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Agencies in this issue—

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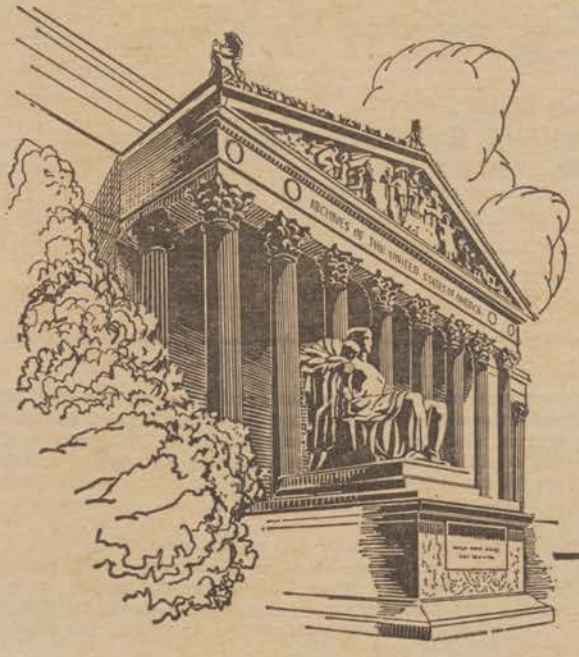

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Private Secretary to the Director, Office of Hearings and Appeals, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (22) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 **Department of the Interior.**

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

(22) One Private Secretary to the Director, Office of Hearings and Appeals.

* * * * *

(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. 70–10095; Filed, Aug. 3, 1970; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Community Development and Director, Center for Community Planning is no longer accepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (n) of § 213.3316 is revoked as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(13) [Revoked]

* * * * *

(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. 70–10092; Filed, Aug. 3, 1970; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that the position of Special Assistant to the Assistant Director (Broadcasting) is no longer in Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (i) of § 213.3328 is revoked as set out below.

§ 213.3328 **U.S. Information Agency.**

* * * * *

(i) [Revoked]

* * * * *

(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. 70–10097; Filed, Aug. 3, 1970; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 of the Schedule C authority is amended to show the following title changes: From Private Secretary to the Assistant to a Board Member to Secretary (Administrative) to the Assistant to a Board Member; and from Director, Office of Public Affairs, to Director, Office of Communications. Effective on publication in the FEDERAL REGISTER, paragraphs (d) and (e) of § 213.3354 are amended as set out below.

§ 213.3354 **Federal Home Loan Bank Board.**

* * * * *

(d) One Private Secretary to the Assistant to each of two Board Members (including the Chairman) and one Secretary (Administrative) to the Assistant to the third Board Member.

(e) Director, Office of Communications.

(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. 70–10093; Filed, Aug. 3, 1970; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (19) of paragraph (a) of § 213.3384 is amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

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

(19) Two Special Assistants to the General Counsel.

* * * * *

(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. 70–10094; Filed, Aug. 3, 1970; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the positions of Special Assistant to the Assistant Secretary for Policy and International Affairs and of the Special Assistant to the Deputy Administrator, Federal Railroad Administration are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (21) of paragraph (a) and subparagraph (2) of paragraph (e) of § 213.3394 are added as set out below.

§ 213.3394 **Department of Transportation.**

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

(21) One Special Assistant to the Assistant Secretary for Policy and International Affairs.

* * * * *

(e) *Federal Railroad Administration.* * * *

(2) One Special Assistant to the Deputy Administrator.

* * * * *

(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. 70–10096; Filed, Aug. 3, 1970; 8:51 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended by adding new paragraph (u) providing an exception to the limitation on pay from more than one position, and by amending paragraph (m) to show the current designation of the activity involved.

§ 550.505 **Specific exceptions.**

* * * * *

(m) Pay for part-time or intermittent employment by the Department of the Navy in connection with nonappropriated fund activities at the U.S. Naval Communication Station, Harold E. Holt, Exmouth, Western Australia.

