any service institution where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

§ 225.10 Reimbursement payments.

(a) Reimbursement shall be paid to service institutions only in connection with types of meals meeting the requirements of § 225.9.

(b) The maximum rates of reimbursement for meals shall be 30 cents for a lunch or supper, 15 cents for a breakfast, and 10 cents for supplemental food.

(c) In agreements with service institutions, the State agency, or FNSRO where applicable, shall assign rates of reimbursement for meals, within the maximum rates, for each service institution in which the Program will be operated, and any variation between service institutions in the assigned rates for particular types of meals shall reflect the relative needs of the service institutions, as determined by the State agency, or FNSRO where applicable. Assigned rates may be changed by the State agency, or FNSRO where applicable. Notice of any change shall be given to the service institution.

(d) Reimbursement shall be made on the basis of the number of meals, by types, served to children times the assigned rates, except that the last claim from a service institution each fiscal year

(or, if the service institution conducted only a summer operation, the last claim at the end of the summer) may be paid at a rate in excess of the assigned rates or the maximum rates: *Provided, however,* That the total reimbursement for meals to a service institution during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of meals by types served to children during the fiscal year times the maximum rates, or (2) the cost of obtaining food.

(e) Notwithstanding any other provision of this section, where all or nearly all the attending children are in need of free meals and the service institution is financially unable to meet this need, the State agency, or FNSRO where applicable, may authorize financial assistance to such service institution, in lieu of reimbursement for meals, in an amount not to exceed 80 per centum of the operating costs of the program; i.e., the cost of obtaining, preparing, and serving food. Service institutions shall justify the need for such additional assistance in their applications to the State agency, or FNSRO where applicable. The State agency, or FNSRO where applicable, shall visit each such service institution, either prior to approval or within the first 90 days of operation of the program, and annually thereafter, to determine whether the need is such as to warrant continued financial assistance of up to 80 per centum of operating costs.

§ 225.11 Effective date for reimbursement.

Reimbursement payments shall be made only to service institutions operating under an agreement with the State agency or the Department, and shall be made only after execution of the agreement. Such payments may include reimbursement in connection with meals served in accordance with provisions of the program in the calendar month preceding the calendar month in which the agreement is executed, including the last month of the preceding fiscal year if carryover funds are available for such reimbursement.

§ 225.12 Reimbursement procedure.

(a) Each State agency, or FNSRO where applicable, shall require each service institution to submit "Reimbursement Vouchers" on a calendar month basis.

(b) Each Reimbursement Voucher shall include the following items: (1) The month and year for which the voucher is made; (2) the name and address of the service institution; (3) the number of days that meals were served; (4) the total number of meals, by types, served to children, the assigned rates of reimbursement for such meals, and the total amount of reimbursement due; (5) the total number of meals, by types, served to adults; (6) the number of free or reduced price meals, by types, served to children; (7) receipts (income) from children's payments; (8) receipts (income) from reimbursement; (9) receipts (income) from adults' payments; (10) all other receipts (income); and (11) expenditures representing the cost of obtaining food.

(c) In addition, each Reimbursement Voucher from service institutions receiving reimbursement under the provisions of § 225.10(e) shall include: (1) Expenditures representing the cost of labor; and (2) all other expenditures.

(d) In submitting a voucher, each service institution shall certify that the voucher is true and correct; that records are available to support the voucher; and that payment has not been received. Reporting shall be in accordance with the system of accounting established by the State agency, or FNSRO where applicable.

(e) In no event shall a service institution request reimbursement under the program for any meal for which reimbursement is requested under the National School Lunch Program (7 CFR Part 210) or under the School Breakfast Program (7 CFR Part 220).

NONFOOD ASSISTANCE PROVISIONS

§ 225.13 Funds for nonfood assistance.

Not to exceed 25 per centum of the funds apportioned to any State may be used by the State, or FNSRO where applicable, to assist service institutions in the purchase or rental of equipment to enable the service institutions to establish, maintain, and expand food service under the program.

§ 225.14 Matching of funds.

(a) Any nonfood assistance funds made available by the State agency, or FNSRO where applicable, to service institutions shall be upon the condition that the service institution shall bear at least one-fourth of the purchase or rental cost of equipment financed under this part.

(b) That part of the cost of equipment to be borne by the service institution may be financed with funds from any source other than funds made available under this part and children's payments obtained by the service institution through its food service.

§ 225.15 Requirements for participation.

(a) Service institutions which are participating or have filed an application under § 225.7 to participate in the program and which are in need of financial assistance to acquire equipment to establish, maintain or expand food service under the program may make written application for such assistance to the State agency, or FNSRO where applicable. Applications shall include the name and address of the service institution and the following information: (1) A detailed description of the type(s) of equipment needed to provide a food service to children; (2) the supplier's statement on the estimated purchase of rental cost of such equipment, including installation; (3) the anticipated delivery and installation date; (4) a detailed explanation justifying the need for equipment and explaining the inability of the service institution to fully finance the food service equipment needed; (5) a description of the source of funds which will be used to meet its share of the purchase or rental cost of the equipment to be obtained, and the manner in which payment will be made to the supplier; and (6) estimated average daily attendance or membership.

(b) Service institutions shall be approved for nonfood assistance on the basis of: (1) The relative need of the service institution for assistance in acquiring equipment to operate an adequate food service, and (2) the amount of funds available to the State agency, or FNSRO where applicable.

(c) Service institutions approved for nonfood assistance shall enter into written agreements with the State agency on a form approved by FNSRO, or, in those States in which FNSRO administers the program, service institutions shall enter into written agreements with the Department. Such agreements shall provide that the service institution shall: (1) Participate in the food assistance aspects of the program; (2) maintain full and accurate records to account for the cost of the equipment and receipt and use of all nonfood assistance funds, and retain such records for a period of 3 years and 3 months after the end of the fiscal year to which they pertain; (3) provide at least one-fourth of the purchase price or rental cost of the equipment; (4) use the equipment in connection with the program and keep the State agency, or FNSRO where applicable, informed of the intent to continue or terminate food service operations; (5) in the event the purchased equipment is no longer used prior to achieving full depreciation, transfer and assign that part of the equipment financed with Federal funds, or the residual value thereof, to the State agency, or FNSRO where applicable, or with the approval of the State agency, or FNSRO where applicable, transfer such equipment to another service institution participating or desiring to participate in the program.

§ 225.16 Reimbursement payments.

Reimbursement shall be made only in an amount not to exceed three-fourths of the total purchase or rental cost, including delivery and installation charges, of the equipment described on the application approved by the State agency, or FNSRO where applicable.

§ 225.17 Reimbursement procedure.

(a) Each State agency, or FNSRO where applicable, shall require each approved service institution to submit a "Reimbursement Voucher" for equipment obtained. The Reimbursement Voucher shall include the following items: (1) The name and address of the service institution; (2) the month and year the equipment was purchased or rented; (3) the style, model number, quantity, and purchase or rental cost of each item of equipment, exclusive of delivery, installation, and service costs; and (4) the delivery, installation, and service costs for the equipment.

(b) Each Reimbursement Voucher shall be accompanied by a copy of the

bill, invoice, or other evidence of purchase or rental and shall be made part of the service institution's case file maintained by the State agency, or FNSRO where applicable, for a period of 5 years after the end of the fiscal year to which it pertains.

(c) In submitting a Reimbursement Voucher for equipment each service institution shall certify that the voucher is true and correct; that the equipment has been installed and is operating; that records are available to support the voucher; and that payment has not been received.

(d) Any Reimbursement Voucher filed later than 90 days after June 30 of the fiscal year in which it accrued, shall be disallowed except where such voucher has been filed late because of circumstances determined by the Department to be beyond the control of the service institution.

MISCELLANEOUS PROVISIONS

§ 225.18 Special responsibilities of State agencies.

(a) *Accounting for program funds.* Each State agency shall maintain a separate account of all Federal funds advanced to it under the program each fiscal year and shall maintain a current record of payments made to service institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(b) *Records and reports.* Each State agency shall maintain current records on program operations in service institutions and shall submit monthly reports to CND on such operations on a form provided by CND. All such records shall be retained for a period of 3 years and 3 months after the end of the fiscal year to which they pertain, except records of nonfood assistance which shall be retained for a period of 5 years after the end of the fiscal year to which they pertain.

(c) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions. FNS or OIG shall make investigations at the request of the State agency or where FNS or OIG determines investigations by it are appropriate.

(d) *Plentiful foods.* Each State agency shall provide service institutions with monthly information on foods available in plentiful supply, based on information provided by FNS.

(e) *Program supervision.* Each State agency shall provide adequate personnel for program supervision, including instructional and advisory services to service institutions and other supervisory assistance to assure adequacy of program operations. As one part of the supervisory assistance activities, administrative evaluations, including on-site visits to service institutions, shall be made. If the State agency, under 7 CFR Part 220, obtains Federal assistance for State administrative expenses incurred in the program, such supervisory assistance activities shall be conducted in accordance with the approved plan.

(f) *State conducted audit programs.* A State agency may submit for approval by the Department a plan whereby it will conduct audits in service institutions. Any State agency satisfactorily conducting an audit program approved under the National School Lunch Program (7 CFR Part 210) as of the effective date of this part may be deemed to have an approved plan, or such State agency may submit its plan for formal approval. Audits performed by or on behalf of State agencies shall meet standards prescribed by the Department and shall be reviewed by the Department to the extent necessary to determine compliance therewith. The Department shall have the right to perform test audits of service institutions and to make audits on a statewide basis if it determines that the State agency audit program is not functioning satisfactorily or if the State agency terminates its audit program.

(g) *Commodity distribution information.* A list of service institutions eligible to receive food commodities donated by the Department shall be prepared each year by the State agency with accompanying information on the average daily number of meals to be served in such service institutions. This information shall be prepared as early as practicable each fiscal year (no later than June 1 for summer programs and September 1 for year-round programs) and forwarded to the agency of the State handling the distribution of donated commodities. The State agency shall be responsible for promptly revising the information to reflect additions or deletions of eligible service institutions and for providing such adjustments in participation data as are determined necessary by the State agency.

(h) FNSRO will, in the States in which it administers the program, assume all of the responsibilities of State agencies set forth in this section, with the exception of those set forth in paragraph (f).

§ 225.19 Claims against service institutions.

(a) If a State agency receives information or has reason to believe that a Reimbursement Voucher or a portion of a voucher submitted by a service institution is not properly payable under this part, it shall not pay the voucher or such portion of the voucher and shall advise the service institution of the reasons for nonpayment or disallowance. The service institution may submit to the State agency evidence and information to justify the total amount requested, or may submit a voucher for the portion disallowed, with appropriate justification therefor. The State agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State agency receives information or has reason to believe that a payment already made to a service institution was not proper under this part, it shall advise the service institution of the amount and basis of the alleged overpayment and may request a refund or advise the service institution that the amount overpaid is being deducted from subsequent vouchers. The service institution shall have full opportunity to present evidence and information to the State agency to justify the amount of reimbursement paid. If the State agency determines that the evidence is not sufficient, the State agency shall collect the amount of the overpayment from the service institution by refund or by deduction from subsequent Reimbursement Vouchers submitted by the service institution. If new evidence becomes available to the service institution, it may, within a reasonable time after the collection, submit a voucher for all or a portion of the amount so collected, and the State agency may pay the amount of any such voucher it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State agency may refer to CND, through FNSRO, for determination any action it proposes to take under this section.

(d) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years and 3 months after the end of the fiscal year to which they pertain.

(e) If CND does not concur with the State agency's action in paying a voucher or a resubmitted voucher, or in failing to collect an overpayment, CND shall assert a claim against the State agency for the amount of such voucher or resubmitted voucher or overpayment. In all such cases the State agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If, in the determination of CND, the State agency's action was unwarranted, the State agency shall promptly pay to FNS the amount of the voucher, resubmitted voucher or overpayment.

(f) The amounts recovered by the State agency from service institutions may be utilized, first, to make payments to service institutions for the purposes of the program during the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Reimbursement Vouchers under the program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(g) When FNSRO administers the program with respect to service institutions, and disallows a voucher or a portion of a voucher, or makes a demand for refund of an alleged overpayment, it shall notify the service institution of the reasons for such disallowance or demand, and the service institution shall have full opportunity to submit evidence or to resubmit a voucher for any amount disallowed or demanded in the same

manner afforded in this section to service institutions with respect to which the program is administered by State agencies.

(h) In the event that the State agency, or FNSRO where applicable, finds that a service institution is failing to meet the requirements of § 225.9, the State agency or FNSRO need not disallow payment or collect an overpayment arising out of such failure, if the State agency, or FNSRO where applicable, takes such other action as, in its opinion, will have a corrective effect.

§ 225.20 Administrative analyses and audits.

(a) Each State agency shall provide FNS with full opportunity to conduct administrative analyses (including visits to service institutions) of all operations of the State agency under the program and shall provide OIG with full opportunity to conduct audits of all operations of the State agency under the program. Each State agency shall make available its records, including records of the receipt and expenditure of funds under the program, upon a reasonable request by FNS or OIG. OIG shall also have the right to make audits of the records and operations of any service institution.

(b) In making administrative analyses, administrative reviews, or audits for any fiscal year, the State agency, or FNSRO where applicable, or OIG may disregard any overpayment which does not exceed $5 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations, or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid vouchers of the same fiscal year from which the overpayment can be deducted or where there is evidence of violation of a Federal or State statute.

§ 225.21 Prohibitions.

(a) In carrying out the provisions of this part, neither the Department nor the State agency shall impose any requirements with respect to the types of activities conducted by service institutions (other than those directly related to their food service operation), the methods of child care used, and other programs conducted, over and above any State regulations for approval or licensing of such service institutions, as a condition for participation in the program.

(b) The value of assistance to children under the program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

§ 225.22 Other provisions.

(a) *Disqualification and noncompliance.* Any State agency or any service institution may be disqualified from future participation in the program if it fails to comply with the provisions of this part and its agreement with the Department or the State agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State agency or any service institution with respect to which FNSRO administers the program, by any improper or negligent action is diminished, lost, misapplied, or diverted from the program by the State agency, or by the service institution to which such funds are disbursed, FNSRO may order such money to be replaced. Until the money is replaced, no subsequent payment under the program shall be made to the State agency or the service institution causing the loss. The State agency or the service institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn or amended at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State agencies or to service institutions with respect to which the program is administered by FNSRO: *And provided further,* That no change in the requirements for meals which increases the food costs or which decreases the maximum rates of reimbursement shall become effective less than 60 days after publication of notice thereof.

(c) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional requirements for participation in the program which are not inconsistent with the provisions of this part.

§ 225.23 Program information.

Service institutions desiring information concerning the program should write to their State educational agency or the appropriate regional office of FNS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, Room 1611, 26 Federal Plaza, New York, N.Y. 10007.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1795 Peachtree Street NE., Atlanta, Ga. 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; Southwest Regional Office, FNS, U.S. Department of Agriculture, 500 South Ervay Street, Dallas, Tex. 75201.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Trust Territory of the Pacific Islands, Utah, Washington, and Wyoming: Western Regional Office, FNS, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This revision shall become effective upon filing.

RICHARD E. LYNG,
Assistant Secretary.

APRIL 9, 1970.

[F.R. Doc. 70-4714; Filed, Apr. 16, 1970; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REGULATED AREAS

Under the authority of § 301.72-2 of the White-Fringed Beetle Quarantine regulations, 7 CFR 301.72-2, as amended, 33 F.R. 14356, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.72-2a as follows:

§ 301.72-2a Regulated areas; suppressive and generally infested areas.

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

ALABAMA

(1) *Generally infested area.*

Autauga County. The entire county.

Baldwin County. The entire county.

Barbour County. That portion of the county lying south of the north line of T. 11 N. and east of the west line of R. 28 E.; and that portion of the county lying west of the east line of R. 25 E. and south of the north line of T. 9 N.

Bibb County. The entire county.

Blount County. The entire county.

Bullock County. That portion of the county lying south of the north line of T. 11 N.; NE¼, T. 13 N., R. 23 E. and SE¼, T. 14 N., R. 23 E.; and that portion of the county lying within sec. 4, T. 14 N., R. 26 E.

Butler County. The entire county.

Calhoun County. The entire county.

Chambers County. T. 22 N., R. 26 E.; W½, T. 22 N., R. 27 E.; secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 23 N., R. 27 E.; secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 24 N., R. 27 E.; that portion of the county lying in the N½, T. 24 N., R. 28

E.; E½, T. 21 N., R. 28 E.; that portion of the county lying in the SE¼, T. 22 N., R. 28 E.; that portion of the county lying in T. 21 N., R. 29 E.; and those portions of secs. 31 and 32, T. 22 N., R. 29 E., lying within the county.

Cherokee County. S½, T. 9 S., R. 8 E.; T. 10 S., R. 8 E.; S½, T. 9 S., R. 9 E.; T. 10 S., R. 9 E.; E½, T. 9 S., R. 10 E.; and that portion of T. 9 S., R. 11 E., lying within the county.

Chilton County. The entire county.

Choctaw County. The entire county.

Clarke County. The entire county.

Clay County. T. 21 S., Rs. 6, 7, and 8, and the N½ of R. 9 E.; S½ of T. 19 S., Rs. 8 and 9 E.; and T. 20 S., Rs. 8 and 9 E.

Cleburne County. Secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 17 S., R. 9 E.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 17 S., R. 10 E.; secs. 35 and 36, T. 16 S., R. 11 E.; E½, T. 17 S., R. 11 E.; secs. 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, 34, and 35, and those portions of secs. 14, 23, 26, and 36, T. 15 S., R. 12 E., lying within the county; S½, T. 16 S., R. 12 E.; and that portion of T. 17 S., R. 12 E. lying within the county.

Coffee County. The entire county.

Colbert County. That portion of the county lying east of the west line of R. 11 W.

Conecuh County. The entire county.

Coosa County. E½, T. 22 N., R. 18 E.; secs. 25, 26, 35, and 36, T. 23 N., R. 18 E.; E½, T. 21 N., R. 19 E.; W½, T. 22 N., R. 19 E.; secs. 35 and 36, T. 22 N., R. 19 E.; secs 28, 29, 30, 31, 32, and 33, T. 23 N., R. 19 E.; E½, T. 24 N., R. 19 E.; W½, T. 21 N., R. 20 E.; secs. 31 and 32, T. 22 N., R. 20 E.; and T. 24 N., R. 20 E.

Covington County. The entire county.

Crenshaw County. The entire county.

Cullman County. The entire county.

Dale County. The entire county.

Dallas County. The entire county.

De Kalb County. That portion of the county lying west of the east line of R. 6 E.; secs. 19, 30, and 31, T. 8 S., R. 7 E.; secs. 6, 7, and 18, T. 9 S., R. 7 E.; that portion of the county lying within T. 4 S., R. 8 E.; that portion of the county lying within the N½, T. 5 S., R. 8 E.; secs. 5, 6, 7, and 8, T. 6 S., R. 8 E.; secs. 1, 12, 13, and 24, T. 7 S., R. 8 E.; sec. 31, T. 4 S., R. 9 E.; secs. 6 and 7, T. 5 S., R. 9 E.; S½, T. 6 S., R. 9 E.; and N½, T. 7 S. R. 9 E.

Elmore County. The entire couty.

Escambia County. The entire county.

Etowah County. The entire county.

Fayette County. Secs. 29, 30, 31, and 32, T. 15 S., R. 12 W.; W½, T. 16 S., R. 12 W.; secs. 25, 26, 35, and 36, T. 15 S., R. 13 W.; and E½, T. 16 S., R. 13 W.

Franklin County. All of the area lying within the corporate limits of the city of Russellville.

Geneva County. The entire county.

Greene County. That portion of the county lying south of the north line of T. 19 N. and east of the west line of R. 2 E.; secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 21 N., R. 2 E.; secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 22 N., R. 2 E.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, T. 23 N., R. 3 E.; and secs. 31, 32, 33, 34, and 35, T. 24 N.; R. 3 E.

Hale County. E½, T. 20 N., R. 4 E.; NE¼, T. 23 N., R. 4 E.; T. 20 N., R. 5 E.; S½, T. 21 N., R. 5 E.; and NW¼, T. 23 N., R. 5 E.

Henry County. The entire county.

Houston County. The entire county.

Jackson County. That portion of the county east of the west line of R. 5 E.

Jefferson County. The entire county.

Lamar County. Tps. 14, 15, and 17 S., R. 15 W.; and that portion of T. 15 S., R. 16 W. lying within the county.

Lauderdale County. All of the area lying within the corporate limits of the city of Florence; and that portion of the county lying west of the east line of R. 11 W.

Lawrence County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 6 S., R. 7 W.; W⅔, T. 7 S., R. 7 W.; secs. 25 and 36, T. 6 S., R. 8 W.; and E⅓, T. 7 S., R. 8 W.

Lee County. That portion of the county lying west of the east line of R. 26 E., and that portion of the county lying in the W½ of R. 27 E.

Limestone County. That portion of the county lying east of the west line of R. 4 W.

Lowndes County. Tps. 13 and 14 N., Rs. 12 and 13 E.; S½, T. 12 N., R. 15 E.; T. 12 N., R. 16 E.; and S½, T. 13 N., R. 16 E.

Macon County. That portion of the county lying west of the east line of R. 23 E.; N½, T. 16 N., Rs. 24 and 25 E.; and that portion of the county lying north of the south line of T. 17 N., Rs. 24 and 25 E.

Madison County. The entire county.

Marengo County. That portion of the county lying south of the north line of T. 16 N.

Marion County. Secs. 30 and 31, T. 10 S., R. 11 W.; secs. 6 and 7, T. 11 S., R. 11 W.; S½, T. 10 S., R. 12 W.; N½, T. 11 S., R. 12 W.; NW¼, and secs. 19, 20, and 21, T. 9 S., R. 12 W.; and secs. 1, 12, 13, and 24, T. 9 S., R. 13 W.; S½, T. 10 S., R. 14 W.; N½, T. 11 S., R. 14 W.; and that portion of the county lying south of the north line of T. 12 S.

Marshall County. The entire county.

Mobile County. The entire county.

Monroe County. The entire county.

Montgomery County. That portion of the county lying north of the south line of T. 15 N.; S½, T. 13 N., R. 17 E.; and T. 12 N., Rs. 18 and 19 E.

Morgan County. The entire county.

Perry County. The entire county.

Pickens County. T. 20 S., R. 13 W.; and all of the area lying within the corporate limits of the town of Aliceville.

Pike County. That portion of the county lying south of the north line of T. 10 N.

Randolph County. The entire county.

Russell County. Secs. 1, 2, and 3, T. 14 N., R. 26 E.; and that portion of the county lying within secs. 25, 26, 27, 34, 35, and 36, T. 15 N., R. 26 E.

St. Clair County. The entire county.

Shelby County. The entire county.

Sumter County. That portion of the county lying south of the north line of T. 19 N., and west of the east line of R. 1 E.

Talladega County. E½, T. 21 S., R. 3 E.; that portion of E½, T. 22 S., R. 3 E., lying within the county; T. 21 S., R. 4 E.; that portion of T. 22 S., R. 4 E., lying within the county; that portion of the county lying east of the west line R. 5 E., and north of the south line of T. 18 S.; and secs. 2, 3, 4, 5, and 6, T. 19 S., R. 5 E.

Tallapoosa County. That portion of the county lying south of the north line of T. 22 N.; T. 23 N., R. 21 E.; and the NE¼, T. 24 N., R. 24 E.

Tuscaloosa County. That portion of the county lying within T. 24 N., R. 3 E.; that portion of the county lying within T. 20 S., Rs. 5 and 6 W., and T. 20 S., R. 7 W.; that portion of the county lying in Tps. 21 and 22 S. located east of the west line of R. 10 W.; SW¼, T. 20 S., R. 10 W.; secs. 23, 24, 25, 26, 35, and 36, T. 20 S., R. 11 W.; and the E½, T. 21 S., R. 11 W.

Walker County. The entire county.

Washington County. The entire county.

Wilcox County. The entire county.

Winston County. Secs. 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, and 30, T. 11 S., R. 6 W.; secs. 12, 13, 24, and 25, T. 11 S., R. 7 W.; T. 9 S., R. 10 W.; and N½, T. 10 S., R. 10 W.

(2) *Suppressive area.* None.

ARKANSAS

(1) *Generally infested area.* None.

(2) *Suppressive area.*

Craighead County. Secs. 11, 12, 13, 14, 23, 24, 25, and 36, T. 14 N., R. 3 E.; secs. 1, 2, 3, 11, 12, 13, 14, 24, and 25, T. 13 N., R. 4 E.; secs. 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, and 36, T. 14 N., R. 4 E.; secs. 18, 19, and 30, T. 13 N., R. 5 E., including all of the town of Jonesboro; secs. 9, 10, 11, 14, 15, and 16, T. 13 N., R. 7 E., including all of the town of Caraway; secs. 27, 28, 33, and 34, T. 15 N., R. 7 E., including all of the town of Monette.