* * * * *

(u) Pay for part-time or intermittent employment by the Department of the Navy in connection with nonappropriated fund activities at the Civil Service Club of the U.S. Naval Station, Kodiak, Alaska.

(5 U.S.C. 5533)

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

[F.R. Doc. 70-10091; Filed, Aug. 3, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act on March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(19) relating to the State of Ohio is amended to read:

(19) *Ohio.* (i) The adjacent portions of Allen and Auglaize Counties comprised of Auglaize Township in Allen County and Wayne Township in Auglaize County.

(ii) That portion of Brown County comprised of Perry Township.

(iii) That portion of Clinton County bounded by a line beginning at the junction of State Highways 73 and 350 in Clinton County; thence, following State Highway 350 in a westerly direction to State Highway 134; thence, following State Highway 134 in a northwesterly direction to Farmers Road; thence, following Farmers Road in a southeasterly direction to Jenkins Road; thence, following Jenkins Road in a generally northeasterly direction to State Highway 73; thence, following State Highway 73 in a southeasterly direction to its junction with State Highway 350.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Brown and Clinton Counties in Ohio because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of July 1970.

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

[F.R. Doc. 70-10098; Filed, Aug. 3, 1970; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 70-92]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rates of Return

JULY 30, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the purpose of permitting member institutions in Massachusetts to pay higher rates of return on savings accounts, hereby amends said Part 526 as follows, effective July 31, 1970:

1. Section 526.3 is amended to read as follows:

§ 526.3 **Maximum rate of return payable on regular accounts.**

(a) *Maximum rate of 5 percent.* A member institution may pay a return at a rate not in excess of 5 percent per annum on any regular account.

(b) *Geographic exception.* A member institution whose home office is located in the Commonwealth of Massachusetts may pay a return at a rate not in excess of 5.25 percent per annum on any regular account; and a member institution with a branch office located therein may pay such return with respect to such accounts maintained at such branch office.

2. Section 526.5 is amended by adding at the end thereof the following:

§ 526.5 **Maximum rate of return payable on certificate accounts of less than $100,000.**

* * * * *

(d) *Geographic exception.* A member institution whose home office is located in the Commonwealth of Massachusetts may pay a return at a rate not in excess of 5.50 percent on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 180 days; and a member institution with a branch office located therein may pay such return with respect to such accounts maintained at such branch office.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 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 amendments would delay them from becoming effective for a period of time and since it is in the public interest that such amendments become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is contrary to the public interest; and the Board hereby provides that such amendments shall become effective immediately, as herein before set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-10105; Filed, Aug. 3, 1970; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-632; Amdt. 3]

PART 245—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS

Contents of Reports

In ER-630, adopted July 15, and effective August 1, 1970, the Board amended

Part 245 to impose new shareholding reporting requirements. Section 245.12(c) of the new regulation requires a special report, to be filed on or before September 1, 1970, covering shares of stock or other interest owned as of April 30, 1970. It has been brought to our attention that § 245.13 (d) and (e) erroneously refer to "April 1, 1970" as the applicable date instead of April 30, 1970. Section 245.13 (d) and (e) are therefore being editorially amended to conform them to § 245.12(c).

Since this amendment is purely editorial in nature, it may be issued without public notice and procedure and may be made effective upon less than 30 days' notice.

Accordingly, the Board hereby amends paragraphs (d) and (e) of § 245.13 (14 CFR 245.13 (d) and (e)), effective August 1, 1970, to read as follows:

§ 245.13 Contents of reports.

The reports required by § 245.11 shall include the following:

* * * * *

(d) Number and class of shares held and percentage of such shares to total outstanding capital, or a description of any other interest held as of April 30, 1970, December 31 of each succeeding year, or the date of acquisition, whichever is applicable.

(e) Maximum number and class of shares held and percentage of such shares to total outstanding capital during the year preceding April 30, 1970, or December 31 of each succeeding year, whichever is applicable.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Adopted: July 30, 1970.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-10061; Filed, Aug. 3, 1970; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regulations (Amdt. 5)]

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

Part 377 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: July 30, 1970.

RAUER H. MEYER, *Director, Office of Export Control.*

1. Section 377.3 *Copper and copper products* is amended as follows: The heading of paragraph (a)(2) is revised; the introductory text of paragraph (a)(2) and subdivisions (i), (ii), (iii), and (iv) thereunder are redesignated as introductory text of (a)(2)(i) and items (*a*), (*b*), (*c*), and (*d*) thereunder, respectively; a heading is added for new (a)(2)(i); new paragraph (a)(2)(ii) is added; the existing text of paragraph (b)(2) is redesignated as (b)(2)(i) and a heading added therefor; new paragraph (b)(2)(ii) is added; and paragraph (b)(3)(ii) is revised. The affected portions of § 377.3 read as follows:

§ 377.3 Copper and copper products.

(a) *Copper ores, concentrates, matte, and blister copper.* * * *

(2) *Exceptions to general policy of denial*—(i) *Shipments not commercially processable in the United States.* * * *

(ii) *Shipments proposed for processing abroad in exchange for the import for consumption into the United States of an equivalent amount of refined copper.* Applications covering smelter grades of materials listed in subparagraph (1) of this paragraph may, if submitted with proper certification and documentation as described below, be considered for approval when they request authority to export the subject materials for smelting and/or refining in Canada or destinations in Country Groups T and V and for the subsequent import for consumption into the United States of a quantity of refined copper equivalent in weight to the recoverable copper content of the material covered by the applications. An application for a license to export commodities under this § 377.3(a)(2)(ii) shall be submitted not later than August 31, 1970, and shall include:

(*a*) A description of the subject commodities and an analysis of their metal content;

(*b*) A copy(ies) of the contract(s) for the foreign smelting and/or refining of the subject commodities and for the importing for consumption into the United States of a quantity of refined cooper equivalent in weight to the recoverable copper content of the subject commodities;

(*c*) A certification as to the time period within which the refined copper will be subsequently imported for consumption into the United States;

(*d*) A certification signed by the applicant and by the authorized official(s) of the firm(s) that will smelt and/or refine the subject commodities that the subsequent importation for consumption into the United States of refined copper will be equivalent in weight to the recoverable copper content of the subject commodities; and

(*e*) A statement signed by a competent authority of the government of the country in which the subject commodity will be smelted and/or refined assuring that the export from that country of refined copper under the proposed transaction will not diminish the quantity of refined copper ordinarily available to the United States from that country.

(b) *Copper and copper-base alloy waste and certain nickel scrap.* * * *

(2) *Shipments not commercially processable in the United States*—(i) *Not commercially processable for economic or technical reasons.* * * *

(ii) *Shipments proposed for processing abroad with subsequent return of refined copper to the United States.* Applications covering custom smelter or refinery grades of copper scrap[1] may, if submitted with proper certification and documentation as described below, be considered for approval when they request authority to export the subject scrap for smelting and/or refining in Canada or destinations in Country Groups T and V and for the subsequent importation for consumption into the United States of a quantity of refined copper equivalent in weight to the recoverable copper content of the material covered by the applications. To be considered for approval under subparagraph (3)(i) of this paragraph, an application shall be submitted not later than August 31, 1970; shall be accompanied by the documentation listed in (*a*) through (*e*) of paragraph (a)(2)(ii) of this section; and shall include, in addition, the following:

(*a*) A statement as to the minimum quantity of the subject scrap that the foreign smelter and/or refiner will contract to process pursuant to the requested authorization; and

(*b*) An identification of the applicant as to whether or not he is the producer or generator of the subject scrap, a consumer of refined copper who will consume the copper imported subsequent to the authorization, an agent, etc.