Crittenden County. All the area included within the corporate limits of the towns of Crawfordsville, Earle, Marion, and West Memphis; secs. 1, 2, 11, and 12, T. 5 N., R. 7 E.; secs. 35 and 36, T. 6 N., R. 7 E.; secs. 6, 7, and 8, T. 5 N., R. 8 E.; sec. 24, T. 7 N., R. 7 E.; sec. 31, T. 6 N., R. 8 E.; secs. 19, 21, 22, 27, and 28, T. 7 N., R. 8 E.; secs. 22 and 27, T. 8 N., R. 8 E.; and sec. 10, T. 6 N., R. 9 E.

Greene County. Secs. 27 and 34, T. 17 N., R. 3 E.; secs. 3, 4, 5, 8, and 9, T. 16 N., R. 4 E.; secs. 33 and 34, T. 17 N., R. 4 E.; secs. 1, 2, 11, and 12, T. 16 N., R. 5 E.; secs. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 17 N., R. 5 E.; secs. 4, 5, 6, 7, 8, 9, 15, 16, 21, 22, 27, and 34, T. 16 N., R. 6 E.; secs. 28, 29, 30, 31, 32, and 33, T. 17 N., R. 6 E., including all of the town of Paragould.

Jackson County. That area included within a circle having a ½-mile radius with the center point located at the Jackson High School.

Lee County. All of the area lying within the corporate limits of the city of Marianna.

Mississippi County. Secs. 7, 8, 9, and 17, T. 16 N., R. 8 E., including all of the town of Leachville; sec. 19, T. 10 N., R. 9 E.; secs. 11 and 12, T. 12 N., R. 9 E.; all of the area within the corporate limits of the town of Manila; all of the area within the limits of the Blytheville Air Force Base; secs. 2, 3, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, and 28, including all of the town of Blytheville, and that portion of secs. 4 and 8 lying outside of the Blytheville Air Force Base, T. 16 N., R. 11 E.; secs. 27 and 34, T. 14 N., R. 11 E.; and secs. 8, 17, and 18, T. 15 N., R. 12 E.

Monroe County. All of the area lying within the corporate limits of the town of Brinkley; and secs. 22, 23, 26, and 27, T. 1 S., R. 2 W.

Phillips County. All of the area lying within the corporate limits of the cities of Helena and West Helena.

Poinsett County. That area included within the corporate limits of the towns of Harrisburg, Trumann, and Tyronza; secs. 12, 13, 14, 23, 24, 25, and 26, T. 10 N., R. 3 E.; secs. 1, 2, and 3, T. 10 N., R. 6 E.; secs. 34, 35, and 36, T. 11 N., R. 6 E., including all of the town of Marked Tree; secs. 2, 3, 4, 9, 10, 11, 14, and 15, T. 11 N., R. 7 E.; secs. 9, 33, 34, and 35, T. 12 N., R. 7 E., including all of the town of Lepanto.

Pulaski County. That portion of T. 2 N., R. 12 W., lying west of State Highway 5, and north of Interstate 40; and that area included within a circle having a ½-mile radius with the center point located at the intersection of Markham Road and Rodney Parham Road.

Randolph County. That area lying within the corporate limits of the town of Pocahontas.

St. Francis County. Secs. 3, 4, 5, and 6, T. 4 N., R. 3 E.; secs. 16, 17, 20, 21, 22, 26, 27, 28, 29, 31, 32, 33, 34, and 35, T. 5 N., R. 3 E., including all of the town of Forrest City; secs. 5, 6, 7, and 8, T. 5 N., R. 6 E.; and secs. 17 and 18, T. 6 N., R. 6 E.

FLORIDA

(1) *Generally infested area.*

Bay County. The entire county.

Calhoun County. The entire county.

Columbia County. Sec. 26, T. 3 S., R. 15 E.

Escambia County. The entire county.

Gadsden County. The entire county.

Gulf County. The entire county.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. That portion of the county lying north of the south boundary line of T. 1 S. and west of the east boundary of R. 5 E.

Leon County. The entire county.
Liberty County. The entire county.
Madison County. That portion of T. 1 N., R. 6 E., lying in the county; and T. 1 N., R. 7 E.
Okaloosa County. The entire county.
Santa Rosa County. The entire county.
Suwannee County. E½, T. 2 S., R. 13 E., and W½, T. 2 S., R. 14 E., including the entire city of Live Oak.
Wakulla County. Secs. 31 and 32, T. 2 S., R. 1 W.
Walton County. The entire county.
Washington County. The entire county.
(2) *Suppressive area.* None.

GEORGIA

(1) *Generally infested area.*
Baker County. Georgia Militia District 957, and that portion of Georgia Militia District 1722 lying west of the Chickasawhatchee Creek.
Baldwin County. The entire county.
Ben Hill County. The entire county.
Berrien County. Georgia Militia District 1157.
Bibb County. The entire county.
Bleckley County. The entire county.
Brooks County. Georgia Militia Districts 660 and 1650.
Bulloch County. Georgia Militia Districts 45, 48, 1209, 1575, and 1716.
Burke County. The entire county.
Butts County. The entire county.
Calhoun County. Georgia Militia District 626.
Candler County. The entire county.
Clarke County. The entire county.
Clayton County. The entire county.
Cobb County. That portion of the county lying east of a line beginning where State Highway 6 intersects the Douglas-Cobb County line; thence northerly along said highway to its intersection with State Highway 5 at Powder Springs; thence northerly along said highway to its intersection with Secondary Road S-1378; thence northerly along said road to its intersection with the Fulton-Cobb County line where said line ends, and including the entire corporate limits of the cities of Marietta and Austell.
Coffee County. Georgia Militia Districts 748, 1127, and that portion of Georgia Militia District 1556 lying north of Georgia Highway 32, and that portion of Georgia Militia District 1170 lying within the corporate limits of the town of Nicholls.
Colquitt County. Georgia Militia Districts 1665, 1151, 1184, and 1759; that portion of Georgia Militia District 799 lying north of Secondary Road S-1205; that portion of Georgia Militia District 1538 lying north of Secondary Road S-1205; and that portion of Georgia Militia District 1510 lying east of Secondary Road S-1252 and south of State Highway 37.
Cook County. That portion of the county lying within Georgia Militia District 1145.
Coweta County. That area included within a circle having a 2-mile radius and center at the Newman town square.
Crawford County. The entire county.
Crisp County. That portion of the county lying within Georgia Militia Districts 1451, 1004, 1040, and that portion of 1697 lying north of Secondary Road S-536.
Decatur County. The entire county.
De Kalb County. That portion of the county lying west of I-285 highway.
Dodge County. The entire county.
Dooly County. The entire county.
Early County. Georgia Militia Districts 430 and 1572.
Emanuel County. Georgia Militia Districts 49 and 53.
Evans County. That portion of the county lying within Georgia Militia District 1738.
Fulton County. The entire county.
Grady County. The entire county.
Greene County. Georgia Militia Districts 142, 143, 146, 148, and 163.
Gwinnett County. That portion of the county within a circle having a 3-mile radius with the center at the county courthouse in Lawrenceville.
Hancock County. Georgia Militia Districts 101, 116, and 117, and that area within a circle having a radius of 1½ miles from the courthouse at Sparta as the center point.
Harris County. Georgia Militia District 934; that portion of Georgia Militia District 672 lying within a circle having a mile radius with the center at the county courthouse in Hamilton; and beginning on the Muscogee County line and Georgia Highway 85, an area 1 mile on each side of said highway extending northeast to its intersection with Georgia Militia District 934.
Heard County. Georgia Militia District 1678.
Houston County. The entire county.
Irwin County. The entire county.
Jasper County. The entire county.
Jeff Davis County. That portion of the county lying within the corporate limits of the city of Hazelhurst; and that portion of Georgia Militia District 1364 lying north of the Southern Railroad Line.
Jefferson County. The entire county.
Johnson County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Lanier County. That portion of the county lying within the corporate limits of the town of Lakeland.
Laurens County. The entire county.
Lowndes County. Georgia Militia Districts 662, 663, 1307, and 1246, and that portion of 1500 and 1268 lying west of Georgia Southern and Florida Railroad.
Macon County. The entire county.
McDuffie County. That portion of the county bounded on the south by Big Briar Creek, on the west by Sweetwater Creek, on the north by the Georgia Railroad, and on the east by Headstall Creek.
Meriwether County. The entire county.
Miller County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Muscogee County. That portion of the corporate limits of Columbus south of Bull Creek between Cusseta Road and Chattahoochee River; and that portion of the county beginning at Fortson Road and Harris County line, extending east and south, thence east again along Harris County line to a point due north of Pierce Chapel and Blackmond Road junction, thence south from this point to and south along Blackmond Road to the junction with Hancock Road, thence west along Hancock Road to the junction with U.S. Highway 27, thence southwest along U.S. Highway 27 to the junction of Fortson Road, thence north on Fortson Road to the point of beginning.
Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale; all of the area in the city of Covington; and that area included within a circle having a radius of 1 mile with the center at High Point Church on Georgia Highway 36.
Oconee County. Georgia Militia Districts 221, 222, and 225.
Oglethorpe County. Georgia Militia Districts 227, 229, and 1303.
Peach County. The entire county.
Pike County. The entire county.
Pulaski County. The entire county.
Putnam County. Georgia Militia District 389; and that portion of Georgia Militia District 368 lying east of U.S. Highway 129, including all of the town of Eatonton.
Richmond County. That portion of the county lying north of Butler Creek; that area lying south of Patterson Road and Secondary Road S-2169 in Georgia Militia District 1434; and that area lying south of U.S. Highway 1 in Georgia Militia District 1760.
Schley County. That portion of Georgia Militia District 882, north and east of U.S. Highway 19 and north of Georgia Highway 271.
Screven County. That portion of the county within a circle having a 4-mile radius and center at the Screven County courthouse in Sylvania, including all of the city of Sylvania.
Seminole County. The entire county.
Spalding County. The entire county.
Sumter County. Georgia Militia Districts 789 and 687 and that portion of the county included within a circle having a 1½-mile radius with the center at the intersection of Georgia Highway 308 and Georgia Highway 49; that portion within the corporate limits of De Soto; and that portion of Georgia Militia District 993 lying west of the Central of Georgia Railroad.
Talbot County. The entire county.
Tattnall County. That portion of the county lying within Georgia Militia District 1761.
Taylor County. The entire county.
Telfair County. That portion of the county lying within Georgia Militia Districts 1530, 340, and 337.
Thomas County. Georgia Militia Districts 637, 1212, 1508, 1649, 1614, 763, 1227, and 1282.
Tift County. That portion of the county lying within Georgia Militia District 1314 south of Mill Creek; and that portion of Georgia Militia District 1550 lying south of Secondary Road S-1980 and south of U.S. Highway 319 northeast of its intersection with Secondary Road S-1980; and Georgia Militia District 1632.
Toombs County. The entire county.
Treutlen County. The entire county.
Troup County. Georgia Militia Districts 655, 656, and 700.
Turner County. The entire county except Georgia Militia Districts 1758, 1628, and 1721.
Twiggs County. The entire county.
Upson County. The entire county.
Washington County. The entire county.
Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkinson County. The entire county.
Worth County. Georgia Militia Districts 1590 and 1806; that portion of Georgia Militia District 1428 lying south of U.S. Highway 82; that portion of the county lying within the corporate limits of the cities of Sylvester and Sumner; that portion of Georgia Militia District 1591 lying east of State Highway 33 and north of Secondary Road S-1538; and that portion of the county included within a circle having a 2-mile radius with the center at the intersection of the Albany and Northern Railroad and State Highway 313.
(2) *Suppressive area.*
Randolph County. That area bounded on the north, east, south, and west by lines parallel to and one-half mile beyond the Cuthbert city limits, including all the city of Cuthbert.
Warren County. That portion of the county lying within a circle having a radius of 1 mile with the county courthouse at Warrenton as the center.
Webster County. That portion of the county lying within the corporate limits of the town of Weston.

LOUISIANA

(1) *Generally infested area.*
Acadia Parish. T. 7 S., Rs. 1 E. and 1 W.; secs. 13, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36, and 43, T. 9 S., R. 1 E.; that portion of sec. 14, T. 9 S., R. 1 E., lying south of Bayou Wikoff; those portions of secs. 20, 29, 30, 31, and 44, T. 9 S., R. 1 E., lying south and east of Bayou Plaquemine Brule; secs. 3, 4, 5, 6, 7, 8, and 37, T. 10 S., R. 1 E.; and secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 S., R. 2 E.
De Soto Parish. All that area lying within the corporate limits of the city of Mansfield.

East Feliciana Parish. T. 1 S., Rs. 1, 2, 3, and 4 E.; T. 2 S., Rs. 2 and 3 E.; that area bounded by lines lying 1 mile east and west of and parallel to Louisiana Highway 19 extending from the south line of the parish northward to Louisiana Highway 955; and secs. 28, 33, 42, and 47, T. 2 S., R. 1 E.

Evangeline Parish. That area bounded by lines lying 1 mile west and east of and parallel to Louisiana Highway 13 extending from State Highway 1160 to the south line of the parish.

Iberia Parish. That portion of the parish known as Avery Island, including secs. 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 36, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish. The entire parish.

Lafayette Parish. T. 9 S., Rs. 3, 4, and 5 E., including all of the corporate limits of the city of Lafayette; and T. 10 S., R. 5 E.

Lincoln Parish. Secs. 6, 7, 18, 19, 20, 21, 28, 29, 30, and 31, T. 18 N., R. 2 W.; T. 18 N., R. 3 W.; and that portion of the parish lying within T. 20 N., Rs. 2 and 3 W.

Livingston Parish. Secs. 57 and 58, T. 5 S., R. 3 E.; that portion of the parish lying within T. 6 S.; and that portion of T. 7 S., Rs. 6 and 7 E., lying within the parish.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Ouachita Parish. Secs. 4, 5, 6, 7, 8, 9, 16, and that portion of 54 lying north of State Road 3033, T. 17 N., R. 3 E.; secs. 25, 26, and 27, T. 18 N., R. 2 E.; that portion of T. 18 N., R. 3 E., lying west of the Ouachita River; and that area bounded by a line beginning at the point where the west line of sec. 39, T. 18 N., R. 4 E., intersects Bayou De Siard and extending east and north along said bayou to the south line of sec. 11, T. 18 N., R. 4 E., thence due east to State Road 139, thence northeast along said road to the intersection of Stubbs-Ritchie Road, thence east along the Stubbs-Ritchie Road to the intersection of State Road 594, thence south along State Road 594 to the crossing of the Illinois Central Railroad, thence west along said railroad to the west line of sec. 33, T. 18 N., R. 4 E., thence north along the west lines of secs. 33 and 39, T. 18 N., R. 4 E., to the point of beginning.

Plaquemines Parish. T. 18 S., R. 27 E.; and all of that portion of the parish lying north of the south line of T. 16 S.

Pointe Coupee Parish. Sec. 74, and that portion of secs. 75 and 76 west of Louisiana Highway 77 and north of U.S. Highway 190, T. 6 S., R. 9 E.

St. Bernard Parish. The entire parish.

St. Helena Parish. The entire parish.

St. John the Baptist Parish. All that portion of the parish lying between U.S. Highway 61 and the Mississippi River, and all of secs. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 54, 55, 56, 59, 60, 61, and 62, T. 11 S., R. 7 E.

St. Landry Parish. That portion of the parish lying in T. 6 S. west of the east line of R. 2 E.; and sec. 30, T. 7 S., R. 6 E.; that portion of sec. 47 lying east of the Missouri Pacific Railroad; and sec. 61, T. 7 S., R. 5 E.

St. Martin Parish. Secs: 48 and 67, T. 8 S., R. 6 E.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Union Parish. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 21 N., R. 1 E.; and secs. 21, 22, 23, 24, 25, 26, 27, 28, and 36, T. 21 N., R. 1 W.

Washington Parish. The entire parish.

Webster Parish. T. 19 N., R. 9 W., including all that area lying within the corporate limits of the city of Dubberly; T. 19 N., R. 9 W.; and all that area lying within the corporate limits of the city of Springhill.

(2) *Suppressive area.*

East Baton Rouge Parish. Sec. 48, T. 5 S., R. 1 W.; secs. 58 and 59, T. 6 S., R. 1 W.; that portion of the parish lying within T. 6 S., Rs. 1 E. and 1 W., south and west of U.S. Highway 190 (Airline Highway), and those portions of secs. 50, 51, and 64, T. 6 S., R. 1 E., lying east of said highway; and that portion of the parish lying within T. 7 S., Rs. 1 and 2 E. and 1 W.

Morehouse Parish. All that area lying within the corporate limits of the city of Bastrop; and sec. 14 and that portion of sec. 23 outside the corporate limits of Bastrop, T. 21 N., R. 5 E.

Rapides Parish. That portion of sec. 1 outside of the corporate city limits of Pineville; sec. 2, T. 4 N., R. 1 W.; and secs. 35 and 36, T. 5 N., R. 1 W.

St. Charles Parish. That portion of the parish lying between U.S. Highway 61 and the Mississippi River.

St. James Parish. That portion of the parish lying between U.S. Highway 61 and the Mississippi River.

Terrebonne Parish. That area bounded by a line commencing where the Intercoastal Waterway crosses Bayou Terrebonne; thence north and east along said waterway to the east line of R. 17 E.; thence south along said line to the intersection of East Houma City limits; thence south along city limit line to the intersection of Louisiana Highway 57; thence north and west along said highway to the intersection of State Highway 24; thence west on State Highway 24 to the point of beginning.

MISSISSIPPI

(1) *Generally infested area.*

Adams County. The entire county.

Amite County. The entire county.

Attala County. The entire county.

Benton County. Sec. 36 T. 1 S., R. 1 W.; sec. 1, T. 2 S., R. 1 W.; secs. 31, 32, and 33, T. 1 S., R. 1 E.; secs. 4, 5, 6, 31, 32, 33, 34, 35, and 36, T. 2 S., R. 1 E.; T. 3 S., R. 1 E.; secs. 12 and 13, S½ of T. 5 S., R. 1 E.; and secs. 7, 8, 17, 18, 19, and 20, T. 5 S., R. 2 E.

Calhoun County. Secs. 4, 5, 8, and 9, T. 22 N., R. 9 E.; secs. 13, 14, 15, 22, 23, 24, 32, and 33, T. 23 N., R. 9 E.; and an area 2 miles wide with State Highway No. 9 as the centerline, beginning at the south line at T. 13 S., R. 1 W., and continuing to Savannah Creek in T. 11 S., R. 1 W.

Chickasaw County. Secs. 31, 32, and 33, T. 13 S., R. 3 E.; secs. 4, 5, and 6, NE¼, T. 14 S., R. 3 E.; and SE¼, T. 12 S., R. 5 E.

Chocktaw County. The entire county.

Claiborne County. The entire county.

Clarke County. The entire county.

Copiah County. The entire county.

Covington County. The entire county.

De Soto County. That portion of T. 1 S., Rs. 5, 6, 7, and 8 W. lying in De Soto County; SW¼, T. 2 S., R. 7 W.; W½, T. 3 S., R. 7 W.; SE¼, T. 2 S., R. 8 W.; and E½, T. 3 S., R. 8 W.

Forrest County. The entire county.

Franklin County. The entire county.

George County. The entire county.

Greene County. The entire county.

Hancock County. The entire county.

Harrison County. The entire county.

Hinds County. The entire county.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Jefferson Davis County. The entire county.

Jones County. The entire county.

Kemper County. The entire county.

Lafayette County. Secs. 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 8 S., R. 3 W.; secs. 3, 4, 5, and 6, T. 9 S., R. 3 W.; secs. 13, 24, 25, and 36, T. 8 S., R. 4 W.; and sec. 1, T. 9 S., R. 4 W.

Lamar County. The entire county.

Lauderdale County. The entire county.

Lawrence County. The entire county.

Leake County. The entire county.

Lee County. E½, Tps. 9 and 10 S., R. 5 E., including all of the corporate limits of the city of Tupelo; E½, T. 11 S., R. 5 E.; secs. 1, 2, and 3, T. 7 S., R. 6 E.; W½, T. 8 S., R. 6 E.; Tps. 9 and 10 S., R. 6 E.; that portion of T. 11 S., R. 6 E., lying in Lee County; and secs. 19 and 30, T. 11 S., R. 7 E.

Lincoln County. The entire county.

Madison County. The entire county.

Marion County. The entire county.

Montgomery County. The entire county.

Neshoba County. The entire county.

Newton County. The entire county.

Pearl River County. The entire county.

Perry County. The entire county.

Pike County. The entire county.

Rankin County. The entire county.

Scott County. The entire county.

Simpson County. The entire county.

Smith County. The entire county.

Stone County. The entire county.

Tippah County. Secs. 10, 11, 12, 13, 14, 15, 22, 23, and 24, T. 4 S., R. 2 E.; NE¼, T. 3 S., R. 3 E.; secs. 7, 18, and 19, and NE¼, T. 4 S., R. 3 E.; secs. 31, 32, and 33, T. 5 S., R. 3 E.; secs. 28, 29, 30, 31, 32, and 33, T. 1 S., R. 4 E.; secs. 4, 5, and 6, T. 2 S., R. 4 E.; NW¼, T. 3 S., R. 4 E.; NW¼, T. 4 S., R. 4 E.; and secs. 13, 14, 15, 22, 23, 24, 25, 26, and 27, T. 5 S., R. 4 E.

Walthall County. The entire county.

Warren County. The entire county.

Wayne County. The entire county.

Webster County. The entire county.

Wilkinson County. The entire county.

Winston County. The entire county.

(2) *Suppressive area.*

Alcorn County. Secs. 34, 35, and 36, T. 1 S., R. 7 E.; N½, T. 2 S., R. 7 E.; sec. 31, T. 1 S., R. 8 E.; secs. 6, 7, and 8, T. 2 S., R. 8 E.; secs. 31 and 32, T. 2 S., R. 9 E.; and secs. 5 and 6, T. 3 S., R. 9 E.

Bolivar County. Sec. 3 and NW¼, T. 21 N., R. 5 W.; secs. 15, 16, 17, 18, 22, 27, and 34, and SW¼, T. 22 N., R. 5 W.; and secs. 8, 9, 16, 17, 20, and 21, T. 23 N., R. 5 W.

Carroll County. Secs. 13, 14, 15, 22, 23, and 24, T. 17 N., R. 5 E.

Clay County. Secs. 22, 23, and 24, and NE¼, T. 17 S., R. 6 E.

Coahoma County. Secs. 18, 19, and 30, T. 27 N., R. 3 W.; and secs. 13, 14, 15, 22, 23, 24, 25, 26, and 27, T. 27 N., R. 4 W.

Grenada County. Secs. 12 and 13, T. 22 N., R. 4 E.; secs. 25, 26, 27, 34, 35, and 36, T. 23 N., R. 4. E.; sec. 14 and E½ of sec. 15, T. 21 N., R. 5 E.; and secs. 7, 8, 17, and 18, T. 22 N., R. 5 E.

Holmes County. Secs. 25, 26, 27, 34, 35, and 36, T. 15 N., R. 2 E.; that portion of the NE¼, T. 12 N., R. 3 E. lying within the county; secs. 21, 22, 27, and 28, T. 13 N., R. 3 E.; secs. 17, 18, 19, and 20, T. 13 N., R. 4 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, and 23, T. 14 N., R. 4 E.; secs. 3 and 4, T. 15 N., R. 5 E.; and secs. 33 and 34, T. 16 N., R. 5 E.

Itawamba County. Secs. 23, 24, 25, 26, 35, and 36, and NW¼, T. 9 S., R. 8 E.; secs. 25 and 36, T. 7 S., R. 9 E.; sec. 1, T. 8 S., R. 9 E.; secs. 19, 20, 29, 30, 31, and 32, T. 9 S., R. 9 E.; secs. 29, 30, 31, and 32, T. 7 S., R. 10 E.; and secs. 5 and 6, T. 8 S., R. 10 E.

Lowndes County. Secs. 16, 17, 18, 19, 20, and 21, T. 18 N., R. 16 E.; SW¼, T. 16 S., R. 18 W.; secs. 4, 5, and 6, T. 17 S., R. 18 W.; secs. 24, 25, and 36, T. 16 S., R. 19 W.; and all of the area lying within the corporate limits of the city of Columbus.

Marshall County. SW¼, T. 3 S., R. 2 W.; NW¼, T. 4 S., R. 2 W.; SE¼, T. 3 S., R. 3 W.; and NE¼, T. 4 S., R. 3 W.

Monroe County. Secs. 35 and 36, T. 11 S., R. 6 E.; SW¼, T. 15 S., R. 10 W.; sec. 32 and that portion of sec. 33, T. 13 S., R. 16 W., lying in Mississippi; sec. 5, T. 14 S., R. 16 W.; secs. 25, 26, 35, and 36, T. 14 S., R. 19 W.; and all of the areas lying within the corporate limits of the cities of Aberdeen and Amory.

Noxubee County. Secs. 9, 16, and 21, T. 15 N., R. 17 E.

Oktibbeha County. Secs. 5 and 6, T. 19 N., R. 12 E.; secs. 31 and 32, T. 20 N., R. 12

E.; secs. 1, 2, 3, 4, 9, 10, 11, and 12, T. 18 N., R. 14 E.; and secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 19 N., R. 14 E.

Panola County. S½, T. 7 S., R. 7 W.; N½ and S½, T. 8 S., R. 7 W.; and N½, T. 9 S., R. 7 W.

Pontotoc County. Secs. 10, 11, 14, and 15, T. 9 S., R. 1 E.; SE¼, T. 10 S., R. 1 E.; secs. 31, 32, 33, and 34, T. 9 S., R. 3 E.; and secs. 3, 4, 5, and 6, T. 10 S., R. 3 E.

Prentiss County. Secs. 35 and 36, T. 6 S., R. 6 E.; sec. 35, T. 4 S., R. 7 E.; secs. 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 5 S., R. 7 E.

Tate County. W½ T. 5 S., R. 7 W., including all of the corporate limits of the city of Coldwater.

Tishomingo County. Secs. 28, 29, 32, and 33, T. 1 S., R. 10 E.; secs. 11, 12, 13, 14, 23, and 24, T. 3 S., R. 10 E.; SE¼, T. 6 S., R. 10 E.; NE¼, T. 7 S., R. 10 E.; secs. 7, 18, and 19, T. 3 S., R. 11 E.; secs. 19, 30, and 31, T. 6 S., R. 11 E.; and secs. 6, 7, and 18, T. 7 S., R. 11 E.

Tunica County. Secs. 32 and 33, T. 4 S., R. 11 W.; and secs. 4 and 5, T. 5 S., R. 11 W.

Union County. Secs. 1, 2, 11, 12, 13, and 14, T. 7 S., R 2 E.; secs. 4, 5, 6, 9, 16, and 21, T. 6 S., R. 3 E.; W½, T. 7 S., R. 3 E.; and secs. 22, 27, and 34, T. 7 S., R. 3 E.

Yalobusha County. Secs. 28, 29, 30, 31, 32, and 33, T. 10 S., R. 4 W.; and secs. 4, 5, 6, 7, 8, and 9, T. 11 S., R. 4 W.

Yazoo County. Secs. 2 and 3, T. 11 N., R. 2 W.; secs. 34 and 35, T. 12 N., R. 2 W.; and that portion of T. 12 N., R. 3 E., lying within the county.

NORTH CAROLINA

(1) *Generally infested area.*

Anson County. The entire county.

Cabarrus County. That portion of the county lying north of State Highway 49.

Lenoir County. That portion of the county lying north of the Neuse River and including those portions of the municipal and suburban boundary lines of the city of Kinston that extend south of the Neuse River.

Lincoln County. That portion of the county lying within the corporate limits of the city of Lincolnton.

Mecklenburg County. The entire county.

New Hanover County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad crosses the Northeast Cape Fear River; thence extending south along said railroad to its junction with State Highway 132; thence southeast and south along said highway to its junction with U.S. Highway 421; thence northwest along said highway to its junction with the city limits of the city of Wilmington; thence along said city limits west and north to its junction with the Cape Fear River; thence north along said river to its junction with the Northeast Cape Fear River; thence north and east along the Northeast Cape Fear River to its junction with the Atlantic Coast Line Railroad, to the point of beginning.

Pender County. That portion of the county lying west of the Northeast Cape Fear River.

Richmond County. That area of the city of Rockingham bounded by a line starting at a point where Rockingham Road crosses the North Fork of Falling Creek; thence westerly along said creek to its junction with Hitchcock; thence south and west along said creek for about 100 yards to the first westward branch (no name); thence west and north along said branch to its intersection with Highway 74; thence east along said highway to its junction with State Secondary Road 1405; thence south and east along said road to its junction with State Secondary Road 1400 and U.S. 1; thence east along said road to its junction with Rockingham Road; thence south and east along said road to the point of beginning.

Stanly County. The entire county.

Union County. The entire county.

Wayne County. The entire county.

Wilson County. The entire county.

(2) *Suppressive area.*

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U.S. Highway 117 with said highway as a centerline for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 1 mile wide bounded on the north by the Harnett-Wake County line and extending south along U.S. Highway 401 and said highway as a centerline for a distance of 5 miles.

Johnston County. That area bounded by a line beginning at a point where Fifth Street junctions with Brogden Road in the city of Smithfield; thence north along said street to its intersection with Caswell Street; thence west to the end of said street following a projected line to Smithfield city limits; thence east, south, and west along said city limits to its intersection with Brogden Road; thence north along said road to the point of beginning.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a centerline for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

Onslow County. That area included within the corporate limits of the city of Jacksonville.

Robeson County. That area included within a circle having a 5-mile radius and center at the Robeson County Courthouse in Lumberton, including all of the city of Lumberton.

That area beginning at a point where the Hoke-Robeson County line junctions with the Cumberland-Hoke-Robeson County line, extending southeast along the Cumberland-Robeson County line to its junction with the Cumberland-Robeson-Bladen County line; thence southeast along the Bladen-Robeson County line to its intersection with State Secondary Road 1006; thence west along said road to its junction with Interstate Highway 95; thence north along said highway to its intersection with Big Marsh Swamp; thence west along the Big Marsh Swamp to the Hoke-Robeson County line; thence northeast along said county line to the point of beginning, including all of the towns of St. Pauls, Lumber Bridge, and Parkton.

Scotland County. That area bounded by a line beginning at a point where Big Shoe Heel Creek intersects with State Secondary Road 1323; thence extending southeast along said road to the Scotland-Robeson County line; thence southwest along said county line to its intersection with Big Shoe Heel Creek; thence northwest along said creek to the point of beginning.

That area bounded by a line beginning at the intersection of U.S. Highway 401 and State Secondary Road 1323 and extending southeast along said road to its intersection with State Secondary Road 1433; thence southwest along said road to its intersection with the corporate limits of the city of Laurinburg; thence northwest along said corporate city limits to its intersection with U.S. Highway 401; thence northeast along said highway to the point of beginning.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U.S. Highway 401 and the Norfolk Southern Railway, approximately 1½ miles east of Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U.S. Highway 401 with said highway as a centerline to the Wake-Harnett County line, including all of the town of Fuquay Springs.

SOUTH CAROLINA

(1) *Generally infested area.* None.

(2) *Suppressive area.*

Beaufort County. That area bounded by a line beginning at a point where U.S. Highways 21 and 17 junction at Gardens Corner; thence northeast along U.S. Highway 17 to its intersection with Combahee River; thence southeast along said river to its junction with Coosaw River; thence west along the Coosaw River and Whale Branch to its intersection with U.S. Highway 21; thence north and northwest along said highway to the point of beginning.

Calhoun County. That area bounded by a line beginning at the junction of a dirt road and State Secondary Highway 129, said junction being 0.5 mile northwest of the junction of said highway and State Secondary Highway 326; thence extending 1.1 miles southeast along State Secondary Highway 129 to its junction with a dirt road; thence 0.75 mile southwest along said dirt road to its junction with a second dirt road; thence 1.75 miles south and southwest along said second dirt road to its junction with State Primary Highway 267; thence 0.8 mile northwest along said highway to its junction with a dirt road; thence 0.4 mile southwest along said dirt road to its intersection with an unnamed branch; thence northwest along said branch to its intersection with State Primary Highway 33; thence 0.4 mile northeast along said highway to its junction with State Primary Highway 267; thence 0.2 mile north along said highway to its junction with a dirt road; thence 1.2 miles northeast along said dirt road to the point of beginning.

Chesterfield County. That area bounded by a line beginning at a point where State Secondary Highway 107 junctions with the South Carolina-North Carolina State line; thence east along said State line to its junction with State Secondary Highway 57; thence southwest along said highway to its junction with State Primary Highway 109; thence southwest along said highway to its junction with State Primary Highway 9; thence west along said highway to its intersection with the corporate limits of the town of Pageland; thence in a northwesterly and southwesterly direction along said corporate limits to its intersection with State Primary Highway 207; thence northwest and west along said highway to its intersection with State Secondary Highway 107; thence north along said highway to the point of beginning.

Darlington County. That area bounded by a line beginning at a point where U.S. Highway 52 intersects with Black Creek; thence southeast along said creek to its intersection with State Secondary Highway 35; thence south along said highway to its intersection with the Darlington-Florence County line; thence westerly along said county line to its intersection with State Secondary Highway 49; thence north along said highway to its junction with State Secondary Highway 407; thence west along said highway to its junction with State Primary Highway 340; thence north along said highway to its junction with

State Secondary Highway 681; thence west along said highway to its junction with U.S. Highway 401; thence northeast along said highway to its intersection with the corporate limits of the city of Darlington; thence north and northeast along said corporate limits for 1.3 miles to its intersection with the Seaboard Coast Line Railroad; thence northwest along said railroad to its intersection with State Secondary Highway 580; thence north along said highway to its junction with State Secondary Highway 134; thence east along said highway to its junction with U.S. Highway 52; thence north along said highway to the point of beginning.

That area included within the corporate limits of the city of Hartsville.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 13 intersects the Florence-Darlington County line; thence northerly along said county line to its intersection with the Great Pee Dee River; thence southerly along said river to its intersection with U.S. Highway 301; thence west along said highway to its intersection with State Secondary Highway 24; thence southeast along said highway to its junction with State Secondary Highway 13; thence southwest along said highway to its junction with State Primary Highway 327; thence south along said highway to its junction with State Secondary Highway 57; thence west along said highway to its junction with U.S. Highway 301; thence south along said highway to its junction with State Secondary Highway 35; thence southwest along said highway to its intersection with State Secondary Highway 136; thence north along said highway to its junction with State Secondary Highway 107; thence west along said highway to its intersection with Interstate Highway 95; thence northeast along said highway to its intersection with State Secondary Highway 13; thence northwest along said highway to the point of beginning.

Horry County. That area bounded by a line beginning at a point where a dirt road junctions with U.S. Highway 501, said junction being 0.7 mile southeast of the junction of U.S. Highway 501 and State Secondary Highway 548; thence extending southeast along U.S. Highway 501 to its intersection with the east branch of Oakey Swamp; thence south along said branch to its junction with Oakey Swamp; thence northwest along said swamp to its junction with Crabtree Swamp; thence north along said swamp for 0.8 mile to its intersection with a dirt road; thence northeast along said road to the point of beginning.

Lancaster County. That portion of the county lying north of a line beginning at a point where State Primary Highway 160 intersects the Lancaster-York County line and extending southeast along said highway to its junction with U.S. Highway 521; thence north along said highway and ending at its intersection with the North Carolina-South Carolina State line.

That area included within the corporate limits of the city of Kershaw in Lancaster County.

Orangeburg County. That area bounded by a line beginning at a point where North Fork Edisto River junctions with the Orangeburg-Aiken-Lexington County line; thence northeast along the Orangeburg-Lexington County line to its junction with the Orangeburg-Calhoun County line; thence southeast along said county line to its intersection with Little Bull Swamp Creek; thence southwest along said creek to its junction with Bull Swamp Creek; thence south along said creek to its junction with North Fork Edisto River; thence northwest along said river to the point of beginning.

That portion of the county lying northeast of Four Hole Swamp.

Richland County. That area bounded by a line beginning at a point where Interstate Highway 20 intersects the Richland-Lexington County line and extending east along said highway to its intersection with State Secondary Highway 1036; thence south along said highway to its junction with U.S. Highway 1; thence southwest along said highway to its junction with State Secondary Highway 151; thence southeast along said highway to its junction with State Primary Highway 12; thence south along said highway to its intersection with Gills Creek and the Fort Jackson property line; thence southwesterly, southeasterly, and easterly along the Fort Jackson property line to its intersection with Mill Creek; thence south along said creek to its intersection with State Primary Highway 48; thence northwest along said highway to its junction with State Primary Highway 51; thence west along said highway to its junction with the Richland-Lexington County line; thence northwest along said county line to the point of beginning.

TENNESSEE

(1) *Generally infested area.*

Benton County. All of Civil District 12, and that portion of the county lying within the corporate limits of the city of Camden.

Bradley County. That portion of the incorporated boundary of the city of Cleveland beginning at the intersection of State Highway 2 Bypass and U.S. Highway 64 and extending north along State Highway 2 Bypass to the intersection with the incorporated city limits; thence southerly along eastern incorporated city limits to the intersection with U.S. Highway 64; thence northwest along said highway to the point of beginning.

That area within the following bounds: Beginning at the intersection of Interstate 75 and Harris Creek; thence easterly along said creek to its intersection with Candies Creek; thence south along said creek to its intersection with U.S. Highway 64; thence southwest along said highway to its intersection with U.S. Highway 64 connector road; thence northwest along said road to its intersection with Interstate 75; thence northeast along said highway to the point of beginning.

Carroll County. The entire county.

Chester County. The entire county.

Crockett County. The entire county.

Davidson County. That portion of Civil District 1 bounded by a line beginning at the intersection of U.S. Highway 41A and Old Bernard Road; thence extending west 1 mile along Old Bernard Road; thence north in a straight line to U.S. Highway 41A; thence southeast along U.S. Highway 41A to Old Clarksville Pike; thence east along Old Clarksville Pike to Eatons Creek Road; thence south along Eatons Creek Road to U.S. Highway 41A; thence south along U.S. Highway 41A to the point of beginning.

That portion of Civil District 2 beginning at the mouth of Cooper Creek; thence extending up Cooper Creek to Bobby Avenue; thence east along Bobby Avenue to the Cumberland River; thence down the Cumberland River to the point of beginning.

That portion of Civil District 3 beginning at the corner of Rosedale and Mile End Avenues; thence west along Mile End Avenue to Stainback Avenue; thence extending north along Stainback Avenue to Marie Avenue; thence west along Marie Avenue to Meridian Street; thence north along Meridian Street to Edith Avenue; thence east along Edith Avenue to Lischey Avenue; thence north along Lischey Avenue to Joy Avenue; thence east along Joy Avenue to Jones Avenue; thence south along Jones Avenue to Oneida Avenue; thence east on Oneida Avenue to Rosedale Avenue; thence south on Rosedale Avenue to the point of beginning.

That portion of Metro Nashville beginning at the intersection of FAS Road 6158 and L&N Railroad and extending north along said railroad to its intersection with the unincorporated urban boundary; thence extending east along said boundary to its intersection with U.S. Highway 31-A; thence south along said highway to its intersection with FAS Road 6246; thence southwest along said highway to its intersection with FAS Road 6158; thence west along said highway to the point of beginning.

Dyer County. That part of the county lying east and south of a line beginning at a point where Rock Slough intersects the Forked Deer River or the Lauderdale-Dyer County line; thence north along Rock Slough to its intersection with the Obion River; thence north and east along said river to its intersection with the Dyer-Obion County line.

Fayette County. The entire county.

Franklin County. That area contained within the following bounds: Beginning at the Dry Creek Bridge on State Highway 50 (Winchester-Lynchburg Road); thence extending southeast along Dry Creek to the L&N Railroad Bridge; thence west in a straight line to the southwest corner of the Francis Sisk property; thence north 0.3 mile along the west boundary of the Francis Sisk property; thence west 0.65 mile along a gravel road; thence north 0.5 mile along a gravel road to its intersection with State Highway 50 at the Broadview Baptist Church; thence east along State Highway 50 to Shasteen Road; thence north 0.6 mile along Shasteen Road to Old Farm Road; thence east to a point 0.15 mile north of the bridge on Matthew Branch Road; thence due east along a straight line to Dry Creek; thence southeast along Dry Creek to the starting point.

That area within the following bounds: Beginning at the intersection of Elk River Bridge with U.S. Highway 41A, extending southeast along the Elk River three-fourths mile to the Estill Springs Bend; thence extending due east to the Best Page Bridge Road; thence south along said road to intersection with Bruner Crossing Road; thence west along said road to U.S. Highway 41A; thence south on U.S. Highway 41A to Hessy Branch; thence west along said branch to the Elk River; thence west and north along the Elk River to the point of beginning.

Gibson County. The entire county.

Greene County. That area within the following bounds: Beginning at a point where Flag Branch intersects Davy Crockett Lake; thence extending northeast along the south shore line of said lake to the intersection of Jones Bridge Road; thence southeast along said road to its intersection with the Cherokee National Forest; thence southwest along the forest boundary to the site of Unaka School; thence west along an unnamed county road to the Cornertown Church site; thence generally northwest along Flag Branch to the point of beginning.

Hardeman County. The entire county.

Hardin County. That part of the county lying west of the Tennessee River and Civil Districts 4 and 5 lying east of the Tennessee River.

Haywood County. The entire county.

Henderson County. The entire county.

Henry County. The entire county.

Lauderdale County. All of the county except Civil Districts 4, 5, 9, and 13.

Lawrence County. All of Civil District 8 and that portion of Civil District 9 south of the Weakley Creek Road.

All of the incorporate city limits of Loretto, and an area northwest and adjacent to the city limits bounded by Loretto Branch and Stillhouse Branch.

Lincoln County. That portion of Civil Districts 2 and 19 bounded by a line beginning at the junction of State Highway 110 and an unnamed road at Kirkland;

thence extending southeast along said road to the TVA high line; thence southwest to Unity Church Road; thence northeast to State Highway 110; thence west to the junction of Milam Cemetery Road; thence due north to the Coldwater-Kirkland Road; thence northeast along said road to the point of beginning.

Madison County. The entire county.

Marshall County. The city of Lewisburg and that area north and east of the city limits beginning at that point where the L&N Railroad intersects the northern city limits of Lewisburg; thence extending north along the L&N Railroad to its intersection with Double Bridges Road; thence east along said road to its intersection with the Old Farmington Road; thence southwest along said road to Snake Creek; thence southeast along Snake Creek to its intersection with the L&N Railroad; thence west along the L&N Railroad to the city limits.

McNairy County. The entire county.

Shelby County. The entire county.

Tipton County. The entire county.

Weakley County. That portion of the county lying south and east of a line beginning at a point where Mud Creek intersects the Obion-Weakley County line; thence east along Mud Creek to its intersection with the western boundary of Civil District 7; thence northeast and south along Civil District 7 boundary line to its intersection with Tennessee Highway 89; thence northeasterly along said highway to its intersection with the Kentucky-Tennessee State line.

(2) *Suppressive area.* None.

VIRGINIA

(1) *Generally infested area.*

City of Alexandria. That portion of the city bounded by a line beginning at a point where Duke Street (State Route 236) intersects with the Alexandria-Fairfax City-County line; thence extending southeast along Duke Street (State Route 236) to its junction with the Potomac River; thence south along the west bank of said river to its junction with the Alexandria-Fairfax City-County line; thence west and north along said line to the point of beginning.

Fairfax County. That portion of the county bounded by a line beginning at a point where Braddock Road (Route 620) intersects with the Little River Turnpike (State Route 236); thence extending southeast along the Little River Turnpike (State Route 236) to its junction with the Alexandria-Fairfax City-County line; thence south and east along said line to its junction with the Potomac River; thence south and southwest along the west and north banks of said river to that body of water known as Gunston Cove; thence northwest along the north bank of said cove to that body of water known as Pohick Bay; thence west along the north bank of said bay to that body of water known as Pohick Creek; thence northwest along said creek to its intersection with Old Colchester Road (Route 611); thence southwest along Old Colchester Road to its intersection with Gunston Hall Road (State Route 242); thence north and west along said road to its junction with U.S. Highway 1 and Gunston Cove Road (Route 600); thence west and north along Gunston Cove Road to its junction with the northern entrance ramp of Interstate 95; thence north along Interstate 95 to its intersection with Accotink Creek; thence north along said creek to its intersection with Lake Accotink; thence west and north along the south and west shores of said lake and continuing north along Accotink Creek to its intersection with Braddock Road (Route 620) at a point just west of Innerchapel Road; thence east and north along Braddock Road to the point of beginning.

(2) *Suppressive area.*

City of Hampton. That portion of the city bounded by a line beginning at a point where Interstate 64 intersects with the Newport News-Hampton city line; thence extending southeast along Interstate 64 to its junction with the Newport News Tunnel Connector Road; thence west and south along said road to its intersection with the Hampton and Newport News city line; thence south, west, and northward along said city line to the point of beginning.

City of Newport News. That portion of the city bounded by a line beginning where Museum Drive intersects with the James River; thence extending north along Museum Drive and continuing on J. Clyde Morris Boulevard to its intersection with Interstate 64; thence southeast along Interstate 64 to its intersection with the Newport News-Hampton city line; thence west and southward along said line to its intersection with Hampton Roads; thence southwest along the north boundary of Hampton Roads to its junction with the James River; thence northwest along the eastern shore of the James River to the point of beginning.

City of Norfolk. The entire city.

City of Virginia Beach. That portion of the city bounded by a line beginning at a point 500 feet north of the intersection of Virginia Beach Boulevard (U.S. Route 58) and the Norfolk-Virginia Beach city limits; thence extending due east to the junction of Witch Duck Road and Lavender Lane; thence northeast along Witch Duck Road to a drainage ditch approximately 500 feet north of Holladay Road; thence east along said drainage ditch to that body of water known as Thalia Creek; thence northeast along Thalia Creek to that body of water known as Hebden Cove; thence easterly along Hebden Cove; thence due east from said cove to the Lynnhaven Methodist Church on Little Neck Road; thence southeast along said road to its junction with Little Haven Road; thence east on Little Haven Road to the Eastern Branch of Lynnhaven Bay; thence south along said branch and contiguous with London Bridge Creek to its intersection with Virginia Beach Boulevard (U.S. Route 58); thence east along Virginia Beach Boulevard (U.S. Route 58 and 58B) to its intersection with Birdneck Road; thence south on Birdneck Road to its junction with Bells Road; thence extending northwestward along a projected line from said junction to the south Lynnhaven Road Exit of the Virginia Beach Expressway; thence west along the southside of said expressway to its intersection with South Plaza Trail; thence southwest along South Plaza Trail to its intersection with Old Forge Road; thence westward along a projected line to the junction of Holland Road and Edwin Drive; thence southwest along Edwin Drive to its intersection with Princess Anne Road; thence northwestward along Princess Anne Road to its intersection with the eastern branch of the Elizabeth River; thence west along the northern bank of said river branch to the Norfolk city limits; thence northward along the Norfolk city limits to the point of beginning.

That portion of the city bounded by a line beginning at a point where Virginia Beach-Norfolk city limits intersect the Norfolk-Southern Railroad, said point being 0.4 mile north of Northampton Boulevard; thence extending northward along said city limits one-half mile; thence extending along a line projected due east to Bayside Road; thence southeast along said road to Northampton Boulevard (State Route 166); thence northeast along Northampton Boulevard (State Route 166) to its junction with Shell Road; thence southwest along said road to its junction with Northampton Boulevard (State Route 166); thence southwest along said road to the Virginia Beach-Norfolk city limits; thence north along said city limits to the point of beginning.

That portion of the city bounded by a line beginning at a point where the Eastern Branch of the Elizabeth River intersects the Virginia Beach-Chesapeake city limits and extending eastward along the south bank of said river branch to a point one-fourth mile east of South Military Highway (U.S. Route 13); thence extending along a line projected due south to Gammon Road; thence south on the east side of said road to its junction with Indian River Road; thence northwest along said road to the Virginia Beach-Chesapeake city limits; thence northward along said city limits to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.72–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.72–2a, effective May 14, 1969.

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

The purpose of this revision is to add to the regulated areas all or parts of the following previously nonregulated counties, parishes, or cities: Jackson, Pulaski, and Randolph Counties in Arkansas; Cook, Evans, Jones, Tattnall, and Telfair Counties in Georgia; Pointe Coupee, St. Martin, Morehouse, and Webster Parishes in Louisiana; Noxubee County in Mississippi; Cabarrus, Lincoln, Mecklenburg, Richmond, and Wilson Counties in North Carolina; Beaufort, Chesterfield, Darlington, Florence, Lancaster, Orangeburg, and Richland Counties in South Carolina; Benton, Bradley, Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardin, Haywood, Henderson, Henry, Lauderdale, and McNairy Counties in Tennessee; and the city of Alexandria and Fairfax County in Virginia. It also extends the regulated areas in some previously regulated counties and parishes.

This document imposes restrictions that are necessary in order to prevent the spread of the white-fringed beetle, and should be made effective promptly to accomplish its purposes in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with

respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less that 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 13th day of April 1970.

D. R. SHEPHERD,
Director, Plant Protection Division.

[F.R. Doc. 70-4715; Filed, Apr. 16, 1970; 8:48 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 17]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

FINAL DATE FOR REAPPORTIONMENT OF COTTON ALLOTMENTS IN ARKANSAS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to change the final date for reapportionment of cotton acreage for all counties in Arkansas.

Since planting of cotton is imminent, affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, 19823; 34 F.R. 924, 2351, 3733, 5099, 7231, 12325, 18089, 19021; 35 F.R. 168, 2721, 5529) is hereby amended by amending the table in § 722.412(b)(7)(iv) by changing the final date for Arkansas to read as follows:

§ 722.412 Release and reapportionment of cotton allotments.

* * * * *

(b) * * *

(7) *Closing dates.*

(iv) * * *

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
* * *	* * *	* * *	* * *
Arkansas	Mar. 21	Mar. 21	Apr. 17.
* * *	* * *	* * *	* * *

* * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1344, 1375)

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

Signed at Washington, D.C., on April 15, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-4779; Filed, Apr. 15, 1970; 1:58 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 862—WAGE RATES; SUGAR BEETS

Pursuant ot the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1969, the following determination is hereby issued:

The regulations previously appearing in these sections under "Determination of Wage Rates; Sugar Beets" remain in full force and effect as to the crops to which they were applicable.