(3) *Other shipments.* * * *

(ii) *Nonhistorical exporter.* An exporter who has not submitted a statement of past participation in exports, or who does not otherwise qualify as a historical exporter, shall submit an application and obtain an individual validated license. The license application shall (*a*) identify the foreign consumer in the manner explained in paragraph (a)(2)(i)(*c*) of this section; (*b*) indicate the disposition of all prior licenses received under the provisions of this § 377.3(b)(3) since July 1, 1968, and if such licenses were used the exporter shall submit copies of each Shipper's Export Declaration submitted in exporting under such licenses; and (*c*) for an export to the

[1] For the purposes of this program custom smelter and refinery grades of copper-base scrap is to be construed as including only No. 1 copper, No. 2 copper, light copper, refinery brass, and low-grade scrap and residues (classified as berry, birch, candy, cliff, dream, drink, and drove by the National Association of Secondary Material Industries Inc. in Circular NF–66), except that refinery brass (drink) is to be construed as excluding material prepared as items otherwise classified in Circular NF–66.

Republic of Vietnam, regardless of value, be supported by a single transaction statement, Form FC–842, endorsed by the designated representative of the U.S. Agency for International Development Mission, Saigon, as set forth in paragraph (a)(2)(i)(*d*) of this section.

* * * * *

2. Supplement No. 1 to Part 377 is amended to read as follows:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Export control commodity No.	Commodity description	Export regulations reference	Submission dates for license applications (No later than date shown below)	
			Nonhistorical applicants	Historical applicants
28200	Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.	§ 377.3(b)	Aug. 31, 1970	Dec. 1, 1970.
28311	Copper ores and concentrates	§ 377.3(a)	Any time	Any time.
28312	Copper matte	§ 377.3(a)	do	Do.
28401	Copper metalliferous ash and residues	§ 377.3(b)	Aug. 31, 1970	Dec. 1, 1970.
28402	Copper or copper-base alloy waste and scrap, including copper-base alloy waste and scrap of less than 40 percent copper content where copper is the compopent of chief weight.	§ 377.3(b)	do	Do.
28403	Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.	§ 377.3(b)	do	Do.
51470	Master alloys of copper containing 8 percent or more phosphor.	§ 377.3(e)	Any time	Any time.
68211	Blister copper and other unrefined copper	§ 377.3(a)	do	Do.
68212	Refined copper of domestic origin, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms other than (a) refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and (b) unwrought forms of refined copper derived from such copper fragments.	§ 377.3(c)	Aug. 31, 1970	Dec. 1, 1970.
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	§ 377.3(c)	do	Do.
68212	Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such fragments.	§ 377.3(b)	do	Do.
68213	Master alloys of copper	§ 377.3(d)	Any time	Any time
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.	§ 377.3(e)	do	Do.
68222	Plates, sheets, and strips (including perforated) of copper or copper-base alloy.	§ 377.3(e)	do	Do.
68223	Copper foil	§ 277.3(e)	do	Do.
68224	Copper or copper alloy powders and flakes	§ 377.3(e)	do	Do.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.	§ 377.3(e)	do	Do.
69892	Copper or copper-base alloy castings and forgings	§ 377.3(e)	do	Do.
72310	Wire and cable coated with or insulated with fluorocarbon polymers or copolymers.	§ 377.3(e)	do	Do.

[F.R. Doc. 70–10010; Filed, Aug. 3, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHOLE FISH PROTEIN CONCENTRATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 0A2486) filed by Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of whole fish protein concentrate prepared from herring of the genera *Clupea* and menhaden by solvent extraction of fat and moisture with isopropyl alcohol. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1202 (a) and (b) is revised to read as follows:

§ 121.1202 Whole fish protein concentrate.

* * * * * *

(a) The additive is derived from whole, wholesome hake and hakelife fish, herring of the genera *Clupea*, and menhaden handled expeditiously and under sanitary conditions in accordance with good manufacturing practices recognized as proper for fish that are used in other forms for human food.