Sec.

862.9 General requirements.
862.10 Wage rates.
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AUTHORITY: The provisions of this Part 862 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 862.9 General requirements.

A producer of sugar beets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugar beets, as provided in § 862.12, shall have been paid in accordance with the following:

§ 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 27, 1970, and shall remain in effect until amended, superseded, or terminated:

(a) *When employed on a time basis.* For the hand labor operations of Thinning, Hoeing, Hoe-Trimming, Blocking and Thinning, Weeding, Pulling, Topping, Loading, or Gleaning: $1.75 per hour: *Provided,* That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) *When employed on a piecework basis for the hand labor operations in the following table:*

Hand labor operations	*Rate per acre*
A. Thinning: Removing excess beets with a hoe only	$12.75
B. Hoeing: Removing weeds and excess beets with a hoe only	16.50
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	20.00
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	10.50
and in the State of California only:	
E. Blocking and thinning: Removing weeds and excess beets with a hoe and by hand	28.00

Wide row planting: The above rates and the rate provided for in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches; 25 percent; 34 inches or more, 30 percent.

Narrow row planting: The above rates and the rate provided for in paragraph (c) of this section shall be increased by not less than the indicated percentages for the following row spacing: 19 inches or less but more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided,* That the applicable piecework rate therefor shall be not less than $10.50 per acre.

(d) *When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting.* The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E of paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings of each worker for each operation shall be not less than $1.75 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(e) *When employed on a time or piecework basis for other operations.* For all other operations in the production, cultivation, or harvesting of sugar beets

for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

§ 862.11 Compensable working time.

For work performed under section 862.10 of this part, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

§ 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 862.13 Payment of wages.

Workers shall be paid in cash for all work performed. Deductions from cash payments are permitted and may be made for cash advances to workers and, in the amounts agreed upon, for items furnished such as meals and transportation and for mandatory deductions or withholdings required by law. Deductions may not be made for payments to a labor contractor or supervisor for their services, or for any items which the producer agreed to furnish the worker free of charge.

§ 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 862.15 Employment of workers through a labor contractor or crew leader.

If a producer employs workers through a labor contractor or crew leader and makes payment of workers' wages to him, the producer shall obtain from such contractor or crew leader (a) a copy of his authorization signed by each worker to collect wages due each such worker; (b) a wage record sheet showing the amounts earned and due each worker; and (c) a written representation that he will pay to each worker the wage rates agreed upon by the contractor and the producer but in no event less than those provided by this part. Where State or Federal law requires the labor contractor to furnish the worker with a statement of earnings, the producer shall obtain a written agreement from the contractor to furnish the producer with a copy of such statements.

§ 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

§ 862.17 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall

be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this Part, the act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

§ 862.20 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1–SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1–SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e, cost of living, prices of sugar and byproducts, income from sugar beets and cost of production), and the differences in conditions among the various sugar producing areas.

Wage determination. This determination increases the minimum hourly wage rate for specified hand labor operations 10 cents per hour—from $1.65 to $1.75; increases minimum piecework rates $0.50 per acre for the operation of Weeding, $0.75 per acre for Thinning, $1 per acre for Hoeing, $1.25 per acre for Hoe-Trimming, and $1.50 per acre for Blocking and Thinning (applicable in California only); and provides increased piecework rates for narrow row planting. Other provisions of the prior determination, effective April 7, 1969, continue unchanged.

Public hearings were held in Detroit, Mich.; Fargo, N. Dak.; Sacramento, Calif.; San Antonio, Tex.; and Denver, Colo., during the period December 1 through December 12, 1969. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers.

Producer representatives generally recommended that the minimum hourly and piecework wage rates established in 1969 remain the same for 1970. Representatives in several regions recommended that efforts be made to increase grower returns before higher wage rates are established. One producer recommended that the worker and grower be held jointly responsible for child labor violations. A representative of producers in one region recommended that the provision which permits weeding as a first-hand labor operation in fields that have been machine thinned and on which herbicides have been used be extended to include fields that are planted to a stand. A producer in another region recommended that the grower be allowed to bargain for any piecework rate for any operation if an hourly minimum of $1.65 is guaranteed. He also recommended that the method of removing beets or weeds not be specified in the piecework operations, and that the operations be reclassified and defined as (a) Thinning-Removing excess beets, (b) Thinning and Weeding-Removing excess beets and weeds, and (c) Weeding-Removing weeds; he proposed rates of $12, $15.50, and $10 per acre, respectively, for the three operations. Another producer stated that the piecework rate is too high for weeding fields that have been machine thinned and treated with herbicides, and recommended that piecework rates be redesigned to reflect good conditions rather than average conditions; he proposed the establishment of a graduated scale of rates based upon a plant count in 100 feet of row for each 5 acres. Producers in another region recommended that new language be adopted in the determination regarding deductions from the worker's wages for payments by the producer to a third party.

Representatives of workers recommended that the minimum hourly wage be increased to rates ranging from $2.10 to $5. Several representatives recommended that pieceworkers be guaranteed a minimum hourly wage. One worker representative recommended that the scale of piecework rates be evaluated to include more average workers and to include days in the crop cycle when the crop is not at its peak; and that the Department devise training programs, if sugar beet companies are unwilling to do so, for those workers being displaced by mechanization. Another worker representative recommended that wages be increased to $60 an acre or $5 an hour with overtime benefits, and that workers receive insurance coverage for unemployment, workmen's compensation, and family health. This witness also recommended that county ASCS offices inform each worker of minimum wage rates and wage claim rights, and that a representative selected by the worker be allowed to sit on the committee hearing wage claims or appeals. One organization recommended that the thinning operation be deleted; that piecework rates for the remaining operations be increased by amounts ranging from $2 to $3.25; and that the hourly rate be increased to $2.10.

Another worker representative recommended that the rates for individual piecework operations be increased by amounts ranging from $2 to $4 per acre; that a minimum hourly rate of $2.25 be guaranteed to all workers; that all workers be paid by check, rather than in cash, upon completion of the work; and that piecework rates be increased for narrow row planting by percentages comparable to those allowed for wide row planting reductions. He also recommended that compensable working time include time the worker spends waiting for delays for which he is not responsible; that deductions from the worker's wages not be permitted for payment of

debts to third parties; that wages be paid directly to the worker, or head of the family if a family unit; and that the regulation on employment of workers through a labor contractor or crew leader be deleted from the determination. The witness recommended that the wage claims procedure be revised to require county ASCS offices to notify the State Bar Association of a pending wage claim—the association to then appoint an arbitrator who would arrange for a hearing and such investigations as he deemed necessary. The arbitrator would notify the producer and worker in writing of his recommendation for settlement of the claim, and his findings of fact would be deemed final; either party could appeal to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, who could review matters of law. He also recommended that if a producer fails to pay all workers in full, and it is determined by the county ASC committee the failure was not the producer's fault, the finding be subject to arbitration if challenged by the worker; and that the greater of three times the amount of wages withheld or $100 be withheld from the producer's Sugar Act payment, if it is determined that he knowingly did not pay all workers in full. The witness recommended further that new regulations be adopted in the determination to subject the producer to either no Sugar Act payment or a deduction from the payment if he retaliates against the worker for asserting claims, if he employs illegal aliens, if he fails to secure a written contract signed by himself and the worker, and if he fails to comply with regulations under the Wagner-Peyser Act pertaining to housing and sanitary facilities. Another new regulation recommended by this worker representative would require any producer who recruits interstate workers to provide each worker with $50 for travel and health insurance.

Consideration has been given to the recommendations made at the public hearings, to the returns, costs, and profits of producing sugar beets in recent years and under conditions likely to prevail for the 1970 crop, and to other pertinent factors. Analysis of these data indicate that the increases in the minimum wage rates established in this determination are fair and reasonable and are within the producers' ability to pay.

In most of the sugar beet areas the greater part of the hand labor work in sugar beet fields is performed on a piecework basis. Improvements in cultural practices continue to simplify the hand labor operations, resulting in higher earnings and less arduous tasks for workers, while at the same time enabling producers to utilize lower cost piecework operations. The wage increases provided in this determination will further improve the hourly and seasonal earnings of sugar beet fieldworkers, and also encourage the use of laborsaving practices by producers.

The recommendation for increases in the piecework rates for narrow row planting has been adopted. For many years the customary row spacing has ranged from 20 inches to 27 inches, with reductions in rates for spacing in excess of 27 inches. In recent years some fields have been planted in rows spaced at less than 20 inches. Since it will take a worker longer, per acre, to complete a task where the rows are narrower, he should be compensated for the extra work. Therefore, this determination provides for a 25-percent increase in basic rates for row spacing from 19 to 17 inches, and a 35-percent increase for spacing of 16 inches or less.

The recommendations for a minimum hourly wage for workers employed on a piecework basis; for changes in the basic hand labor operations and related work tasks; for producers to pay each worker or head of family directly; for producers to pay workers promptly after completion of work and to pay by check; and for various other changes in, or additions to, the determination regarding relations between the producer and workers have not been adopted.

The piecework basis for the specified hand labor operations is structured to yield average competent workers earnings in excess of the hourly rate, and also to provide an operation whereby detailed time records are not necessary. The recordkeeping requirements which would be necessary to correctly report the hours worked daily by each member of a group of individuals, such as the family work crew, would be extremely difficult and costly to maintain.

Prior wage determinations have established piecework rate structures responsive to the changing hand labor requirements of sugar beet growers. Under the rate requirements of these determinations, producers who fully utilize the most effective production methods have had the opportunity to reduce labor costs, but workers have been the prime beneficiaries of technological gains. The prior determination recognized further improvements in production methods by providing a weeding operation as a first-hand labor operation in fields that have been completely machine-thinned and on which chemical herbicides have been applied.

It is believed that the basic hand labor operations and related work tasks contained in this determination provide the producer and worker with a range of operations that will cover practically all situations, and that further changes are not warranted at this time.

The recommendations relating to housing and the hiring of illegal aliens are matters that are not within the scope of the Sugar Act. Other Federal or State statutes now in existence must be depended upon for enforcement of housing regulations and control of aliens illegally within the United States.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1943.

Effective date. April 27, 1970.

Signed at Washington, D.C., on April 13, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-4716; Filed, Apr. 16, 1970; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

General License for Shipment in DOT Specification Containers and in Packages Licensed for Use by Another Licensee

Under present requirements of the Atomic Energy Commission's regulations in 10 CFR Part 71, each person delivering special nuclear material, source material, or byproduct material to a carrier for transport must obtain a specific license or license amendment from the Commission which specifically authorizes delivery of that material in the type of package to be used, unless the package or shipment meets the conditions of the general license provided in §§ 71.6 or 71.7 or the exemption provided in § 71.5. This means that, without specific authorization to do so, a licensee may not use a package for licensed material even though another licensee is already licensed to use it for the same material, or the same kind of material. Typically, a licensee may not return licensed material to the sender in the same package in which he received it without having specific authorization to do so.

With increasing frequency licensees are requesting licenses for use of packages which the Commission has previously evaluated, found to meet the standards of Part 71, and authorized another licensee to use. This procedure involves unnecessary work on the part of the Commission and its licensees. In addition, it delays shipments and complicates regulatory requirements without adding to safety of shipments. Accordingly, the Commission is hereby amending § 71.7 of 10 CFR Part 71 to add to the general license in that section authority for any AEC licensee to use any package which has been specifically licensed for such use by the AEC: *Provided*, That the general licensee (1) has a copy of the specific license and related documents authorizing use of the type of package, (2) complies with the terms and conditions of the specific license, and (3) notifies the AEC of the specific licensee's name and license number and the model number of the packaging.

The general license does not authorize the receipt, possession, use or transfer of byproduct, source or special nuclear material; such authorization must be obtained pursuant to 10 CFR Parts 30 to 36, 40, or 70, respectively. The general license also does not authorize the transportation of licensed material. Possession during transport by private carriers is subject to AEC specific licensing. Transportation by private, common, or contract carriers in interstate or foreign commerce is subject to the regulations of the Department of Transportation (49 CFR Parts 170 to 179 and 397; 14 CFR Part 103; 46 CFR Part 146).

Since the amendment set forth below relates solely to minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it will become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 71, is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

Section 71.7 is amended to read as follows:

§ 71.7 General license for shipment in DOT specification containers and in packages licensed for use by another licensee.

A general license is hereby issued, to persons holding a general or specific license issued pursuant to this chapter, to deliver licensed material to a carrier for transport:

(a) In a specification container for fissile material as specified in § 173.396 (b) or (c) or for a large quantity of radioactive material as specified in § 173.394(c) or § 173.395(c) of the regulations of the Department of Transportation, 49 CFR Part 173; or

(b) In a package whose use for such purpose has been licensed by the Commission, provided that:

(1) The person using a package pursuant to the general license provided by this paragraph:

(i) Has a copy of the specific license authorizing use of the package and all documents referred to in the license or application;

(ii) Complies with the terms and conditions of the specific license and the applicable requirements of this part; and

(iii) Prior to the first use of the package, submits in writing to the Director, Division of Materials Licensing, his name and license number, the name and license number of the holder of the specific license authorizing use of the package, and the model number of the packaging; and

(2) The specific license authorizes use of the package under the general license provided in this paragraph.

(Sec. 53, 62, 81 and 161; 68 Stat. 930, 932, 935 and 948 as amended; 42 U.S.C. 2073, 2092, 2111 and 2201)

Dated at Washington, D.C., this 3d day of April 1970.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 70-4742; Filed, Apr. 16, 1970; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,995]

PART 524—OPERATIONS OF THE BANKS

GNMA-Guaranteed Mortgage-Backed Securities

APRIL 9, 1970.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the advisability of amending Part 524 of the regulations for the Federal Home Loan Bank System (12 CFR Part 524) for the purpose of permitting Federal Home Loan Banks to acquire certain home mortgages, issue securities backed by pools of such mortgages and guaranteed by the Government National Mortgage Association, and act as trustee in connection with the issuance of such securities, hereby amends said Part 524 by adding a new § 524.2–2, immediately after § 524.2–1, to read as follows, effective April 17, 1970:

§ 524.2–2 GNMA-guaranteed mortgage-backed securities.

(a) *Acquisition of insured or guaranteed home mortgages.* Upon authorization by its board of directors, a Bank may, pursuant to sections 11(h) and 16 of the Federal Home Loan Bank Act, as amended, acquire home mortgages for the primary purpose of placing such mortgages in a trust or pool backing an issue or issues of trust certificates or other securities to be guaranteed by the Government National Mortgage Association (GNMA), pursuant to section 306(g) of the National Housing Act, as amended. A Bank may so acquire home mortgages only if such mortgages (1) are insured under the National Housing Act or title V of the Housing Act of 1949, or are insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, and (2) meet the eligibility requirements prescribed by GNMA in 24 CFR Part 1665, Subpart B, and such other eligibility requirements as GNMA may prescribe from time to time under such regulations. Such Bank must obtain the approval of the Board prior to commencing acquisition, including any commitment or agreement with respect thereto, of home mortgages pursuant to this section.

(b) *Trustee powers.* Upon authorization by its board of directors, a Bank so designated by the Board may act as trustee under any trust created or to be created in connection with the issuance of securities guaranteed by GNMA pursuant to section 306(g) of the National Housing Act, as amended, and may do all things necessary in connection therewith and all things incident thereto, all in accordance with regulations prescribed by GNMA in 24 CFR Part 1665, Subpart B.

(c) *Issuance of securities.* Upon authorization by its board of directors, a Bank or Banks may, pursuant to section 11(a) of the Federal Home Loan Bank Act, as amended, issue, severally or jointly, and sell bonds or other obligations guaranteed by GNMA pursuant to section 306(g) of the National Housing Act, as amended, and may enter into such agreements as may be necessary for carrying out such issuance and sale, all upon such terms and conditions as the Board may approve.

(Secs. 11, 16, 17, 47 Stat. 733, 736, as amended; 12 U.S.C. 1431, 1436, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-4736; Filed, Apr. 16, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Dockets Nos. 69-CE-62, 69-CE-97, 69-CE-103, 69-CE-104, 69-CE-106, 69-CE-109, 69-CE-112]

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

Airspace Actions Concerning Certain Control Zones and Transition Areas; Change of Effective Dates

On February 10, 1970, a Final Rule was published in the FEDERAL REGISTER

(35 F.R. 2769), F.R. Doc. 70-1636, Airspace Docket No. 69-CE-62, which designated a transition area at Knoxville, Iowa.

On February 5, 1970, a Final Rule was published in the FEDERAL REGISTER (35 F.R. 2580, 2581), F.R. Doc. 70-1458, Airspace Docket No. 69-CE-97, which designated a transition area at Cairo, Ill.

On February 5, 1970, a Final Rule was published in the FEDERAL REGISTER (35 F.R. 2581), F.R. Doc. 70-1459, Airspace Docket No. 69-CE-103, which altered the control zone and transition area at Bismarck, N. Dak.

On February 5, 1970, a Final Rule was published in the FEDERAL REGISTER (35 F.R. 2581), F.R. Doc. 70-1460, Airspace Docket No. 69-CE-104, which altered the control zone and transition area at Huron, S. Dak.

On February 5, 1970, a Final Rule was published in the FEDERAL REGISTER (35 F.R. 2581, 2582), F.R. Doc. 70-1461, Airspace Docket No. 69-CE-108, which designated a control zone at Columbia, Mo. (Regional Airport), and altered the transition area at Ashland, Mo.

On February 5, 1970, a Final Rule was published in the FEDERAL REGISTER (35 F.R. 2582), F.R. Doc. 70-1462, Airspace Docket No. 69-CE-109, which altered the control zone and transition area at Menominee, Mich.

On February 5, 1970, a Final Rule was published in the FEDERAL REGISTER (35 F.R. 2582), F.R. Doc. 70-1463, Airspace Docket No. 69-CE-112, which altered the transition area at Fairfield, Iowa.

All of the aforementioned Final Rules were to be effective 0901 G.m.t. April 2, 1970. Subsequent to the publication of these documents in the FEDERAL REGISTER, the Agency has been advised that due to the postal tie-up and lack of any assurances that aeronautical charts and publications will be delivered prior to the effective date of April 2, 1970, it is necessary to change the effective dates of these Final Rules to April 30, 1970. Accordingly, action is taken herein to make these changes.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, the effective dates of Airspace Dockets Nos. 69-CE-62; 69-CE-97; 69-CE-103; 69-CE-104, 69-CE-108; 69-CE-109; and 69-CE-112 are changed from 0901 G.m.t., April 2, 1970, to 0901 G.m.t., April 30, 1970.

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

Issued in Kansas City, Mo., on March 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-4692; Filed, Apr. 16, 1970; 8:46 a.m.]

[Airspace Docket No. 69-CE-121]

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

Designation of Transition Area

On Pages 323 and 324 of the FEDERAL REGISTER dated January 8, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Colby, Kans.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The coordinates recited in the Colby, Kans., Municipal Airport, transition area designation as "latitude 39°29'15" N., longitude 101°03'00" W." are changed to read "Latitude 39°25'30" N., longitude 101°02'40" W.".

This amendment shall be effective 0901 G.m.t., May 28, 1970.

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

Issued in Kansas City, Mo., on March 20, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181, the following transition area is added:

COLBY, KANS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (lat. 39°25'30" N., long. 101°02'40" W.); and within 3 miles each side of the 029° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 029° and 209° bearing from Colby Municipal Airport, extending from 5 miles southwest to 18½ miles northeast of the airport.

[F.R. Doc. 70-4693; Filed, Apr. 16, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-4]

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

Alteration of Control Zone and Transition Area

On February 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3924), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Troy, Ala., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

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

TROY, ALA.

Within a 5-mile radius of Troy Municipal Airport (lat. 31°51'40" N., long. 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

TROY, ALA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (lat. 31°51'40" N., long. 86°00'45" W.); within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the OM.

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

Issued in East Point, Ga., on April 7, 1970.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 70-4694; Filed, Apr. 16, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-8]

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

Alteration of Control Zone and Transition Area

On February 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3925), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Chattanooga, Tenn., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulation is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

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

CHATTANOOGA, TENN.

Within a 5-mile radius of Lovell Field (lat. 35°02'05" N., long. 85°12'10" W.); within 2 miles each side of Chattanooga ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles southwest of Daisy

RBN; within 1 mile each side of Chattanooga ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of Chattanooga VORTAC 263° radial.

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

CHATTANOOGA, TENN.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (lat. 35°02'05" N., long. 85°12'10" W.), extending clockwise from the 030° to the 210° bearing from Lovell Field; within a 19-mile radius of Lovell Field, extending clockwise from the 210° to the 030° bearing from Lovell Field.

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

Issued in East Point, Ga., on April 7, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-4695; Filed, Apr. 16, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-18]

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

Alteration of Control Zone and Transition Area

On February 26, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3760), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, N.C., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Jacksonville Air Service, Inc., Jacksonville, N.C.

The Jacksonville Air Service, Inc., objected on the basis that the control zone extension predicated on New River RBN would overlie the Jacksonville Airport and would seriously restrict the operational requirements of the Jacksonville Air Service Flight Training School.

A review of the proposal, in the light of comments received, disclosed that the Jacksonville Airport is located partly within the Terminal Instrument Procedures (TERPs) primary obstruction clearance area associated with AL-732 (USN) NDB (ADF) (LF/UHF) RWY 23 instrument approach procedure. Current criteria at this location permits a control zone extension of 2.1 miles each side of the final approach bearing in lieu of the 3 miles contained in the proposed rule making action. The Department of the Navy, at the request of the Federal Aviation Administration, agreed to realign the final approach bearing of the NDB (ADF) (LF/UHF) RWY 23 instrument approach procedure from the 051° M (046° T) to the 056° M (051° T) bearing, thus realigning the primary obstruction clearance area to exclude the Jacksonville Airport.

In view of the foregoing, the control zone designation, as proposed, is no longer applicable and is hereby amended. This amendment will result in a reduction in controlled airspace designation. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to alter the control zone description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Jacksonville, N.C., control zone is amended to read:

JACKSONVILLE, N.C.

Within a 5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within 2 miles each side, expanding to 3 miles each side of the 051° bearing from New River RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the 226° bearing from New River RBN, extending from the RBN to 8.5 miles southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN; excluding the portion within R-5306C.

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

JACKSONVILLE, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); excluding the portion within R-5306B and C.

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

Issued in East Point, Ga., on April 10, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-4696; Filed, Apr. 16, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WA-13]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Extension of Effective Dates

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to change the effective dates of specified airspace dockets from April 30, 1970, to indefinite. Due to the existing emergency caused by the absence of air traffic controllers from their facilities, it has been determined that implementation of the new procedures contained in the New York Metroplex Plan should be delayed indefinitely.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary and good cause exists for making these amendments effective upon less than 30 days notice.

In consideration of the foregoing, the effective dates of the following Airspace Dockets, by number, are changed from April 30, 1970, to upon further notice.

69-EA-30 (34 F.R. 20419, 35 F.R. 1221, 5465)
69-EA-22 (35 F.R. 6, 2769, 5465)
69-EA-152 (35 F.R. 3109, 4291, 5465)

(Secs. 307(a) and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348 and 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 13, 1970.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-4728; Filed, Apr. 16, 1970; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Extension of Time for Filing Applications for Commercial Stock Item Exemption

1. Every person who is required by the first sentence of section 105(e)(1) of the Renegotiation Act of 1951, as amended, to file a financial statement for a fiscal year ended before the date of this notice, and whose time to file such financial statement has heretofore been extended by the Renegotiation Board, pursuant to RBR 1470.3(d)(3) or otherwise, shall be entitled, notwithstanding the provisions of RBR 1455.6(d)(3) or 1467.55(d) (as amended in 35 F.R. 5947, Apr. 10, 1970), to file an Application for Stock Item Exemption or an Application for Commercial Exemption for such fiscal year at any time on or before the extended due date for the filing of such financial statement.

2. Every person who is required by the first sentence of section 105(e)(1) of the Renegotiation Act of 1951, as amended, to file a financial statement for a fiscal year ended on or before January 31, 1970, and whose time to file such financial statement is extended between the date of this notice and June 1, 1970, by the Renegotiaion Board, pursuant to RBR 1470.3(d)(3) or otherwise, shall be entitled, notwithstanding the provisions of RBR 1455.6(d)(3) or 1467.55(d) (as amended in 35 F.R. 5947, Apr. 10, 1970), to file an Application for Stock Item Exemption or an Application for Commercial Exemption for such fiscal year at any time on or before July 1, 1970.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: April 14, 1970.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 70-4729; Filed, Apr. 16, 1970; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 123—ADDRESSES

PART 158—UNDELIVERABLE MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

1. Section 123.4(a)(2) is revised to permit the Federal Government agencies to make general distribution of official matter to each stop on city delivery routes and to each post office boxholder.

§ 123.4 **Simplified address.**

(a) *General distribution without individual names and addresses.* * * *

(2) *City routes and post office boxholders.* (i) The individual name and street address or post office box number may be omitted from the address in the following instances when distribution of mail is to be made to each stop or possible delivery on letter carrier routes, or to each post office boxholder at a post office which has letter carrier service:

(a) Official matter mailed by agencies of the Federal Government provided the reimbursement required by § 137.2(a) is made at the regular bulk third-class postage rates prescribed by § 134.1(b).

(b) Official matter mailed by any State government or the governments of the District of Columbia and the Commonwealth of Puerto Rico.

(ii) The following forms of address may be used:

(a) Postal Patron, Local.

(b) Residential Patron, Local. (Delivery desired at residences only.)

(c) Business Patron, Local. (Delivery desired at business addresses only.)

(iii) Pieces must be prepared for mailing as prescribed by subparagraph (3) of this paragraph and § 134.4(c) of this chapter. At least 10 days before date of mailing, the mailer must furnish to the postmaster of the post office where the pieces are to be mailed:

(a) Total number of pieces.

(b) Manner in which postage will be paid.

(c) Names of all letter carrier post offices where deliveries will be made, and number of pieces for each.

(d) Proposed date of mailing.

(e) A sample of the mailing piece.

(iv) The postmaster will furnish the mailer a schedule for mailing which must be followed by the mailer.

* * * * *

NOTE: The corresponding section of the Postal Manual is 123.412.

2. Section 158.2(a) is amended to show the proper method of handling undeliverable postal and post cards bearing endorsement "Return Postage Guaranteed" of "Address Correction Requested."

§ 158.2 **Treatment by classes.**

(a) *First-class mail*—(1) *Letters and packages.* First-class mail weighing not more than 13 ounces, except postal and post cards, is returned to the sender, if known, without additional charge. See paragraph (f) of this section for mail weighing over 13 ounces. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned. When first-class mail bearing the words "Address Correction Requested" is forwarded to a new address, the sender is notified on Form 3547, Notice to Mailer of Correction in Address, of the new address. The charge for this notice is 10¢.

(2) *Postal and post cards.* Undeliverable postal and post cards are handled as follows:

(i) A card bearing the sender's address and the words "Return Postage Guaranteed" is returned without the reason for nondelivery endorsed thereon, and postage at the card rate is collected on delivery to the sender. The piece will be marked "Undeliverable as Addressed."

(ii) A card bearing the words "Address Correction Requested" is returned to the sender with the reason for nondelivery endorsed thereon. The card serves as the address correction notice. The charge for this notice is 10 cents. There is not an additional charge for return postage.

(iii) If the full amount of card rate postage was not paid at the time of mailing, the amount of the deficiency is collected from the sender when the undeliverable card is returned.

(iv) When a card bearing the words "Address Correction Requested" is forwarded to a new address, the sender is notified on Form 3547, Notice to Mailer of Correction in Address, of the new address. The charge for this notice is 10 cents.

(v) Cards not bearing the words "Return Postage Guaranteed" or "Address Correction Requested" are disposed of at the post office where they become undeliverable.

* * * * *

NOTE: The corresponding Postal Manual section is 158.21.

(5 U.S.C. 301, 39 U.S.C. 501, 4106)

DAVID A. NELSON,
General Counsel.

APRIL 10, 1970.

[F.R. Doc. 70-4688; Filed, Apr. 16, 1970; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 **List of designated areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Nebraska	Lancaster	Lincoln	E 31 109 2830 01. E 31 109 2830 02. E 31 109 2830 03. E 31 109 2830 04. E 31 109 2830 05. E 31 109 2830 06.	Nebraska Soil & Water Conservation Commission, State Capitol Building, Lincoln, Nebr. 68509.	Salt Valley Watershed District, Federal Securities Building, Lincoln, Nebr. 68509.	April 17, 1970.
				Department of Insurance, State of Nebraska, Lincoln, Nebr. 68509.	Lincoln City—Lancaster County Planning Commission, City-County Building, Lincoln, Nebr. 68508.	
New Jersey	Cape May	Avalon	E 34 009 0130 01. E 34 009 0130 02.	Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, Borough Hall, 324 and Dunes Drive, Avalon, N.J. 08202.	Do.
	Do.	do.	Ocean City	E 34 009 2370 01.	do.	Office of the City Engineer, City Hall, Ninth Street and Asbury Avenue, Ocean City, N.J. 08226.	Do.

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

Effective date: April 17, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70–4747; Filed, Apr. 16, 1970; 8:50 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Nebraska..	Lancaster...	Lincoln.....	H 31 109 2830 01, H 31 109 2830 02, H 31 109 2830 03, H 31 109 2830 04, H 31 109 2830 05, H 31 109 2830 06,	Nebraska Soil & Water Conservation Commission, State Capitol Building, Lincoln, Nebr. 68509.	Salt Valley Watershed District, Federal Securities Building, Lincoln, Nebr. 68509	April 17, 1970.
				Department of Insurance, State of Nebraska, Lincoln, Nebr. 68509.	Lincoln City—Lancaster County Planning Commission, City-County Building, Lincoln, Nebr. 68508.	
New Jersey.	Cape May..	Avalon.....	H 34 009 0130 01, H 34 009 0130 02.	Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, Borough Hall, 33d and Dune Drive, Avalon, N.J. 08202.	Do.
Do.....	do.....	Ocean City.	H 34 009 2370 01.	.....do.....	Office of the City Engineer, City Hall, Ninth Street and Asbury Avenue, Ocean City, N.J. 08226.	Do.

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

Effective date: April 17, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70–4748; Filed, Apr. 16, 1970; 8:50 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 68–9; General Order 26]

PART 541—FREE TIME AND DEMURRAGE CHARGES ON EXPORT CARGO

By order published in the FEDERAL REGISTER, the Federal Maritime Commission instituted its Docket No. 68–9, Free Time and Demurrage Charges on Export Cargo. The purpose of the proceeding was to investigate the justness and reasonableness of the present practice of granting unlimited free time with respect to export cargo at the Ports of New York and Philadelphia and, if such practice were found to be unjust or unreasonable to determine, prescribe and order enforced rules and regulations establishing a just and reasonable practice for the future, as required by section 17 of the Shipping Act, 1916.

Extensive hearings were held before an Examiner in which all interests which are affected by the rules and regulations herein promulgated actively participated. Following these hearings briefs were filed with, and an Initial Decision was issued by the Examiner. Exceptions and replies to this Initial Decision were considered, and the Commission heard oral argument. Following this procedure the Commission, on April 9, 1970, served its report and order in Docket No. 68–9, in which it found that the practice of granting unlimited free time on export cargo at the Ports of New York and Philadelphia was unjust and unreasonable and determined, prescribed, and ordered enforced for the future just and reasonable rules and regulations with respect to such cargo. Notice of such rules and regulations was ordered to be published in the FEDERAL REGISTER.

Therefore, for the reasons set forth in the report in Docket No. 68–9, supra, and pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the Commission's authority under sections 17 and 43 of the Shipping Act, 1916 (46 U.S.C. 816 and 841(a)), title 46 is hereby amended by the addition of a new part, Part 541, reading as follows:

§ 541.1 Free time, consolidation time, and demurrage at the Ports of New York and Philadelphia.

(a) Free time on export cargo at the Ports of New York and Philadelphia shall not be more than 10 days (exclusive of Saturdays, Sundays, and legal holidays) except:

(1) Upon the request of the U.S. Government, free time not to exceed 15 days (exclusive of Saturdays, Sundays, and legal holidays) may be granted. This exception shall apply only to commodities shipped for the account of the U.S. Government.

(2) Upon the request of export shippers or their agents, free time not to exceed 15 days (exclusive of Saturdays, Sundays, and legal holidays) may be granted to cargoes moving in the trades served by the U.S. Atlantic and Gulf/Australia-New Zealand Conference and the American West African Freight Conference, provided that such cargoes are delivered to the terminal not more than 15 days (exclusive of Saturdays, Sundays, and legal holidays) prior to the sailing for which they are booked, and provided further that they are not held beyond such 15-day period through any fault or design of the export shipper or his agent. In either such case, demurrage charges shall apply after the passage of 10 days (exclusive of Saturdays, Sundays, and legal holidays) following the date of delivery to the terminal.

(b) On consolidated shipments, upon the request of export shippers or their agents, consolidation time not to exceed 5 days (exclusive of Saturdays, Sundays, and legal holidays) may be granted in addition to the 10 days free time provided in paragraph (a) of this section. Cargo upon which such consolidation time has been granted shall be designated on dock receipts and on other appropriate shipping documents as "hold-on-dock for consolidation". Cargo not so designated and cargo not actually consolidated on the piers will not be entitled to the grant of consolidation time. As used in this section, "consolidated shipments" shall mean shipments which are made up of commodities originating from two or more supply points and which move under a single bill of lading to overseas consignees.

(c) Free time on export cargo shall commence at 12:01 a.m. on the day after the said cargo is received at the terminal facility and terminate at 11:59 p.m. on the final day of free time. Consolidation time on export cargo shall

commence at 12:01 a.m. on the day following the last day of free time and terminate at 11:59 p.m. on the final day of consolidation time.

(d) At the expiration of the free time period, or if consolidation time has been granted, the consolidation time period, demurrage charges in successive periods of 5 days shall be assessed. The first period of demurrage shall be assessed at a compensatory level. Penal demurrage shall be assessed during subsequent periods. No demurrage shall be assessed after the vessel has commenced to load. Except as otherwise provided in this section, demurrage shall be for the account of the cargo.

(e) (1) When the vessel for any reason fails to meet the announced date of sailing, any demurrage accruing after such date shall be assessed in successive periods for the account of the vessel until the vessel commences to load.

(2) In the case of vessel cancellation, cargo on free time, or, if a vessel has been designated, cargo on consolidation time, on the announced date of sailing shall be subject to first-period demurrage assessed against the vessel commencing on the day when the cargo was received at the terminal facility and terminating on the said announced date of sailing unless the export shipper on or before that date has another vessel designated for loading, removes the cargo from the terminal, or elects storage as provided in paragraph (h) of this section.

(3) If the export shipper takes none of the actions mentioned in subparagraph (2) of this paragraph, demurrage charges in successive periods shall be assessed against the export shipper after the vessel's liability for demurrage has expired. Such demurrage shall likewise terminate upon the export shipper's action as aforesaid. For cargo on demurrage on the canceled date of sailing, demurrage shall continue for the account of the export shipper until such time as he takes one of said actions. In the event the export shipper has another vessel designated, the provisions of paragraphs (a), (b), and (d) of this section shall apply, with the free time for the other vessel commencing on the date that the export shipper has this other vessel designated.

(4) The announced date of sailing shall be that date(s) appearing in the Journal of Commerce or the Shipping Digest, or any other appropriate publication of general circulation, as designated in the appropriate tariff.

(f) When the loading of cargo into a vessel is prevented by any factor immobilizing the pier facility or facilities in all or in part, such as weather conditions, strike, or work stoppage of longshoremen or personnel employed by the terminal operator or water carrier, cargo affected thereby shall be granted additional time free of demurrage to cover the delay if the cargo is on free time or consolidation time when such condition arises. If cargo is on demurrage, first period demurrage charges shall be assessed against such cargo.

(g) At the time export cargo is received by the pier facility, a dock receipt shall be issued evidencing receipt of the cargo, which shall show the date of receipt and, except for cargo designated on dock receipts or other appropriate shipping documents as "hold-on-dock for consolidation", shall identify the vessel on which the goods are to move. The identification of the vessel is made for the purpose of determining the application of paragraphs (e) and (f) of this section.

(h) Nothing in the rules and regulations of this section shall prevent the establishment of reasonable storage provisions provided that the terminal has suitable facilities available, that storage will not contribute to undue congestion, that storage charges will be assessed at reasonably compensatory levels, and that export shippers elect to utilize the terminal's storage services on or before the day the cargo is received at the terminal facility, except that in the event of vessel cancellation the time the export shipper must elect to exercise his option to utilize storage services is no later than the date of sailing announced as per subparagraph (e)(4) of this section. When storage services are elected, the cargo must be removed physically from the pier transit area and placed in a separate storage area, and if cargo is not so removed demurrage charges must be applied. The provisions of the other paragraphs of this section shall, to the extent appropriate, apply when cargo in storage is released by the export shipper or his agent for loading on a particular vessel.

(i) The rules and regulations of this section shall be binding upon all common carriers by water in the foreign commerce with respect to regulations and practices affecting free time, consolidation time and demurrage on export property at the Ports of New York and Philadelphia.

(j) On or before, and from the effective date of this section, all tariffs of such carrier shall contain provisions with respect to such cargo which conform to the regulations and practices prescribed.

(k) Records shall be kept for 2 years of all grants of extended free time and consolidation time authorized in this section in the form and manner required by the report and order issued in Docket No. 68-9, Free Time and Demurrage Charges on Export Cargo.

(Secs. 17 and 43, Shipping Act, 1916; 39 Stat. 734; 75 Stat. 766; 46 U.S.C. 816, 841(a))

Effective date. These rules and regulations shall become effective on the 90th day following the date of publication herein.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APRIL 10, 1970.

[F.R. Doc. 70-4710; Filed, Apr. 16, 1970; 8:47 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 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Low Sodium Cheddar Cheese and Low Sodium Colby Cheese; Confirmation of Effective Date of Order Establishing Standards

In the matter of establishing standards of identity for low sodium cheddar cheese and low sodium colby cheese:

Pursuant to 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 of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 15, 1970 (35 F.R. 530). Accordingly, the regulations promulgated by that order (§§ 19.503 and 19.513) became effective March 16, 1970.

Dated: April 9, 1970.

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

[F.R. Doc. 70-4700; Filed, Apr. 16, 1970; 8:47 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Toledo Interstate Region

On December 9, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19470) to amend Part 81 by designating the Metropolitan Toledo Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on December 19, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.43,

as set forth below, designating the Metropolitan Toledo Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.43 Metropolitan Toledo Interstate Air Quality Control Region.

The Metropolitan Toledo Interstate Air Quality Control Region (Ohio-Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857h (f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:
Lucas County. Wood County.
In the State of Michigan:
Monroe County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: April 13, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-4726; Filed, Apr. 16, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GLEN CANYON RECREATION AREA, UTAH-ARIZONA

Pets and Other Animals

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to amend § 7.70 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to establish a special regulation in amplification of § 2.8 of Title 36, Code of Federal Regulations, which deals with pets and other animals.

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 to the Superintendent, Glen Canyon Recreation Area, Post Office Box 1507, Page, Ariz. 86040, within 30 days of the publication of this notice in the FEDERAL REGISTER.

(1) The title for § 7.70 is changed to Glen Canyon Recreation Area.

(2) Paragraph (d) of § 7.70 is added to read as follows:

§ 7.70 Glen Canyon Recreation Area.

* * * * *

(d) *Pets and other animals.* Pets and other animals shall be restrained so as to prevent unreasonable noise or annoyance or threat to safety to persons.

C. E. JOHNSON,
Superintendent,
Glen Canyon Recreation Area.

[F.R. Doc. 70-4689; Filed, Apr. 16, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-23]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendement to Part 71 of the Federal Aviation Regulations that would alter the description of the Ellensburg, Wash., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed additional controlled airspace will provide for more efficient handling of aircraft enroute to/from the vicinity of Yakima, Wash., VORTAC and Whidbey NAS, Paine Field, Seattle, and McCord airports.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (35 F.R. 2134) the description of the Ellensburg, Washington transition area is amended by adding the following: "That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-2S, on the east by west edge of V-25, and on the south by the north edge of V-4."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 7, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-4697; Filed, Apr. 16, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-25]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oreg., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed 11,500 feet MSL addition to the transition area will provide additional controlled airspace allowing for more efficient radar vectoring techniques for en route aircraft operating through the Portland and Seattle terminal areas and aircraft descending for landing at Seattle Area Terminals during a north flow configuration.

In consideration of the foregoing in § 71.181 (35 F.R. 2134) the description of the Portland, Oreg., transition area is amended by adding the following:

That airspace extending upward from 11,500 feet MSL bounded on the north by latitude 46°25'00" N., on the east by longitude 121°53'00" W., on the northeast by an arc of a 60-mile radius circle centered on Portland Airport, on the southeast by the Portland VORTAC 036° radial, and on the west by longitude 122°16'00" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 7, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-4698; Filed, Apr. 16, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-28]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Elizabeth City, N.C., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Elizabeth City control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; excluding the portion within a 1-mile radius of Elizabeth City Municipal Airport (lat. 36°14'45" N., long. 76°15'35" W.). This control zone is effective from 0700 to 2200 hours, local time, daily.

The proposal, at the request of the Airport Manager, is required to exclude the Elizabeth City Municipal Airport from the basic 5-mile radius control zone.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 10, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-4699; Filed, Apr. 16, 1970; 8:47 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 25; Notice No. 70-1]

CENTRAL-MOUNTAIN STANDARD TIME ZONE BOUNDARY IN STATE OF TEXAS

Proposed Relocation

The Department of Transportation proposes to relocate the boundary line between the central time zone and the mountain time zone so as to place El Paso and Hudspeth Counties of Texas in the mountain time zone.

The basic authority for the establishment of the boundaries between time zones in the United States was originally vested in the Interstate Commerce Commission by section 1 of the Act of March 19, 1918, chaper 24 (15 U.S.C. 261; 40 Stat. 450). It directed the Interstate Commerce Commission to define the limits of the time zones "having regard for the convenience of commerce and the existing junction and division points of common carriers engaged in interstate and foreign commerce". Pursuant to the 1918 act, the Interstate Commerce Commission placed the western half of Texas in the mountain time zone.

In 1920, efforts were made by local and State organizations to place the panhandles of Texas and Oklahoma in the central time zone. This petition was denied by the Interstate Commerce Commission on May 18, 1920, on the basis that "to change the limits of a time zone to effectuate such a purpose would result in seriously distorting the several time zone boundaries, which should coincide as nearly as is reasonably practical with the median meridians" (57 ICC 455).

Following this denial, the Congress passed the Act of March 4, 1921, chapter 173 (15 U.S.C. 265; 41 Stat. 1446) which placed all of Texas and Oklahoma in the central time zone. That legislation states in part "That the Panhandle and Plains section of Texas and Oklahoma * * * are hereby transferred to and placed within the United States standard central time zone."

Except for the portions of Texas and Oklahoma covered by the 1921 act, and a portion of Idaho covered by the Act of March 3, 1923 (15 U.S.C. 264), all time zone boundary changes since 1918 have been made by administrative proceedings pursuant to the 1918 act.

Under section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5); 80 Stat. 939) the duty to define time zone boundaries was transferred to the Secretary of Transportation.

Before the Uniform Time Act of 1966, Public Law 89-387 (15 U.S.C. 260-263, 266, 267; 80 Stat. 107), there was no requirement, except for carriers subject to the Interstate Commerce Act, for adherence to the time set for any time zone. Section 3 of the Uniform Time Act, however, specifically makes the times set by that act the standard time of the appropriate zones. Except for giving each State the right to exempt itself from advanced (daylight) time, the 1966 act states that all State and local laws providing for different advances in time or changeover dates are superseded.

Thus, on April 1, 1967, it became a requirement that activities covered by the Uniform Time Act adhere to the legal time set for each time zone. The Uniform Time Act provides for its ultimate enforcement by injunction.

The El Paso area had, for many years, informally observed mountain time despite having been placed by law in the central zone. Although the Department received a petition from the Governor of Texas and requests from civic and commercial activities in the area to place it in the mountain time zone, it could not act on those requests since the area had been placed in the central time zone by law (Act of Mar. 4, 1921; 15 U.S.C. 265).

On April 10, 1970, the President signed into law "an act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone" (Public Law 91-228). It provides:

That, notwithstanding the first section of the Act of March 4, 1921 (15 U.S.C. 265), the Secretary of Transportation may, upon the written request of the County Commissioners Court of El Paso County, Tex., change the boundary line between the central standard time zone and the mountain standard time zone, so as to place El Paso County in the mountain time zone, in the manner prescribed in section 1 of the Act of March 19, 1918, as amended (15 U.S.C. 261), and section 5 of the Act of April 13, 1966 (15 U.S.C. 266). In the same manner, the Secretary of Transportation may also place Hudspeth County, Tex., in the mountain standard time zone, if the Hudspeth County Commissioners Court so requests in writing and if El Paso County is to be placed in that time zone.

The Department has received written requests from the County Commissioners Courts of El Paso and Hudspeth Counties requesting that their respective counties be placed in the mountain time zone.

El Paso and Hudspeth Counties are located approximately 1,000 miles west of the 90th meridian, which is the prime meridian for solar time in the central zone. All of El Paso County and nearly all of Hudspeth County, are west of the 105th meridian, the prime meridian for solar time in the mountain zone. If they were placed in the mountain zone, they would observe a time more consonant with the position of the sun. In fact, El Paso, under mountain time, would be only 5 minutes off true sun time, whereas under central time it is off 1 hour and 5 minutes.

In consideration of the foregoing it is proposed to amend § 71.6(e) of Title 49 of the Code of Federal Regulations to read as follows:

§ 71.6 Boundary line between central and mountain zones.

* * * * *

(e) *Oklahoma-Texas-New Mexico.* From the intersections of the Kansas-Colorado boundary with the northern boundary of the State of Oklahoma westerly along the Colorado-Oklahoma

boundary to the northwest corner of the State of Oklahoma; thence southerly along the west boundary of the State of Oklahoma and the west boundary of the State of Texas to the southeast corner of the State of New Mexico; thence westerly along the Texas-New Mexico boundary to the east line of Hudspeth County, Tex.; thence southerly along the east line of Hudspeth County, Tex., to the boundary line between the United States and Mexico.

Interested persons are invited to present their oral or written comments on the proposal at a hearing to be held by a representative of the Department at 10 a.m. on April 24, 1970, in the 34th District Court Room, Fourth Floor, El Paso City-County Building, El Paso, Tex. Persons who are not able or do not wish to present their comments in person may submit them in writing to: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.

Communications received on or before May 1, 1970, will be considered before final action is taken on this proposal. In addition, all communications received before the date of this notice will be so considered and it will not be necessary for persons who have previously commented to comment again. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation has no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on April 14, 1970.

JAMES A. WASHINGTON, Jr.,
General Counsel.

[F.R. Doc. 70-4746; Filed, Apr. 16, 1970; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CEDRIC C. GARCIA, JR.

Notice of Granting of Relief

Notice is hereby given that Cedric C. Garcia, Jr., 1578 Sanchez Street, San Francisco, Calif. 94131, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 9, 1963, by the U.S. District Court at San Francisco, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Cedric C. Garcia, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Garcia to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Cedric C. Garcia, Jr.'s application and have found:

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

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

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

Signed at Washington, D.C. this 10th day of April 1970.

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

[F.R. Doc. 70-4712; Filed, Apr. 16, 1970; 8:48 a.m.]

VICTOR RICHARD MANGHISI

Notice of Granting of Relief

Notice is hereby given that Victor Richard Manghisi, Ozone Park, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 10, 1956, by the County Court for Queens County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Manghisi because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Manghisi to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Manghisi's application and:

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

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

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

Signed at Washington, D.C., this 10th day of April 1970.

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

[F.R. Doc. 70-4711; Filed, Apr. 16, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 12081]

MONTANA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

APRIL 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are located within the following described areas and are shown on maps on file in the Miles City District Office, Bureau of Land Management, Miles City, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

CUSTER COUNTY

T. 1 N., R. 45 E.
T. 2 N., R. 45 E.,
Secs. 1 through 4, inclusive;
Secs. 10 through 36, inclusive.
T. 3 N., R. 45 E.
T. 4 N., R. 45 E.,
Sec. 32.
T. 6 N., R. 45 E.,
Secs. 25 and 26.
T. 7 N., R. 45 E.,
Sec. 14, lot. 1.