(b) The additive consists essentially of a dried fish protein processed from the whole fish without removal of heads, fins, tails, viscera, or intestinal contents. It is prepared by solvent extraction of fat and moisture with isopropyl alcohol or with ethylene dichloride followed by isopropyl alcohol, except that the additive derived from herring and menhaden is prepared by solvent extraction with isopropyl alcohol alone. Solvent residues are reduced by conventional heat drying and/or microwave radiation and there is a partial removal of bone.

* * * * *

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

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

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

Dated: July 28, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70–10040; Filed, Aug. 3, 1970; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34–8935]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

List of States Administering Acceptable Alternative Examinations

On September 7, 1965, in Securities Exchange Act Release No. 7697 (30 F.R. 11675), the Securities and Exchange Commission announced the adoption of Rule 15b8–1 (17 CFR 240.15b8–1) which established qualification requirements, including an examination, for associated persons of broker-dealers registered with the Commission but not members of a registered national securities association[1] (nonmember broker-dealers). The rule provides that associated persons may comply with the examination requirement by successful completion of the Commission's General Securities Examination or an examination deemed by the Commission to be a satisfactory alternative. The release contained a list of such alternative examinations and indicated that the Commission would review the list periodically and announce changes as circumstances required.

Based on a survey of State requirements as of June 1970, the Commission found that the following States administer securities examinations which are

[1] At present, the National Association of Securities Dealers, Inc. (NASD) is the only such association.

acceptable in lieu of the Commission's examination for associated persons:

Alabama.	New Hamphire.
Alaska.	New Jersey.
Arkansas.	New Mexico.
Arizona.	North Dakota.
Colorado.	Oklahoma.
District of Columbia.	Oregon.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Hawaii.	South Carolina.
Idaho.	Tennessee.
Illinois.	Texas.
Iowa.	Utah.
Kansas.	Washington.[2]
Kentucky.	West Virginia.
Maryland.	Wisconsin.
Minnesota.	Wyoming.
Missouri.	

As heretofore, an associated person may also fulfill the examination requirements of Rule 15b8–1 by successful completion of one of the following examinations: The Examination for Qualification as a Principal or the Examination for Qualification as a Registered Representative of the NASD; the Standard Examination for Registered Representatives or the Allied Member Examination of the New York Stock Exchange; the Examination for Qualification as a Registered Representative or the Examination for Office Partners of Member firms of the American Stock Exchange; and the Examination for Qualification as a Registered Representative of the Pacific Coast Stock Exchange.

Commission action. The note to § 240.-15b8–1 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

§ 240.15b8–1 Qualification and fees relating to brokers or dealers who are not members of a national securities association.

* * * * *

NOTE: 1. * * *

2. The latest list of examinations deemed by the Commission to be a satisfactory alternative within the meaning of paragraph (a)(1)(i) of this section was published at 35 F.R. 12390; for subsequent revisions of such list consult daily issues of the FEDERAL REGISTER published thereafter.

By the Commission, July 21, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–10048; Filed, Aug. 3, 1970; 8:47 a.m.]

[2] With the exception of the State of Washington, the States included in the above list are administering the State Securities Sales Examination (SSSE) which is prepared under the sponsorship of the New York Stock Exchange. The State of Washington has developed its own examination. Among those states which do not administer an examination are several which require successful completion of the NASD examination by applicants for licenses to engage in securities activities.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70–172]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation; Brazil

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Brazil extends to vessels of the United States, in ports of Brazil, privileges reciprocal to those provided in § 4.93 of the Customs Regulations. Therefore, vessels of the Government of Brazil are permitted to transport coastwise empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)); and stevedoring equipment and material under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b)(1) of § 4.93, Customs Regulations, is amended by the insertion of "Brazil" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of § 4.93, Customs Regulations, is also amended by the insertion of "Brazil" in appropriate alphabetical order in the list of countries under that paragraph.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