T. 9 N., R. 45 E.,
Secs. 1 through 30, inclusive;
Sec. 34, E½;
Secs. 35 and 36.
T. 10 N., R. 45 E.,
Secs. 18 and 19;
Secs. 25 through 36, inclusive.
T. 1 N., R. 46 E.,
Secs. 4 through 6, inclusive;
Sec. 30.
T. 2 N., R. 46 E.
T. 3 N., R. 46 E.,
Secs. 18 through 36, inclusive.
T. 5 N., R. 46 E.,
Sec. 4;
Secs. 12 through 14, inclusive.
T. 6 N., R. 46 E.,
Sec. 8;
Secs. 17 through 36, inclusive.
T. 8 N., R. 46 E.,
Secs. 4 through 6, inclusive.
T. 9 N., R. 46 E.
T. 10 N., R. 46 E.
T. 11 N., R. 46 E.
T. 12 N., R. 46 E.,
Secs. 19 through 22, inclusive;
Secs. 27 through 32, inclusive.
T. 4 N., R. 47 E.,
Sec. 24.
T. 5 N., R. 47 E.,
Secs. 2 through 8, inclusive;
Sec. 18;
Secs. 28 through 32, inclusive.
T. 6 N., R. 47 E.,
Secs. 19 through 36, inclusive.
T. 8 N., R. 47 E.,
Sec. 2, lots 5, 6, and 7, SW¼, and NW¼ SE¼;
Sec. 6.
T. 10 N., R. 47 E.,
Secs. 1 through 30, inclusive.
T. 11 N., R. 47 E.,
Secs. 13 through 36, inclusive.
T. 12 N., R. 47 E.,
Secs. 1 and 2.
T. 4 N., R. 48 E.,
Secs. 1 and 2;
Sec. 8, S½N½ and S½;
Secs. 9 through 36, inclusive.
T. 5 N., R. 48 E.,
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34 through 36, inclusive.
T. 8 N., R. 48 E.,
Secs. 12 through 14, inclusive;
Secs. 22 through 24, inclusive;
Sec. 26, N½N½.
T. 9 N., R. 48 E.,
Sec. 10, lots 6 and 7;
Secs. 12 and 24.
T. 10 N., R. 48 E.,
Secs. 1 through 18, inclusive.
T. 11 N., R. 48 E.
T. 12 N., R. 48 E.
T. 2 N., R. 49 E.,
Secs. 1 and 2;
Secs. 13 and 14;
Secs. 22 through 24, inclusive.
T. 3 N., R. 49 E.,
Sec. 12.
T. 4 N., R. 49 E.
T. 5 N., R. 49 E.,
Secs. 20 through 36, inclusive.
T. 6 N., R. 49 E.,
Secs. 25 and 26.
T. 8 N., R. 49 E.,
Secs. 1 through 4, inclusive;
Secs. 7 through 20, inclusive.
T. 9 N., R. 49 E.
T. 10 N., R. 49 E.
T. 11 N., R. 49 E.,
Secs. 5 through 8, inclusive;
Secs. 17 through 20, inclusive;
Secs. 29 through 32, inclusive.
T. 1 N., R. 50 E.,
Secs. 1 and 2;
Secs. 10 through 12, inclusive.
T. 2 N., R. 50 E.
T. 3 N., R. 50 E.
T. 4 N., R. 50 E.
T. 5 N., R. 50 E.
T. 6 N., R. 50 E.,
Secs. 10 through 14, inclusive;
Secs. 22 through 36, inclusive.
T. 7 N., R. 50 E.,
Secs. 1, 2, 12, and 24.
T. 8 N., R. 50 E.,
Sec. 12.
T. 9 N., R. 50 E.
T. 10 N., R. 50 E.,
Secs. 29 through 32, inclusive.
T. 1 N., R. 51 E.,
Secs. 1 through 24, inclusive.
T. 2 N., R. 51 E.
T. 3 N., R. 51 E.
T. 4 N., R. 51 E.
T. 5 N., R. 51 E.
T. 6 N., R. 51 E.,
Secs. 1 through 5, inclusive;
Secs. 7 through 36, inclusive.
T. 7 N., R. 51 E.
T. 8 N., R. 51 E.
T. 9 N., R. 51 E.
T. 1 N., R. 52 E.,
Sec. 6.
T. 2 N., R. 52 E.
T. 3 N., R. 52 E.
T. 4 N., R. 52 E.
T. 5 N., R. 52 E.
T. 6 N., R. 52 E.
T. 7 N., R. 52 E.
T. 8 N., R. 52 E.
T. 9 N., R. 52 E.,
Secs. 13 through 36, inclusive.
T. 2 N., R. 53 E.,
Secs. 1 through 18, inclusive.
T. 3 N., R. 53 E.
T. 4 N., R. 53 E.
T. 5 N., R. 53 E.
T. 6 N., R. 53 E.
T. 7 N., R. 53 E.
T. 8 N., R. 53 E.
T. 9 N., R. 53 E.,
Secs. 13 through 36, inclusive.
T. 1 N., R. 54 E.
T. 2 N., R. 54 E.
T. 3 N., R. 54 E.
T. 4 N., R. 54 E.
T. 5 N., R. 54 E.
T. 6 N., R. 54 E.
T. 7 N., R. 54 E.
T. 8 N., R. 54 E.
T. 9 N., R. 54 E.
T. 9 N., R. 55 E.
T. 10 N., R. 55 E.,
Secs. 19 through 36, inclusive.

The areas described aggregate approximately 225,887 acres.

3. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Miles City, Mont. 59301.

4. A public hearing on the proposed classification will be held on May 27, 1970, at 2 p.m., in the Elks Building, Miles City, Mont.

EUGENE H. NEWELL,
Acting State Director.

[F.R. Doc. 70-4718; Filed, Apr. 16, 1970; 8:48 a.m.]

[Serial No. N-2384]

NEVADA

Notice of Public Sale

APRIL 10, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10 a.m., local time on Monday, May 25, 1970, at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Winnemucca, Nev. 89445. The land is described as follows:

MOUNT DIABLO MERIDIAN

T. 40 N., R. 33 E.,
Sec. 35, N½NW¼.

The area described contains 80 acres. The appraised value of the tract is $2,000, and the publication costs to be assessed are estimated at $12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are (1) and individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Winnemucca District Office, Bureau of Land Management, East Highway 40, Post Office Box 71, Winnemucca, Nev. 89445, prior to 4 p.m., on Friday, May 22, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale N-2384, May 25, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Monday, May 25, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 9 a.m., beginning June 3, 1970.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, East Highway 40, Post Office Box 71, Winnemucca, Nev. 89445.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-4744; Filed, Apr. 16, 1970; 8:50 a.m.]

WYOMING

Notice of Filing of Plat of Survey and Order Providing for Limited Opening of Public Lands

APRIL 9, 1970.

1. A plat of survey of the following described lands, accepted February 26, 1970, will be officially filed in the land office, Cheyenne, Wyo., at 10 a.m., on May 8, 1970:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 41 N., R. 117 W.,
Sec. 12, lots 4 to 7, inclusive,
Sec. 13, lots 8 to 19, inclusive;
Sec. 23, lots 5 to 9, inclusive;
Sec. 24, lots 7 to 14, inclusive;
Sec. 25, lot 2;
Sec. 26, lots 8 to 19, inclusive;
Sec. 34, lot 3;
Sec. 35, lots 7 to 18, inclusive.

The area described aggregates 1,747.98 acres.

2. The lands were omitted from previous surveys and are embraced within the meander lines of the Snake River located approximately 4 miles west of Jackson, Wyo. The area is mostly covered with cottonwood timber and willows, with sparse pine and undergrowth. Annual spring run-off accounts for flooding in the area which is controlled by levees constructed by the U.S. Corps of Engineers.

3. Subject to any existing valid rights and to the requirements of applicable law, the lands described in paragraph 1 above are hereby opened only to petition-applications, selections and applications and offers as follows:

a. Petition-applications for selection by the State of Wyoming and petition-applications for sale under the Recreation and Public Purposes Act of June 14, 1926, as amended, by qualified State and local governments, and applications and offers under the mineral leasing laws, may be filed with the Land Office Manager mentioned below, beginning on the date of this order. Such petition-applications, applications and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) All valid petition-applications, applications and offers set forth in this paragraph presented prior to 10 a.m. on May 8, 1970, will be considered as simultaneously filed at that hour. Rights under petition-applications, applications and offers filed after that hour will be governed by the time of filing.

4. The lands will not be subject to occupancy or disposition until they have been classified.

5. The above described lands will not be opened to the filing of any petition-application for disposal under the nonmineral public land laws except those referred to in paragraph 3a above.

6. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

ROBERT E. WILBER,
Acting State Director.

[F.R. Doc. 70-4719; Filed, Apr. 16, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

FLORIDA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00251-33-46040. Applicant: Florida State University, Tallahassee, Fla. 32306. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD. The Netherlands.

Intended use of article: The article will be used for both teaching and research purposes by biologists, chemists, geologists, and metallurgists. Several research programs are under study, such as a study of the electron microscopic structure of the brain centers of *Octopus vulgaris* and other cephalopods and a study of the ultrastructure of the olfactory and taste organs in vertebrates.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 11, 1970, that the better resolving power provided by the foreign article is pertinent to the applicant's research purposes. We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4679; Filed, Apr. 16, 1970; 8:45 a.m.]

NORTHEASTERN ILLINOIS STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00231-33-46040. Applicant: Northeastern Illinois State College, Bryn Mawr and St. Louis Avenues, Chicago, Ill. 60625. Article: Electron microscope, Model JEM-50B. Manufacturer: Japan Electron Optics Laboratory Co.

Intended use of article: The article will be used for teaching the following courses: Introduction to Electron Microscopy, Cytology, and Biology of Cells. In addition, it will be used as a research

instrument to screen grids before high resolution microscopy is performed.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is relatively simple, compact, and mobile nonscanning electron microscope with a single 50 kilovolt accelerating voltage, a resolution of 50 angstroms and magnifications of 2,000 diameters (X), 3,000X, and 4,000X. The applicant intends to use the foreign article in teaching and training in courses in electron microscopy and in cytology and biology of cells. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated February 10, 1970, that the foreign article is of simple design, portable and easy to use and that HEW knows of no comparable domestic instrument. The only domestic instrument, the Model EMU–4B electron microscope which was manufactured by the Radio Corp. of America (RCA), and is now available from Forgflo Corp. (Forgflo), is the only nonscanning electron microscope being manufactured in the United States. The Model EMU–4B is a highly sophisticated research electron microscope with four or five available accelerating voltages, a magnification range to 240,000X and a resolution of 5 angstroms. The Model EMU–4B requires a fixed installation and a circulating water system for cooling. In addition, preliminary training in electron microscope techniques is necessary to the effective operation of the Model EMU–4B.

For the foregoing reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4680; Filed, Apr. 16, 1970; 8:45 a.m.]

ST. LAWRENCE SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00236–16–61800. Applicant: St. Lawrence Central School, Brasher Falls, New York, N.Y. 13613. Article: Planetariums and auxiliary projectors, Eros model. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for instruction in the following subjects for the grade levels indicated:

Grades 1 through 3—Moon, Planets and Stars, Elementary Science, The Big Ocean, Water Cycles.
Grade 4—Earth, Moon and Space, Causes of Weather, Forecasting.
Grades 5 and 6—Earth and Space Navigation, Matter and Energy, Earthly Forces, The Solar System.
Grades 7 through 12—Weather, Earth-Space Relationship, Navigation, Astronomy, Practical Science, Physics I and II, Physical Science.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: We note that this application is a resubmission of Docket No. 69–00324–16–61800 which was denied without prejudice to resubmission on February 27, 1969, because the applicant did not establish that the most closely comparable domestic instrument (the Model A4 planetarium manufactured by Spitz Laboratories, Inc. (Spitz), was not of equivalent scientific value to the foreign article for the purposes described in the initial application. In support of this application, the applicant alleges that it requires the following specifications of the foreign article for its intended uses which are not matched by comparable domestic instruments: (1) Construction to withstand student use; (2) projection of over 750 significant stars in their characteristic colors; (3) capability of demonstrating the apparent motion of the sun, the planets and the moon plus its changing phases both automatically and manually at latitudes from the North Pole to 70° South; and (4) utilization of high intensity projection lamps. Section 602.1(e) of the above-cited regulations provides that the "determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign article with similar pertinent specifications of the most closely comparable domestic instrument." Section 602.1(b)(7) defines the term "pertinent specifications" so as to not include either mere conveniences which are not necessary for the accomplishment of the purposes for which the foreign article is intended to be used, or cost of maintenance and operation. Specification (1), therefore, is not a pertinent characteristic. In connection with specification (2), the Spitz A4 provides a star field of over 1,000 stars with corrected color temperature. In connection with specification (3), the Spitz A4 provides a planetary system gearing accuracy of less than 1' of error in 10 years, the correct motion of the sun, the planets and the moon at all latitudes from the North to the South Pole, and automatic or manual control of this planetary system as well as the changing phases of the moon. Finally, in connection with specification (4), the Spitz A4 provides a light source intensity of 100,000 candles per square centimeter. We are further advised by the National Bureau of Standards (NBS) in its memorandum dated December 10, 1969, that the domestic instrument cited above is of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4681; Filed, Apr. 16, 1970; 8:45 a.m.]

TEMPLE UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00230–33–46040. Applicant: Temple University Medical School, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron microscope, Model EM–101. Manufacturer: Siemens A.G., West Germany.

Intended Use of Article: The article will be used for research which includes the following projects:

1. The study of the cross-linkages in the filaments of the pigment synthesizing organelle of the melanocyte.

2. A study which involves the localization of isoproterenol to specific organelles in the cells of the salivary gland.

3. An investigation concerned with the identification of elemental copper in the enzyme tyrosinase.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5

angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstroms units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 10, 1970, that the applicant requires the highest available resolution for his research studies. The better resolving power of the foreign article is, therefore, pertinent. HEW further advises that the Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4682; Filed, Apr. 16, 1970; 8:45 a.m.]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00240–33–46040. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Electron microscope, Model EM–300 with anticontamination device. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article. The article will be used for various studies of fine structure of biological materials. The major experimental project is concerned primarily with the morphogenesis of several DNA-containing viruses. In particular, the finest structural details of the membranes of the viruses are being examined to determine differences in infectivity in the human and in the tissue culture host cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU–4B electron miscroscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 10, 1970, that the better resolving power provided by the foreign article is pertinent to the applicant's research purposes. We, therefore, find that the Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4683; Filed, Apr. 16, 1970; 8:45 a.m.]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00242–33–46040. Applicant: University of Missouri, Kansas City, 1011 East 51st Street, Kansas City, Mo. 64110. Article: Electron microscope, Model EM 300 and anticontamination device. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The article will be used for basic research concerning specific projects planned for the next several years. The projects include the following:

1. An electron microscopic study of the infection of cells by certain oncogenic viruses.
2. Studies on salivary glands following hormone treatment.
3. In conjunction with item 2 above, we intend to study enamel and dentin by electron and X-ray diffraction techniques for possible crystal structure differences from caries-susceptible rats versus mineral from control, caries resistant animals.
4. Enzyme structure studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 11, 1970, that the better resolving power provided by the foreign article is pertinent to the applicant's research purposes. We, therefore, find that the Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4684; Filed, Apr. 16, 1970; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00210-33-46040. Applicant: University of Pennsylvania, Department of Medicine, 220 Maloney Building, 3600 Spruce Street, Philadelphia, Pa. 19104. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article will be used in conjunction with the following projects now in progress:

(a) Study of the vasculature of the lung and other tissues under different disease processes and experimental situations.

(b) Studies of fine structure of myocardium in normal state and in disease.

(c) Ultrastructural identification and control of purity of cell fractions of normal and hypertrophic myocardium.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 6, 1970, that the better resolving power provided by the foreign article is pertinent to the applicant's research purposes. We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4685; Filed, Apr. 16, 1970; 8:46 a.m.]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00211-01-77030. Applicant: University of Rochester, River Campus Station, Rochester, N.Y. 14627. Article: Nuclear magnetic resonance spectrometer, Model JNM-4H-100. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used for fundamental research and for teaching graduate and undergraduate students. The basic purposes for which the article is intended are: (1) To measure the high resolution spectra of compounds containing ^1H and ^{19}F nuclei at a magnetic field of 23,490 gauss; (2) to measure widelines and semiwideline spectra at 23,490 gauss; (3) to measure the spectra of other nuclei at 23,490 gauss.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for measuring wideline and semiwideline spectra at a magnetic field of over 23 kG, of compounds of ^1H and ^{19}F nuclei, at high resolution. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 2, 1970, that this capability is pertinent to the purposes for which the foreign article is intended to be used. The most closely comparable domestic instrument is the Model XL-100-15 nuclear magnetic resonance spectrometer (NMR) which is manufactured by Varian Associates (Varian). The Varian Model XL-100-15 lacks the capability for providing the wideline and semiwideline spectra with the commensurately required high resolution.

We, therefore, find that the Varian Model XL-100-15 NMR is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4686; Filed, Apr. 16, 1970; 8:46 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00244-33-46040. Applicant: University of Virginia Department of Biology, Gilmer Hall, Charlottesville, Va. 22903. Article: Electron miscroscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily as a high resolution research instrument. Specific projects in which it will be used will concern high resolution studies on the mitotic apparatus and other systems involved in primitive motility. This requires work both with sections and with negatively stained material.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 11, 1970, that the better resolving power provided by the foreign article is pertinent to the applicant's research purposes. We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4687; Filed, Apr. 16, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BUCKMAN LABORATORIES, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0954) has been filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, proposing the establishment of a tolerance (21 CFR Part 120) of 0.1 part per million for negligible residues of the fungicide 2-(thiocyanomethylthio)benzothizole in or on the raw agricultural commodity cottonseed.

The analytical method proposed in the petition for determining residues of the fungicide is a procedure in which the fungicide is reacted with sodium polysulfied to liberate inorganic thiocyanate and the latter is determined colorimetrically by the method of R. B. Bruce, et al., Analytical Chemistry, vol. 27, pp. 1346–7 (1955).

Dated: April 8, 1970.

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

[F.R. Doc. 70-4739; Filed, Apr. 16, 1970; 8:50 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2527) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as a component of food-packaging adhesives.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4740; Filed, Apr. 16, 1970; 8:50 a.m.]

COMMITTEE TO CLARIFY STATUS OF AUTOMATIC PYRETHRIN DISPENSERS

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0H2515) has been filed by the Committee to Clarify Status of Automatic Pyrethrin Dispensers, 1625 K Street NW., Washington, D.C. 20002, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of automatic insecticide dispensers containing butoxypolypropylene glycol or pyrethrins in conjunction with piperonal bis[2-(2-butoxyethoxy)ethyl] acetal and/or *N*-octyl bicycloheptene dicarboximide and/or piperonyl butoxide in areas where food and beverages are prepared and served.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4741; Filed, Apr. 16, 1970; 8:50 a.m.]

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0957) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) in or on the raw agricultural commodities cantaloups, cucumbers, and snap beans at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a microcoulometric detector with a halogen titration cell. After extraction of the residue, the herbicide is converted to its methyl ester which is injected into the gas chromatograph.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4701; Filed, Apr. 16, 1970; 8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0949) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance (21 CFR Part 120) of 0.05 part per million for negligible residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio)methyl phosphorodithioate) in or on the raw agricultural commodity safflower seed.

The analytical method proposed in the petition for determining residues of the insecticide is a gas liquid chromatographic procedure using a cesium bromide thermionic detector.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4702; Filed, Apr. 16, 1970; 8:47 a.m.]

CALGON CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2526) has been filed by Calgon Corp., Box 1346, Pittsburgh, Pa. 15230, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of acrylamide/diethyldiallylammonium chloride/dimethyldiallylammonium chloride terpolymer, containing less than 0.2 percent residual acrylamide monomer, in the manufacture of paper and paperboard for food-contact use.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4703; Filed, Apr. 16, 1970; 8:47 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0956) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, and lettuce at 1.0 part per million and cotton seed and potatoes at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a thermionic detector.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4704; Filed, Apr. 16, 1970; 8:47 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0H2517) has been filed by The Dow Chemical Co., 2020 Abbott Road Center, Midland, Mich. 48640, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of 1-(3-chloroallyl)-3,5,7-triaza-1-azonia-adamantane chloride as a preservative for latex pigment binders in the manufacure of paper and paperboard in contact with aqueous and fatty foods.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4705; Filed, Apr. 16, 1970; 8:47 a.m.]

ECONOMICS LABORATORY, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102, has withdrawn its petition (FAP 0H2454), notice of which was published in the FEDERAL REGISTER of November 26, 1969 (34 F.R. 18870), proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of a solution containing triethanolamine octyl sulfate iodine complex and components generally recognized as safe as a sanitizing solution on food-processing equipment and utensils and on beverage containers.

Dated: April 10, 1970.

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

[F.R. Doc. 70-4706; Filed, Apr. 16, 1970; 8:47 a.m.]

MOBIL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0959) has been filed by Mobil Chemical Co., Post Office Box 631, Ashland, Va. 23005, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities bananas and pineapples at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with microcoulometric detection.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4707; Filed, Apr. 16, 1970; 8:47 a.m.]

RHODIA, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0948) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, N.J. 08903, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide phosalone in or on the raw agricultural commodities citrus fruits at 5 parts per million and brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, and walnuts at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with an electron-capture detector.

Dated: April 8, 1970.

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

[F.R. Doc. 70-4708; Filed, Apr. 16, 1970; 8:47 a.m.]

2-(4-CHLORO-6-ETHYLAMINO-*s*-TRIAZIN-2-YLAMINO)-2-METHYL PROPIONITRILE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

At the request of the Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, a temporary tolerance of 0.2 part per million is established for negligible residues of the herbicide 2-(4-chloro-6-ethylamino-*s*-triazin-2-ylamino)-2-methyl propionitrile in or on the raw agricultural commodities corn grain (including field corn and popcorn) and corn fodder and forage (including field corn and popcorn). The Commissioner of Food and Drugs has determined that this temporary tolerance is safe and will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Shell Chemical Co. name.

This temporary tolerance expires April 10, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 10, 1970.

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

[F.R. Doc. 70-4709; Filed, Apr. 16, 1970; 8:47 a.m.]

CIVIL SERVICE COMMISSION

NOTICE OF GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Department of Commerce

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Regional Economic Coordination, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-4730; Filed, Apr. 16, 1970; 8:49 a.m.]

NOTICE OF REVOCATION OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Department of Commerce

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Regional Economic Coordinator, Office of the Special Assistant for Regional Economic Coordination.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-4731; Filed, Apr. 16, 1970; 8:49 a.m.]

NOTICE OF GRANT OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Export-Import Bank of the United States

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of

Deputy General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-4735; Filed, Apr. 16, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1485 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 10, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 3, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1485	Atlantic Richfield Co.	320	[3] [4] 4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East and West Cameron Areas, Offshore Louisiana) (Federal).	$2,500	3-18-70	[3] 4-18-70	[4] 4-19-70	[9] 19.5	[10] 20.0	
	do	158	[4] [11] 38	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle and West Delta Areas, Offshore Louisiana) (Disputed Zone).	56,250	3-18-70	[12] 11-1-69	[4] 11-2-69	[13] 19.5	[4] [13] 20.0	RI70-340.[13]
	do	158	[4] [14] 39	do	3,000	3-18-70	[12] 11-1-69	[4] 11-2-69	[14] [15] 19.5	[4] [15] 20.0	
RI70-1486	Phillips Petroleum Co.	329	[16] 12	The Jupiter Corp.[16] (Rollover Block Field, Vermilion Area, Offshore Louisiana) (Disputed Zone).	7,300	3-19-70	[12] 11-1-69	[4] 11-2-69	18.5	[4] [15] 19.5	

[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Includes documents establishing newly discovered reservoirs which entitles respondent to higher ceiling rates in accordance with Opinion No. 567.
[6] Applies only to gas well gas sales from the newly discovered reservoirs.
[7] Pursuant to Opinion No. 546-A based on the determination in Opinion No. 567.
[8] Pressure base is 15.025 p.s.i.a.
[9] Conditioned initial rate issued in CI69-68. Rate reduction to 18 cents per Opinion No. 546 on file.
[10] The stated effective date is the effective date requested by respondent.
[11] Applicable to acreage added by Supplement No. 10 (Amendment dated Aug. 31, 1964).
[12] Pursuant to Opinion No. 546 based on the determination in Opinion No. 567.
[13] Rate reduction per Opinion No. 546 on file.
[14] Applicable to acreage added by Supplement No. 14 (Amendment dated June 1, 1966).
[15] Conditioned initial rate issued in G-10143. Rate reduction per Opinion No. 546 on file.
[16] Jupiter resells gas to Tennessee Gas Pipeline Co.
[17] Includes well completion report and affidavit of the Operator (Phillips) establishing a discovery date of June 17, 1961, for well No. 2-D in the 6,700' sand. Also includes letter from Jupiter to Phillips whereby Jupiter states that a well was completed on June 17, 1961.

Atlantic Richfield Co.'s (Atlantic) proposed rate increase, from 19.5 cents to 20 cents per Mcf (Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 320) was submitted pursuant to Opinion No. 546-A based on the determination in Opinion No. 567. Opinion No. 546-A lifted the moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price and permitted such producers to file for contractually authorized increases up to the 20-cent area base rate established in Opinion No. 546 for onshore gas. The increase proposed herein is from an initial rate under a temporary certificate containing a condition (2) provision prohibiting changes in such initial rate. We believe that it would be in the public interest that condition (2) be waived and Atlantic's proposed rate increase be suspended for 1 day from April 18, 1970, the expiration date of the statutory notice. Thereafter, the proposed rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

Supplements Nos. 38 and 39 to Atlantic's FPC Gas Rate Schedule No. 158 involve gas well gas produced from newly discovered reservoirs in the disputed zone, offshore Louisiana. The 20-cent rate proposed is equal to the area base rate established in Opinion No. 546 for third vintage gas well gas produced from within the State's taxing jurisdiction but exceeds the 18.5-cent rate for gas well gas produced in the Federal domain. Consistent with prior Commission action on similar increases, we conclude that Atlantic's proposed increases should be suspended for 1 day from November 1, 1969, the proposed effective date, and thereafter Atlantic should be permitted to collect the increased rates subject to refund of those amounts attributable to the 1.5-cent difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal domain.

Phillips Petroleum Co.'s (Phillips), proposed increase to The Jupiter Corp. (Jupiter) also involves a sale in the disputed zone,

offshore Louisiana, from the Rollover Block 39 Field. The rate presently being collected by Phillips for this gas was determined in Opinion No. 470 to be 18.5 cents per Mcf.[18] Phillips submitted documents pursuant to Opinion No. 567, which indicates that part of the gas is being produced from reservoirs discovered on June 17, 1961, and therefore, such gas is entitled to a second vintage gas well gas price. A letter from Jupiter to Phillips was also filed wherein Jupiter, although unable to verify the discovery date for the subject reservoir because of inadequate data, stated that a well was completed in that sand during the year 1961. Phillips' proposed increase to 19.5 cents for the gas well gas involved here is equal to the area rate established in Opinion No. 546 for second vintage gas well gas produced within the State taxing jurisdiction but exceeds the 18-cent rate established for second vintage gas well gas produced in the Federal domain. The Commission has previously allowed the onshore rate to apply to gas sales in the disputed zone pending the resolution of the jurisdictional question, but these amounts are subject to refund to the extent that certain of the production is finally held to have been from the Federal domain. Consistent with prior Commission action on similar increases, we conclude that Phillips' proposed increase should be suspended for 1 day from November 1, 1969, and thereafter Phillips should be permitted to collect the increased rate subject to refund of those amounts attributable to the 1.5-cent difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal domain.

Jupiter transports Phillips' gas onshore and resells such gas to Tennessee Gas Pipeline Co. By order issued December 13, 1968, in the Jupiter Corp. et al., Docket No. RI63-212 et al., 40 FPC 1455, the Commission in ordering paragraph (A) thereof directed Tennessee to pay directly to Phillips the 18.5-cent price it was entitled to under Opinion No. 470. Consistent therewith, after Phillips has filed the refund assurance required by this order, Tennessee shall pay directly to Phillips, on account of Jupiter, the higher 19.5-cent rate suspended herein effective as of November 2, 1969. In addition, since Tennessee is paying Phillips directly for this gas, Tennessee should submit a statement in accordance with Opinion No. 567 (§ 2.56(f)(2) of the Commission's rules of practice and procedure) that the gas qualifies for the price sought or why the buyer believes it does not.

[18] As of Oct. 1, 1968, Phillips has a refund obligation down to 17 cents if the gas is finally held to have been produced in the Federal domain (first vintage offshore price).

[F.R. Doc. 70-4671; Filed, Apr. 16, 1970; 8:45 a.m.]

[Docket No. RI70-1476 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 8, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 26, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1476	Continental Oil Co.	108	5	Mountain Fuel Supply Co. (Salt Wells and Potter Mountain Units, Sweetwater County, Wyo.).	$159	3-13-70	[3] 3-13-70	[4] 3-14-70	14.0	[5] [6] 14.14	RI60-88.
	do	286	3	Montana-Dakota Utilities Co. (Wind River Basin Area, Fremont County, Wyo.).	12	3-13-70	[3] 3-13-70	[4] 3-14-70	15.384	[5] [6] 15.5386	
	do	290	[7] 2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Mont.).	1,041	3-13-70	[3] 3-13-70	[4] 3-14-70	13.0	[5] [6] 13.1307	
	do	208	3	Montana-Dakota Utilities Co. (Alkali Creek Field, Fremont County, Wyo.).	4,220	3-13-70	[3] 3-13-70	[4] 3-14-70	15.384	[5] [6] 15.5386	
RI70-1477	Continental Oil Co. (Operator) et al.	156	4	Montana-Dakota Utilities Co. (South Elk Basin Field, Park County, Wyo.).	314	3-13-70	[3] 3-13-70	[4] 3-14-70	13.0	[5] [6] 13.13	
	do	157	3	do	351	3-13-70	[3] 3-13-70	[4] 3-14-70	13.0	[5] [6] 13.13	
	do	200	4	do	4,963	3-13-70	[3] 3-13-70	[4] 3-14-70	13.0	[5] [6] 13.1307	
RI70-1478	Allerton Miller	[8] 4	[8] 2	Equitable Gas Co. (Meade District, Upshur County, W. Va.).		3-17-70	[10] 4-17-70	[4] 4-18-70	[11] 25.0962	[11] [12] [13] [14] 27.1038	
	do	[8] 6	[8] 4	Equitable Gas Co. (Warren District, Upshur County, W. Va.).		3-17-70	[10] 4-17-70	[4] 4-18-70	[11] 25.0962	[11] [12] [13] [14] 27.1038	

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1479..	Cities Service Oil Co.	[4] 268	[11] 1	Consolidated Gas Supply Corp. (Newburg Zone, Ripley District, Jackson County, W. Va.).	$1,340	3-19-70	[11] 4-19-70	[4] 4-20-70	27.0	[11] [12] 28.0	
RI70-1480..	Gulf Oil Corp.....	138	[17] 1-6	West Texas Gathering Co. (Kermit South Ellenburger Field, Winkler County, Tex.) (R.R. District No. 8).	126	3-12-70	[3] 3-12-70	[3] 3-13-70	[9] 17.64	[9] [11] 17.71	
RI70-1481..	Bobby M. Burns, 400 First National Bldg., Wichita Falls, Tex. 76301.	1	2	Northern Natural Gas Co. (Farnsworth Field, Ochiltree County, Tex.) (R.R. District No. 10).	65	3-23-70	[3] 3-23-70	[4] 3-24-70	[20] 15.5	[11] [20] 15.558125	
RI70-1482..	Danoil, Inc. (Operator) et al., First National Bank Bldg., Fort Worth, Tex. 76102.	1	11	United Gas Pipe Line Co. (Egan Field, Refugio County, Tex.) (R.R. District No. 2).	180	3-20-70	[3] 3-20-70	[4] 3-21-70	14.0	[11] 14.035	

[3] The stated effective date is the date of filing pursuant to the Commission's Order No. 390.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] For Wyoming sales only.
[8] Includes letter from buyer dated Mar. 11, 1970, providing for increased rate.
[9] Contract dated after Sept. 28, 1960, date of issuance of general policy statement No. 61-1 and proposed rate does not exceed area initial rate ceiling.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Renegotiated rate increase.
[12] Pressure base is 15.325 p.s.i.a.
[13] Converted from contract rates of 25 cents and 27 cents per Mcf, respectively, at 62° F.
[14] Applicable to gas from new wells or old wells, drilled deeper, cleaned out and/or hydra fractured.
[15] The stated effective date is the effective date requested by respondent.
[16] Includes letter from buyer dated Jan. 20, 1970, providing for increased rate.
[17] Applicable to acreage added by Supplement No. 6.
[18] Pressure base is 14.65 p.s.i.a.
[19] Includes 1.25-cent upward B.t.u. adjustment and 0.11-cent treating charge deducted by buyer.
[20] Subject to a downward B.t.u. adjustment.

Continental Oil Co. and Continental Oil Co. (Operator) et al. (both referred to herein as Continental), proposed rate increases reflect partial reimbursement for the Wyoming severance tax. Continental has filed for double the amount of the contractually due tax reimbursement to provide for partial reimbursement of taxes applicable to both past production, back to January 1, 1968, and future production. Since Continental's proposed rate filings reflect tax reimbursement we conclude that they should be suspended for 1 day from the date of filing, March 13, 1970, with waiver of notice granted.

After the amount of tax reimbursement applicable to past production has been recovered, Continental shall file an appropriate rate decrease under its FPC Gas Rate Schedules to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. Continental will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

The contracts related to the proposed rate increases filed by Allerton Miller (Miller) and Cities Service Oil Co. (Cities) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Miller and Cities' proposed rate filings should be suspended for 1 day from April 17, 1970 (Miller), the expiration date of the statutory notice, and April 19, 1970 (Cities), the proposed effective date.

Bobby M. Burns (Burns) proposes a tax increase from a present effective rate, not subject to refund, reflecting the increase from 7 percent to 7.5 percent in the Texas production tax and concurrently therewith proposes a periodic increase in base rate. Burns requests that each of the proposed rates be made effective as of the date of filing. In support of such request, Burns states that the contract provided for 1 cent periodic escalations in price as of September 17, 1961, and September 17, 1966, and because of "oversight and inadvertence" he failed to make timely filings for such increases and has not heretofore received the increased rates contractually due him. In this situation, we conclude that the proposed tax increase should be suspended for 1 day from the date of filing pursuant to Commission Order No. 390, and the proposed periodic increase should be suspended for 5 months from April 23, 1970, the expiration date of the statutory notice. Burns' proposed periodic increase will be suspended in a separate order.

The proposed rate increases of Gulf Oil Corp. (Gulf), and Danoil, Inc. (Operator), et al. (Danoil), reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. Gulf and Danoil's proposed rates exceed the applicable area ceiling rate for the areas involved as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390 issued October 10, 1969, since the filings involved were made after October 31, 1969.

Allerton Miller requests effective dates of March 11, and April 13, 1970, for his proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Miller's rate filings and such request is denied.

[F.R. Doc. 70-4649; Filed, Apr. 16, 1970; 8:45 a.m.]

[Docket No. RI70-1471, etc.]

McCULLOCH OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 8, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 26, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets nos.
RI70-1471..	McCulloch Oil Corp. et al.	3	[1] 2	Transwestern Pipeline Co. (Crawar Field (Tubb Formation) Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	$241	[2] 3-10-70	[3] 4-10-70	9-10-70	17.29	[4] [5] 18.079	
RI70-1472..	Skelly Oil Co.....	238	2	Natural Gas Pipeline Co. of America (Mexico Field "P" Lease, Lea County, N. Mex.) (Permian Basin Area).	4,170	[2] 3-12-70	[3] 4-12-70	9-12-70	16.586	[6] 17.5	
RI70-1473..	B. M. Britain et al., Post Office Box 189, Amarillo, Tex. 79105.	2	[6] 3	Colorado Interstate Gas Co. (West Panhandle Field, Moore and Potter Counties, Tex.) (RR. District No. 10).	.....	3-11-70	[3] 4-11-70	Accepted	.....	.....	
		2	4		4,457	3-11-70	[3] 5- 1-70	10- 1-70	[7] 12.0	[5] [8] 14.0	
RI70-1474..	Getty Oil Co.....	22	11	Natural Gas Pipeline Co. of America (Old Ocean, Matagorda, et al. Fields, Brazoria County, Tex.) (RR. District No. 3).	40,456	3-12-70	[3] 4-12-70	9-12-70	14.034	[5] 16.37588	RI67-184.
RI70-1475..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	265	8	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	2,920	3- 9-70	[3] 4- 9-70	9- 9-70	15.03625	[5] 18.06750	RI70-490.

[1] Applicable to new gas well gas only.
[2] Corrected by filing of Mar. 23, 1970.
[3] The stated effective date is the effective date requested by respondent.
[4] Periodic rate increase.
[5] Pressure base if 14.65 p.s.i.a.
[6] Increase up to contract rate.
[7] Amendment dated Feb. 27, 1969, which provides for increased rate.
[8] The stated effective date is the first day after expiration of the statutory notice period.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Renegotiated rate increase.

Concurrently with the filing of their rate increase, B. M. Britain et al. (Britain), submitted a contract amendment dated February 27, 1969, designated as Supplement No. 3 to Britain's FPC Gas Rate Schedule No. 2, which provides for their proposed rate increase. We believe that it would be in the public interest to accept for filing Britain's contract amendment to become effective as of April 11, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended herein for 5 months from May 1, 1970, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-4650; Filed, Apr. 16, 1970; 8:45 a.m.]

[Docket No. RI64-350]

SOHIO PETROLEUM CO. ET AL.

Order Accepting Contract Amendment, and Accepting Related Decreased Rate Filing Subject to Refund in Existing Rate Suspension Proceeding

APRIL 8, 1970.

On March 9, 1970, Sohio Petroleum Co. (Operator) et al. (Sohio), filed an agreement dated November 14, 1969, and a related notice of change in rate under its FPC Gas Rate Schedule No. 134, proposing a renegotiated rate decrease for gas sold to Tennessee Gas Pipeline Co., a division of Tenneco Inc. (TGPC), from the Heyser Field, Calhoun County, Tex. (RR. District No. 2). The proposed decrease, amounting to $12,920 annually, is from an 18 cents per Mcf rate being collected subject to refund in Docket No. RI64-350 since June 1, 1964, to 17.8 cents per Mcf. The last effective date not subject to refund under the subject rate schedule is 14 cents per Mcf. Sohio requests a retroactive effective date of April 5, 1969, for the proposed decrease. The proposed rate filings are set forth on Appendix A hereof.

The presently effective rate of 18 cents (subject to a 0.21931 cent systemwide dehydration charge deducted by TGPC for delivery of nondehydrated gas) was determined pursuant to the provisions of the basic contract dated March 7, 1949, on file as Sohio's FPC Gas Rate Schedule No. 134. The price was applicable for the period beginning January 1, 1964, and was to continue for the remaining term of such contract which was to expire on April 5, 1969. Since both buyer and seller were desirous to continue the subject sales after the April 5, 1969, expiration date, the November 14, 1969, amendment was entered into which, among other things, extended the term of the basic contract for 10 years, to April 5, 1979, substituted a new pricing provision which provided for the 17.8 cent price proposed herein for the 5-year period commencing April 5, 1969, 18.8 cents thereafter, or any higher just and reasonable area rate, and three-quarter reimbursement of future taxes. The amendment does not provide for any dehydration charge for the delivery of nondehydrated gas. In addition, the amendment provided for a depth limitation to the presently dedicated acreage (insofar as such acreage covers and includes all productive gas reserves down to and including the 5,500-foot-B Frio Sand) where previously no depth limitation existed and extended the makeup period for gas paid for but not taken from 1 year to 5 years. Sohio did not file a petition to amend their certificate to reflect the above acreage deletion and absent such certificate amendment, all gas produced from the acreage originally dedicated to the basic contract is still subject to the provisions of such contract. We believe that it would be in the public interest that Sohio's proposed amendment be accepted for filing insofar as it pertains to producing formations down to and including the 5,500-foot-B Frio Sand, effective as of April 5, 1969.

Since the proposed 17.8 cents per Mcf rate still exceeds both the area increased rate ceiling and the underlying effective rate in Docket No. RI64-350, the proposed decreased rate should be accepted for filing, insofar as it pertains to producing formations down to and including the 5500-foot-B Frio Sand, effective as of April 5, 1969, the proposed effective date, subject to refund in the existing rate suspension proceeding in Docket No. RI64-350.

Acceptance of the proposed rate decrease by Sohio in Docket No. RI64-350 also entails a refund of the amount of monies collected subject to refund, plus applicable interest, in excess of the renegotiated decreased rate. Such refunds will approximate $10,000, exclusive of interest. TGPC is required to flow-through such refund monies to its jurisdictional customers.

The Commission finds: Good cause exists for accepting for filing Sohio's proposed rate decrease, designated as Supplement No. 11 to Sohio's FPC Gas Rate Schedule No. 134, to become effective as of April 5, 1969, the proposed effective date, subject to refund in the existing rate suspension proceeding in Docket No. RI64-350; and to accept for filing Sohio's contract amendment, designated as Supplement No. 10 to Sohio's FPC Gas Rate Schedule No. 134, to become effective as of April 5, 1969, the requested effective date.

The Commission orders:

(A) The proposed decreased rate of 17.8 cents per Mcf contained in Supplement No. 11 to Sohio's FPC Gas Rate Schedule No. 134 is accepted for filing and permitted to become effective as of April 5, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI64-350.

(B) Sohio's contract amendment dated November 14, 1969, designated as Supplement No. 10 to Sohio's FPC Gas Rate Schedule No. 134, is accepted for filing and permitted to become effective as of April 5, 1969, the proposed effective date.

(C) Sohio shall compute the difference between the rate collected subject to refund, and the decreased rate of 17.8

cents per Mcf for sales of natural gas to TGPC in Docket No. RI64–350 on and after April 5, 1969, with applicable interest to the date of this order, and shall report to the Commission, with a copy to TGPC, within 30 days from the date of this order, the amount of such refund (showing separately the principal and applicable interest) the period covered, and the basis used for such determination, and 10 days thereafter shall file a letter from TGPC agreeing to the correctness of such amounts, and shall, within 10 days from the filing of the TGPC letter, refund such monies to TGPC and file a release with the Commission from TGPC for payment of the same.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI64-350...	Sohio Petroleum Co. (Operator) et al., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	134	[1] 10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Calhoun County, Tex.) (R.R. District No. 2).	.....	3-9-70	[2] 4-5-69	Accepted	.....	.....	
		134	11		$12,920	3-9-70	[2] 4-5-69	Accepted	18.0	[3] [4] 17.8	RI64-336.

[1] Amendment dated Nov. 14, 1969, providing for a renegotiated rate of 17.8 cents effective Apr. 5, 1969. Extends the term of the contract until Apr. 5, 1971. Also provides for three-fourths tax reimbursement for future taxes and the right to file for any higher just and reasonable area rate.

[2] Footnote 2 not used.
[3] The stated effective date is the effective date proposed by respondent.
[4] Renegotiated rate decrease.
[5] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 70–4652; Filed, Apr. 16, 1970; 8:45 a.m.]

[Docket No. RI70–1483 etc.]

SOUTHERN PETROLEUM EXPLORATION, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 9, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules [2] for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 28, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplement" or "rate schedule" appear in this order, they refer to the notices of change in rate filed by the producers herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1483..	Southern Petroleum Exploration, Inc.	(3) [4]	.....	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	$602	3-13-70	[5] 4-13-70	9-13-70	16.608	[6] [7] 17.646	
RI70-1484..	Chambers & Kennedy	(7) [8]	.....	El Paso Natural Gas Co. (Toro Field, Reeves County, Tex.) (R.R. District No. 8) (Permian Basin Area).	6,675	3-23-70	[9] 4-23-70	9-23-70	16.5	[6] [7] 17.5636	

[3] No rate schedule on file—pertains to contract dated Sept. 10, 1964.
[4] Respondent issued a small producer certificate in Docket No. CS66-57.
[5] The stated effective date is the effective date requested by respondent.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] No rate schedule on file—pertains to contract dated Jan. 5, 1967.
[9] Respondent issued a small producer certificate in Docket No. CS67-41.
[10] The stated effective date is the first day after expiration of the statutory notice period.

Chambers & Kennedy request waiver of the statutory notice period to permit an effective date of March 23, 1970, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Chambers & Kennedy's rate filing and such request is denied.

The proposed rate increases, filed by holders of small producer certificates, are for sales in the Permian Basin Area. The proposed increases exceed the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales made under small producer certificates and should be suspended for five months from April 13, 1970 (Southern), and April 23, 1970 (Chambers & Kennedy).

[F.R. Doc. 70–4672; Filed, Apr. 16, 1970; 8:45 a.m.]

[Dockets Nos. R170-1466 etc.]

TEXAS AMERICAN OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 8, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules [2] for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 26, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplement" or "rate schedule" appear in this order, they refer to the notices of change in rate filed by the small producers herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1466	Texas American Oil Corp.	(14)	.....	Northern Natural Gas Co. (Ozona Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	$430	3- 9-70	[3] 4- 9-70	9- 9-70	16.5	[4] [5] 17.06375	
.....do		(14)	.....	.....do	132	3- 9-70	[3] 4- 9-70	9- 9-70	16.5	[4] [5] 17.06375	
RI70-1467	Husky Oil Co. of Delaware (Operator) et al.	(7)	.....	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	4,815	3- 9-70	[3] 4- 9-70	9- 9-70	14.4457	[4] [6] 18.7259	
RI70-1468	Aztec Gas Systems, Inc. (Operator) et al.	(10)	.....	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	4,763	3-12-70	[3] 4-12-70	9-12-70	[7] 14.5	[4] [8] 17.9023	
RI70-1469	W. K. Bryom	(12)	.....	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	822	3- 9-70	[3] 4- 9-70	9- 9-70	[9] 16.0533	[4] [8] 17.4453	
.....do		(13)	.....	.....do	877	3- 9-70	[3] 4- 9-70	9- 9-70	[9] 16.0533	[4] [8] 17.4453	
RI70-1470	Sunset International Petroleum Corp.	(11)	.....	El Paso Natural Gas Co. (Block 9 Field, Andrews County, Tex.) (Permian Basin Area).	320	3- 9-70	[3] 4- 9-70	9- 9-70	14.5	[4] [10] 16.276	

[3] No rate schedule on file. Respondent issued small producer certificate in Docket No. CS67-30.

[4] The stated effective date is the first day after expiration of the statutory notice.

[5] Increase to contract rate. Relates to contract dated Sept. 11, 1964. (Henderson Lease).

[6] Pressure base is 14.65 p.s.i.a.

[7] Increase to contract rate. Relates to contract dated Sept. 11, 1964 (Helbing & Helbing B Lessee).

[8] No rate schedule on file. Respondent issued small producer certificate in Docket No. CS66-33.

[9] Increase to contract rate. Relates to contract dated Apr. 22, 1949.

[10] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

[11] No rate schedule on file. Respondent issued small producer certificate in Docket No. CS70-20.

[12] Increase to contract rate. Relates to contract dated July 11, 1949.

[13] No rate schedule on file—pertains to contract dated Sept. 15, 1961.

[14] Includes 0.4467-cent per Mcf deduction by buyer for compression.

[15] No rate schedule on file—pertains to contract dated Nov. 27, 1963.

[16] No rate schedule on file—pertains to contract dated Mar. 4, 1970.

[17] Periodic rate increase.

Texas American Oil Corp. requests waiver of the statutory notice period to permit an effective date of March 9, 1970, for its proposed rate increases. Husky Oil Company of Delaware (Operator) et al., request an effective date of April 6, 1970, for their proposed rate increase. W. K. Bryom requests an effective date of April 4, 1970, for his rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increases, filed by holders of small producer certificates, are for sales in the Permian Basin Area. The proposed increases exceed the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales made under small producer certificates and should be suspended for five months from the date shown in the "Effective Date" column of Appendix A hereof.

Four of the proposed rate filings herein reflect partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearings provided for herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

[F.R. Doc. 70-4653; Filed, Apr. 16, 1970; 8:45 a.m.]

[Docket No. CP70-234]

HOME GAS CO.

Notice of Application

APRIL 7, 1970.

Take notice that on March 30, 1970, Home Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP70-234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an additional point of delivery to one of its wholesale customers, New York State Electric and Gas Corp. (NYSEG), in the town of Spencer, Tioga County, N.Y. Applicant states that the

new point of delivery has been requested by NYSEG in order to serve the distribution network which NYSEG is planning to construct in and around Spencer-Van Etten, N.Y.

The total estimated cost of the proposed facilities is $4,300, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4721; Filed, Apr. 16, 1970; 8:48 a.m.]

[Docket No. RI70-1303, etc.]

TEXACO, INC. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

APRIL 3, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued March 4, 1970 and published in the FEDERAL REGISTER March 13, 1970, 35 F.R. 4532, APPENDIX "A", Docket No. RI70-1313, Phillips Petroleum Co., under column headed "Date Suspended Until" (opposite Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 361) change "8-6-79" to read "8-6-70".

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-4722; Filed, Apr. 16, 1970; 8:48 a.m.]

[Docket No. RI70-1465]

CABOT CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 7, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 30, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1465..	Cabot Corp., Post Office Box 1101, Pampa, Tex. 77063, Attention: William C. Charlton, Esq.	94	3	United Gas Pipe Line Co. (Block 773, Mustang Island Area, Offshore Nueces County, Tex.) (RR. District No. 4).	$3,000	3-17-69	(2)	(3)	[4] 16.0	[4] [5] 17.0	

[2] The stated effective date is the date of issuance of the permanent certificate in Docket No. CI68-498.
[3] The proposed rate increase is suspended for 5 months from the date of issuance of permanent certificate.
[4] Increase to contract rate.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.

Cabot Corp.'s (Cabot) proposed rate increase, from 16 cents to the contractually authorized rate of 17 cents per Mcf, exceeds the applicable area ceiling for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 5 months from the date of issuance of Cabot's permanent certificate in Docket No. CI68-498 as ordered herein.

[F.R. Doc. 70-4723; Filed, Apr. 16, 1970; 8:49 a.m.]

[Docket No. CS70-32 etc.]

FIVE RESOURCES, INC., ET AL.

Findings and Order

APRIL 7, 1970.

Findings and order after statutory hearing issuing small producer certificate of public convenience and necessity, amending orders issuing certificate, making successor co-respondent, redesignating proceeding, and requiring filing of agreement and undertaking.

On January 12, 1970, Five Resources, Inc., filed in Docket No. CS70-32 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing sales of natural gas in interstate commerce from areas for which just and reasonable rates have been established; and on February 2, 1970, Ormand Industries, Inc. (formerly Ryan Consolidated Petroleum Corp.) filed in Docket No. CS66-137 a petition to amend the order issuing a small producer certificate in said docket to reflect the change in name, all as more fully set forth in the application and petition to amend in this proceeding.