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

[SEAL] ROBERT V. MCINTYRE, *Acting Commissioner of Customs.*

Approved: July 24, 1970.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70–10102; Filed, Aug. 3, 1970; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 14—IMPORTATION OF FEATHERS OF WILD BIRDS

Allocation of Annual Import Quotas

Title 50, Part 14 of the Code of Federal Regulations is amended as follows:

Section 14.1(b) is amended by deleting all references to brown-eared pheasant. As amended § 14.1(b) reads:

§ 14.1 Fees and applications for importation permits.

* * * * *

(b) All persons desiring to share in the allocation of annual import quotas of skins bearing feathers of the mandarin duck (Dendronessa galericulata), and the following species of pheasant: Lady Amherst pheasant (Chrysolophus amherstiae), golden pheasant (Chrysolophus pictus), silver pheasant (Lophura nycthemera), Reeves pheasant (Syrmaticus reevesii), and blue-eared pheasant (Crossoptilon auritum), must apply during the periods specified in § 814.2 by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. The letter must contain the following information:

(1) Name and address of applicant, nature of business, and the purpose for which feathers are required.

(2) Port at which entry has been or is to be made.

(3) Quantity of each species of bird skin or part thereof for which an importation permit is desired.

(4) Certification, that in the case of mandarin duck, the skins are to be used only in the manufacture of fishing flies.

The brown-eared pheasant (Crossoptilon mantchuricum) has been determined to be threatened with extinction on a worldwide basis and is listed as an endangered species in 50 CFR Part 17, Appendix A (35 F.R. 8496, June 2, 1970). Therefore, the Secretary of the Interior has determined, pursuant to the provisions of 19 U.S.C. 1202, Schedule 1, Part 15D, Headnote 2(d) that this species must be eliminated from the import quota for pheasants.

It is determined that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

(19 U.S.C. 1202, Schdule 1, Part 15D, Headnote 2)

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

J. P. LINDUSKA, *Associate Director, Bureau of Sport Fisheries and Wildlife.*

JULY 27, 1970.

[F.R. Doc. 70–10041; Filed, Aug. 3, 1970; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1970

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds

available for the fiscal year 1970 and through September 30, 1970, are reapportioned among the States as follows:

State	Total Apportionment
Alabama	$36,884
Alaska	6,224
Arizona	87,273
Arkansas	101,000
California	339,882
Colorado	105,896
Connecticut	41,840
Delaware	48,354
District of Columbia	1,258,221
Florida	507,043
Georgia	1,175,939
Guam	468
Hawaii	11,589
Idaho	7,093
Illinois	2,202,441
Indiana	176,035
Iowa	74,204
Kansas	52,009
Kentucky	90,010
Louisiana	305,928
Maine	58,805
Maryland	607,505
Massachusetts	195,488
Michigan	745,121
Minnesota	443,998
Mississippi	32,520
Missouri	617,920
Montana	13,807
Nebraska	24,580
Nevada	11,753
New Hampshire	28,072
New Jersey	277,335
New Mexico	55,637
New York	295,923
North Carolina	371,149
North Dakota	9,887
Ohio	1,597,898
Oklahoma	82,203
Oregon	48,514
Pennsylvania	794,268
Puerto Rico	208,105
Rhode Island	52,313
South Carolina	150,331
South Dakota	35,938
Tennessee	466,341
Texas	373,738
Utah	14,502
Vermont	34,966
Virginia	182,819
Virgin Islands	---
Washington	152,581
West Virginia	181,290
Wisconsin	195,114
Wyoming	8,445
Samoa, American	---
Trust Territory	2,801
Total	$15,000,000

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: July 30, 1970.

EDWARD J. HEKMAN,
Administrator.

[F.R. Doc. 70-10101; Filed, Aug. 3, 1970; 8:51 a.m.]