Applicant in Docket No. CS70-32 proposes to continue in part the sales of natural gas heretofore authorized in Dockets Nos. CI61-1491 and G-16254 pursuant to Shell Oil Company FPC Gas Rate Schedules Nos. 251 and 33, respectively. The presently effective rates under said rate schedules are in effect subject to refund in Docket No. RI69-641 with respect to Shell's FPC Gas Rate Schedule No. 33 and in Docket No. RI69-710 with respect to Shell's FPC Gas Rate Schedule No. 251. Therefore, applicant will be made a co-respondent in said proceedings; the proceedings will be redesignated accordingly; and applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. The certificates of public convenience and necessity issued to Shell Oil Co. in Dockets Nos. CI61-1491 and G-16254 will be amended by deleting therefrom authorization to sell natural gas from the acreage assigned to Five Resources, Inc.

The Commission's staff has reviewed the application and petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

Due notice of the application filed in Docket No. CS70-32 was given by publication in the FEDERAL REGISTER on February 17, 1970 (35 F.R. 3092). No petition to intervene, notice of intervention, nor protest to the granting of the application has been received.

At a hearing held on April 3, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and petition to amend, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Five Resources, Inc., will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and will be a "natural-gas company" upon commencement of service authorized herein.

(2) The sale of natural gas hereinbefore described, and as more fully described in the application in Docket No. CS70-32, will be made in interstate commerce subject to the jurisdiction of the Commission and such sales by applicant will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Five Resources, Inc., is able and willing properly to do the acts and perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Five Resources, Inc., is an independent producer of natural gas who is not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with the sales of affiliated producers, were not in excess of 10,000,000 Mcf of natural gas at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Five Resources, Inc., together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates in Dockets Nos. CS66-137, G-16254, and CI61-1491 should be amended as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that applicant in Docket No. CS70-32 should be made a co-respondent in the proceedings pending in Dockets Nos. RI69-710 and RI69-641, that said proceedings should be redesignated accordingly, and that applicant should be required to file agreements and undertakings.

The Commission orders:

(A) A small producer certificate of public convenience and necessity is issued in Docket No. CS70-32 upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Five Resources, Inc., from areas for which just and reasonable rates have been established, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and more fully described in the application in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as applicant continues the acts or operations thereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly:

(1) The subject certificate shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, and

(2) Applicant shall file annual statements pursuant to § 157.104 of the regulations.

(C) The certificate granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because applicant no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination, applicant will be required to file a separate application and an individual rate scheduled for future sales. To the extent compliance with the terms of this order is observed, the small producer certificate will still be effective as to those sales already included thereunder.

(D) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act nor Part 157 of the regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicant. Further, our action in this proceeding shall not foreclose any future proceeding or objection relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificate aforesaid for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificate.

(E) The order issuing a certificate in Docket No. CS66-137 is amended by changing the name of the certificate holder from Ryan Consolidated Petroleum Corp. to Ormand Industries, Inc.; and in all other respects said order shall remain in full force and effect.

(F) Fire Resources, Inc., is made a co-respondent in the proceedings pending in Dockets Nos. RI69-641 and RI69-710 and said proceedings are redesignated accordingly. Five Resources, Inc., shall charge and collect the rates of 13.83 cents per Mcf for sales from May 1, 1969, through September 9, 1969, and 16.0218 cents per Mcf, subject to refund in Docket No. RI69-641, for sales from September 10, 1969, from acreage heretofore dedicated to Shell Oil Co. FPC Gas Rate Schedule No. 33; the rates of 15.98 cents per Mcf from May 1, 1969, through September 16, 1969, and 18.0224 cents per

Mcf, subject to refund in Docket No. RI69–710, from September 17, 1969, for sales of gas produced from the Devonian formation in School District No. 19 from acreage heretofore dedicated to Shell Oil Co. FPC Gas Rate Schedule No. 251; the rates of 15.94 cents per Mcf from May 1, 1969, through September 16, 1969, and 18.0224 cents per Mcf, subject to refund in Docket No. RI69–710, from September 17, 1969, for sales of gas produced from the Devonian formation in School District No. 8 from acreage heretofore dedicated to Shell Oil Co. FPC Gas Rate Schedule No. 251; and the rates of 16.49 cents per Mcf from May 1, 1969, through September 16, 1969, and 18.5724 cents per Mcf, subject to refund in Docket No. RI69–710, from September 17, 1969, for gas produced from the Pennsylvanian formation from acreage heretofore dedicated to Shell Oil Co. FPC Gas Rate Schedule No. 251.[1] Five Resources, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(G) Within 30 days from the date of this order, Five Resources, Inc., shall excute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI69–641 and RI69–710 to assure the refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(H) The orders issuing certificates in Dockets Nos. G–16254 and CI61–1491 are amended by deleting therefrom authorization to sell natural gas from the acreage assigned to Five Resources, Inc.; and in all other respects said orders shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent: ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ------ day of ------ ------ 19--.

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 70–4724; Filed, Apr. 16, 1970; 8:49 a.m.]

[1] Rates are stated for gas measured at a pressure base of 14.65 p.s.i.a. Changes in rate under Shell Oil Co. FPC Gas Rate Schedule Nos. 33 and 251 were made effective subject to refund in Dockets Nos. RI69–641 and RI69–710, respectively, as of Sept. 10, 1969, and Sept. 17, 1969, respectively.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry or Withdrawal From Warehouse for Consumption

APRIL 14, 1970.

On March 26, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning March 27, 1970, and extending through March 26, 1971, the restraints on imports to the United States of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the levels of restraint for this 12-month period are 5 percent greater than the original levels of restraint applicable to these categories for the preceding 12-month period. The U.S. Government also informed the Government of Brazil that, at the request of the Government of Brazil, it was adjusting the levels of restraint applicable to cotton textiles and cotton textile products in Categories 31 and 64 produced or manufactured in Brazil and exported to the United States during the preceding 12-month period beginning March 27, 1969, and extending through March 26, 1970.

There is published below a letter of April 10, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 27, 1970, be limited to the designated levels. The letter also adjusts the levels of restraint applicable to cotton textiles and cotton textile products in Categories 31 and 64 for the previous 12-month period beginning March 27, 1969 and extending through March 26, 1970. The level for Category 64 for that period is being increased by 24,665 pounds and the level for Category 31 being decreased by an equivalent amount.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 10, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning March 27, 1970, and extending through March 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil, in excess of the following levels of restraint:

Category		*12-month level[1] of restraint*
31	pieces	1,575,000
64	pounds	84,000

[1] These levels have not been adjusted to reflect entries made on or after Mar. 27, 1970.

This directive also further amends but does not cancel the directives issued to you on June 6, 1969, and March 19, 1970, by the Chairman of the President's Cabinet Textile Advisory Committee, establiahing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil and exported from Brazil during the previous twelve-month period beginning March 27, 1969, and extending through March 26, 1970.

Under the terms of the aforementioned Long-Term Arrangement and in accordance with the procedures outlined in the aforementioned Executive orders, pursuant to a request by the Government of Brazil, and under the terms of the aforementioned directives of June 6, 1969, and March 19, 1970, the levels of restraint applicable to cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil and exported to the United States from Brazil during the 12-month period beginning March 27, 1969, and extending through March 26, 1970, are hereby further amended as follows, to be effective as soon as possible:

Category		*Amended 12-Month levels of restraint[1]*
31	pieces	1,121,094
64	pounds	108,665

[1] These levels have not been adjusted to reflect entries made on or after Mar. 27, 1970.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 31 and 64, produced or manufactured in Brazil, which have been exported to

the United States from Brazil prior to March 27, 1970, shall, to the extent of any unfilled balances, be charged against the adjusted levels of restraint established for such goods for the 12-month period beginning March 27, 1969, and extending through March 26, 1970. In the event that the above levels of restraint has been exhausted by previous entries, such goods shall be subject to the levels of restraint set forth in this letter for the period beginning March 27, 1970, and extending through March 26, 1971.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-4745; Filed, Apr. 16, 1970; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg., Temporary Reg. D-21]

SECRETARY OF TRANSPORTATION

Delegation of Authority

1. *Purpose.* This regulation delegates leasing authority to the Secretary of Transportation for special purpose and related space and land incidental to its use to be leased and presently under lease at the Aeronautical Center, Oklahoma City, Okla.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 20 years from the effective date of the lease covering the space to be leased, or upon termination of the lease, whichever is earlier.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to perform all functions in connection with the future leasing of special purpose and related space and such space already under lease at the Aeronautical Center, Oklahoma City, Okla., for use by the Federal Aviation Administration (FAA).

b. This authority shall include authority to (1) administer the existing lease, (2) construct by lease, and (3) modify, thereafter, and amend said leases and assign and reassign the space demised, including the operation, maintenance, control, and protection thereof.

c. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Economy Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

ROBERT L. KUNZIG,
Administrator of General Services.

APRIL 13, 1970.

[F.R. Doc. 70-4720; Filed, Apr. 16, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

FIRST WEST TEXAS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of First West Texas Capital Corp. (First West Texas), 305 First National Bank Building, Odessa, Tex. 79760, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 10-0091.

First West Texas was licensed on December 18, 1961, and is an investment company registered under the Investment Company Act of 1940. As of March 31, 1969, the paid-in capital and paid-in surplus from private sources totals $340,950. It has 67,900 shares of issued and outstanding common stock held by approximately 60 stockholders with only the First National Bank of Odessa (6.5 percent) owning more than 5 percent. The proposed transfer of control is subject to and contingent upon the approval of State and Federal regulatory agencies and SBA.

The proposed new officers and directors are as follows:

Roy H. Schultz, President, General Manager, Director, 2219 Briarwood Street, San Antonio, Tex. 78209.

General William T. Hudnell, Vice President, Director, 101 Carolwood Drive, San Antonio, Tex. 78209.

Lindsay Langham, Secretary, Treasurer, Director, 11726 West Avenue, San Antonio, Tex. 78213.

Colvin M. Edwards, Director, 102 West Rampart Street, San Antonio, Tex. 78216.

James H. Uptmore, Director, 7902 Robin Rest, San Antonio, Tex. 78209.

The proposed new owners and the percentage of stock which they will own are as follows:

American State Bank, 101 Terrell Plaza, San Antonio, Tex. 75209. 11.78 percent.

Central Park Bank, 244 Central Park Mall, San Antonio, Tex. 78216. 9.57 percent.

Main Bank and Trust, 911 North Main Avenue, San Antonio, Tex. 75212. 12.16 percent.

900 North Main Corp., 900 North Main Avenue, San Antonio, Tex. 78212. 51.03 percent.

Union State Bank, 3570 Southwest Military Drive, San Antonio, Tex. 78211. 15.46 percent.

These five companies have proposed to purchase all of the 67,900 shares of issued and outstanding common stock. The proposed new address of the Licensee is Room 341, Executive K Building, 1017 North Main Avenue, San Antonio, Tex. 78206.

The new operating area of First West Texas Capital Corp. will be Texas and New Mexico, with the primary concentration in San Antonio and South Texas.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing relevant comments on the proposed transfer of control. Any such communication should be addressed to Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferees in a newspaper of general circulation in Odessa, Tex., and the area of general operation.

For SBA (pursuant to delegated authority).

Dated: March 31, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-4717; Filed, Apr. 16, 1970; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 3-70]

DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL LABOR AFFAIRS AND THE DEPUTY ASSISTANT SECRETARY FOR TRADE AND ADJUSTMENT POLICY

Redelegation of Authorities and Responsibilities for International Labor Activities

1. *Purpose.* This order delegates authorities and assigns responsibilities for international labor activities to the Deputy Assistant Secretary for International Labor Affairs and the Deputy Assistant Secretary for Trade and Adjustment Policy.

2. *Background.* Secretary's Order No. 51-69, dated December 16, 1969, delegated authority to the Deputy Under Secretary of Labor for International

Affairs for directing and carrying out the Department's international labor activities. To assist the Deputy Under Secretary with his responsibilities, redelegation of authority and assignment of responsibility are made as follows.

3. *Authorities and Responsibilities of Deputy Assistant Secretary for International Labor Affairs.* a. Under policy guidance of the Deputy Under Secretary, supervises all offices and units within the Bureau of International Labor Affairs.

b. Assists the Deputy Under Secretary in the development and implementation of international labor policies and programs under the Foreign Service Act and related Executive orders; negotiated agreements with State Department, AID, and other U.S. agencies under foreign assistance statutes; agreements with foreign governments under the Foreign Assistance Act and Mutual Educational and Cultural Exchange Act; and all other statutes and regulations authorizing Department of Labor participation in international labor and manpower programs.

c. Develops policies and programs for conduct of international labor activities in the Department and coordinates them with other agencies and non-governmental organizations.

d. Provides guidance to international programs of other Administrations and Offices in the Department of Labor.

e. Serves as U.S. or Departmental representative at international meetings and conferences as assigned by the Deputy Under Secretary.

f. Acts for the Deputy Under Secretary in his absence.

4. *Authorities and Responsibilities of Deputy Assistant Secretary for Trade and Adjustment Policy.* a. Under policy guidance of the Deputy Under Secretary, coordinates and directs all Departmental activities connected with trade policy and adjustment assistance.

b. Develops and implements for the Deputy Under Secretary foreign economic policies and programs within the Department.

c. Assists the Deputy Under Secretary in carrying out his assigned responsibilities under the Trade Expansion Act, the Automotive Products Trade Act and related legislation and Executive orders.

d. Directs Departmental participation in interagency and international textile programs pursuant to Executive Order 11052 and related orders.

e. Provides policy guidance for the program work of the Office of Foreign Economic Policy, ILAB.

f. Acts in Trade and Adjustment Policy matters for the Deputy Under Secretary in his absence.

5. *Effective date.* This order is effective immediately.

GEORGE H. HILDEBRAND,
Deputy Under Secretary,
International Affairs.

FEBRUARY 20, 1970.

[F.R. Doc. 70-4743; Filed, Apr. 16, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 523]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35431. By order of April 13, 1970, the Motor Carrier Board approved the lease for a period of 6 months to Harold's Trucking, Inc., Anchorage, Alaska, of the operating rights in Certificate No. MC-118513 (Sub-No. 2) issued October 24, 1963, to James F. Dieringer, doing business as Dieringer Trucking Service, Valdez, Alaska, authorizing the transportation of general commodities, with usual exceptions, between points in Valdez, Alaska; and between Valdez, Alaska, on the one hand, and, on the other, specified portions of Alaska. Kenneth D. Jensen, 425 G Street, Suite 460, First National Building, Anchorage, Alaska, attorney for applicants.

No. MC-FC-71549. By order of April 9, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Charles F. Hayes, Inc., Arlington, Mass., of the certificate of registration in No. MC-57412 (Sub-No. 2) issued December 27, 1943, to Charles F. Hayes, doing business as C. F. Hayes, Arlington, Mass., and evidencing a right to engage in transportation corresponding in scope to that granted in irregular route common carrier certificate No. 1073 issued May 3, 1956, by the Massachusetts Department of Public Utilities. Robert L. Deignan, 44 Bridge Street, Lowell, Mass. 01852, attorney for applicants.

No. MC-FC-71856. By order of April 9, 1970, the Motor Carrier Board approved the transfer to Varo Moving and Storage, Inc., Erie, Pa., of the operating rights in certificate No. MC-102412 (Sub-No. 1) issued January 4, 1960, to James J. Varo, doing business as Varo Moving & Storage, Erie, Pa., authorizing the transportation of household goods, as defined by the Commission, between points in Erie County, Pa., on the one hand, and, on the other, points in New York and Ohio. Joseph M. Walsh, Jr., 254 West Sixth Street, Erie, Pa. 16507, attorney for applicants.

No. MC-FC-71898. By order of April 13, 1970, the Motor Carrier Board approved the transfer to United Freightways, Inc., North Andover, Mass., of the operating rights in permit No. MC-62288 (Sub-No. 5) issued March 4, 1969, to James P. Anagnos, Londonderry, N.H., authorizing the transportation of powdered pumice, in bulk, in tank vehicles, from Portsmouth, N.H., to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. Kenneth B. Williams, 111 State Street, Boston, Mass. 02109, attorney for transferor. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for transferee.

No. MC-FC-72075. By order of April 9, 1970, the Motor Carrier Board approved the transfer to Chicago-St. Louis Transport, Inc., Markham, Ill., of certificate No. MC-108196 issued to Atlas Truck Lines, Inc., Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions, and certain specified commodities, between Chicago and Waukegan, Ill., and St. Louis, Mo. Carl L. Steiner, Attorney, 39 South La Salle Street, Chicago, Ill. 60603.

No. MC-FC-72078. By order of April 10, 1970, the Motor Carrier Board approved the transfer to McNichol Brothers Co., a corporation, Drexel Hill, Pa., of certificate of registration No. MC-120045 (Sub-No. 1) issued October 1, 1965, to Myles Hannigan Forwarding Co., a corporation, Philadelphia, Pa., evidencing a right to engage in transportation in interstate commerce as described in Docket No. 31997, Folder No. 3, dated July 2, 1936, issued by the Pennsylania Public Utility Commission. James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-72079. By order of April 9, 1970, the Motor Carrier Board approved the transfer to I. Berman and Cross, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC-64665 issued September 18, 1969, to Isadore Berman and Lonzie Leroy Cross, Jr., a partnership, doing business as I. Berman & Cross, Philadelphia, Pa., authorizing the transportation of household goods, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey. Raymond A. Thistle, Jr., Suite 1301, 1500 Walnut Street, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-72082. By order of April 10, 1970, the Motor Carrier Board approved the transfer to Fred Decker & Son, Inc., Vernon, N.J., of the operating rights in permit No. MC-126366 (Sub-No. 1) issued December 22, 1964, to Fred Decker, Vernon, N.J., authorizing the transportation of sand, gravel, and stone, in dump vehicles, from Vernon Township, N.J., to points in Orange County, N.Y., with no transportation for compensation on return except as otherwise authorized. Such operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Samuel Braen & Co., of Mahwah, N.J.

George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4737; Filed, Apr. 16, 1970; 8:49 a.m.]

INTRASTATE FREIGHT RATES AND CHARGES IN SOUTHERN STATES

No. 35203; Intrastate Freight Rates and Charges in Southern States, 1969, No. 35203 (Sub-No. 1); Intrastate Freight Rates and Charges in Southern States, 1969 (North Carolina), No. 35203 (Sub-No. 2); Intrastate Freight Rates and Charges in Southern States, 1969 (South Carolina), No. 35203 (Sub-No. 3); Intrastate Freight Rates and Charges in Southern States, 1969 (Georgia).

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been referred for action thereon.

It appearing that by order dated December 24, 1969, the Commission, Division 2, granted the petition filed December 12, 1969, by the common carriers by railroad operating in the South and instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matter of increasing the intrastate freight rate level within nine Southern States, including North Carolina, South Carolina, and Georgia, to the level authorized by this Commission on interstate commerce in Ex Parte No. 262, Increased Freight Rates, 1969, which became effective November 18, 1969, subject to investigation;

And it further appearing that upon consideration of the records in the above-entitled proceedings, these matters are ones which should be referred to a hearing examiner for hearing and require the adoption of special procedure for the purpose of expediting the hearings; and for good cause shown:

It is ordered, That the above-entitled proceedings be, and they are hereby, referred to a hearing examiner (to be later designated) for hearings and for the recommendation of an appropriate order or orders thereon, accompanied by the reasons therefor.

It is further ordered, That on or before May 1, 1970, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearings with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceedings and at the same time, serve a copy of such prepared material upon all persons listed in Appendices A, B, or C attached hereto[1] and any additional persons who make known their desire to actively participate in the respective proceedings on or before April 27, 1970.

[1] Not filed with the Office of the Federal Register.

It is further ordered, That on or before June 1, 1970, protestants shall file with the Commission three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendices A, B, or C hereto and any additional persons who make known their desire to actively participate on or before April 27, 1970. Attached hereto as Appendices A, B, and C are lists of all known persons who have indicated their desire to actively participate in the respective proceedings. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before April 27, 1970, as well as all persons listed in Appendices A, B, or C attached hereto. Otherwise, any interested person desiring to participate in these proceedings may make his appearance at the hearings.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before June 8, 1970, a copy of such notice to be filed simultaneously with the Commission together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearings. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held in proceeding No. 35203 (Sub-No. 1) commencing on June 15, 1970, 9:30 a.m., daylight saving time (or 9:30 a.m. U.S. standard time, if that time is observed), at the Old U.S. Courthouse and Post Office Building, Room 208, 300 Fayetteville Street, Raleigh, N.C., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

It is further ordered, That a hearing will be held in proceeding No. 35203 (Sub-No. 2) commencing on June 22, 1970, 9:30 a.m., daylight saving time (or 9:30 a.m., U.S. standard time, if that time is observed), at the South Carolina Public Service Commission, 1321 Lady Street, Columbia, S.C., for the purpose of hearing cross-examinaton of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

It is further ordered, That a hearing will be held in proceeding No. 35203 (Sub-No. 3) commencing on June 29, 1970, 9:30 a.m., daylight saving time (or 9:30 a.m., U.S. standard time, if that time is observed), in Room 305, 1252 West Peachtree Street NW., Atlanta, Ga., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the States of North Carolina, South Carolina, and Georgia be notified by sending a copy of this order by certified mail to the Governors of North Carolina, Raleigh, N.C.; South Carolina, Columbia, S.C.; and Georgia, Atlanta, Ga.; and that further notice be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of April 1970.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc., 70-4738; Filed, Apr. 16, 1970; 8:50 a.m.]

[Notice 522]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71850. By order of April 9, 1970, the Motor Carrier Board approved the transfer to Elizabeth D. Harris, Arthur H. Harris, Jr., Richard D. Harris, Roderick R. Harris, and Robert E. Harris, a partnership, doing business as Arthur H. Harris & Sons, New Britain, Conn., of certificate of registration No. MC-87355 (Sub-No. 4) issued April 15, 1965, to Arthur H. Harris, New Britain, Conn., evidencing a right to engage in interstate commerce as described in Motor Common Carrier Certificate No. C-225, dated March 15, 1954, issued by the Public Utilities Commission of the State of Connecticut. Reubin Kaminsky, 342 North Main Street, West Hartford, Conn. 06117, attorney for applicants.

No. MC-FC-71916. By order of April 9, 1970, the Motor Carrier Board approved

the transfer to Murray's Moving & Storage, Inc., Pawtucket, R.I., of the operating rights in certificates Nos. MC–23545 and MC–23545 (Sub-No. 1) issued September 9, 1949, and March 16, 1961, respectively, to Red Van Lines of Boston, Inc., Cambridge, Mass., authorizing the transportation of household goods between Somerville, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, Florida, West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, and the District of Columbia. Joseph A. Kline, 31 Milk Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–72044. By order of April 9, 1970, the Motor Carrier Board approved the transfer to Ashline's Express, Inc., Watervliet, N.Y., of the operating rights in certificates Nos. MC–15207 and MC–15207 (Sub-No. 1) issued September 20, 1957, and August 10, 1964, respectively, to Robert H. Ashline, doing business as Ashline's Express, Watervliet, N.Y., authorizing the transportation of general commodities, with the usual exceptions, between Schenectady, N.Y., and Albany, N.Y., serving no intermediate points, over New York Highway 5; and between Albany, N.Y., and Schenectady, N.Y., serving all intermediate points; and the off-route points of Cohoes, Delmar, Elsmere, Green Island, Slingerlands, and Waterford, N.Y., over New York Highways 5 and 32. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–4656; Filed, Apr. 15, 1970; 8:48 a.m.]

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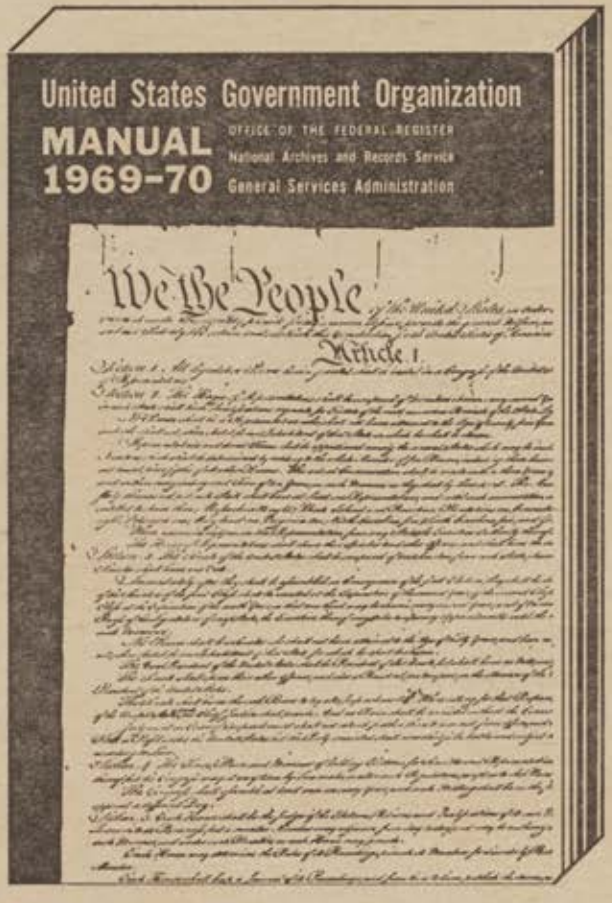

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