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

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 18, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11591) regarding proposed expenses and the related rate of assessment for the period April 1, 1970, through March 31, 1971, and approval of carryover of unexpended funds from the fiscal period April 1, 1969, through March 31, 1970, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.210 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1970, through March 31, 1971, will amount to $13,623.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $1 per ton of sweet cherries.

(c) *Unexpended assessment funds,* in excess of expenses incurred during the fiscal period ended March 31, 1970, shall be carried over as a reserve in accordance with the applicable provisions of § 923.42 of said marketing agreement and order.

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

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

Dated: July 29, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-10053; Filed, Aug. 3, 1970; 8:47 a.m.]

[Bartlett Pear Reg. 4]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Northwest Fresh Bartlett Pear Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of Bartlett pears from the production area are expected to begin on or about August 5, 1970. The grade and size requirements provided herein are necessary to prevent the handling on and after August 5, 1970, of any Bartlett pears of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. Each prescribed pack serves a purpose for an area of distribution and is well known by the industry and trade.

The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 5, 1970. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Northwest Fresh Bartlett Pear Marketing Committee until July 24, 1970; recommendation as to need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on July 24, 1970, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted

to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until July 27, 1970; shipments of the current crop of such pears are expected to begin on or about the effective time hereof; this regulation should be applicable, insofar as practicable, to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.304 Bartlett Pear Regulation 4.

(a) Order: During the period August 5, 1970, through June 30, 1971, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraph (4) or (5) of this paragraph.

(1) Minimum grade requirement: Such pears grade at least U.S. No. 2: *Provided*, That (i) pears which are seriously damaged by frost injury, limb rubs, or healed hail marks may be handled if such pears are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or (ii) pears which fail to meet the requirements with respect to shape specified in the U.S. No. 2 grade only because of frost injury or healed hail marks may be handled if (*a*) they are not so seriously misshapen as to preclude the cutting of at least one good half and (*b*) they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *And provided further*, That, in determining whether pears packed in open containers or handled loose meet the aforesaid grade requirements, the tolerances set forth in §§ 51.1265 and 51.1271 and the application of tolerances in § 51.1266 of the U.S. Standards for Summer and Fall Pears (§§ 51.1260–51.1280 of this title) shall apply.

(2) Minimum size requirements: Such pears (i) when packed in the standard western pear box, or in the L.A. lug or their carton equivalents, are of a size not smaller than the 165 size: *Provided*, That pears not smaller than the 180 size may be handled if they grade at least the U.S. No. 1 grade, or (ii) when packed in any other container, measure at least 2⅜ inches in diameter: *Provided*, That pears which measure at least 2¼ inches in diameter may be handled if they grade at least the U.S. No. 1 grade: *And provided further*, That pears which measure at least 2⅛ inches may be handled if they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(3) Pack requirements: Such pears are packed in L.A. lugs, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to, or greater than, the western lug.

(4) Special purpose shipments: Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of §§ 931.41 (Assessments), and of 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of §§ 931.41 (Assessments), and of 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1," "U.S. No. 2," "frost injury," "hail marks," and "size" shall have the same meaning as when used in the U.S. Standards for Summer and Fall Pears (§§ 51.1260–51.1280 of this title); "165 size" and "180 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 165 or 180 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches.

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

Dated: July 31, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–10162; Filed, Aug. 3, 1970; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Flaxseed Loan and Purchase Program

Correction

In F.R. Doc. 70–9520, appearing on page 11772 of the issue for Thursday, July 23, 1970, in § 1421.178(a) the rate per bushel for Imperial County, Calif., now reading "2.94", should read "2.90".

[CCC Grain Price Support Regs., 1970 Crop Grain Sorghum Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

The regulations issued by the Commodity Credit Corporation, published in 35 F.R. 10747, containing regulations for price support loans and purchases applicable to the 1970 crop of grain sorghum are amended as follows:

In § 1421.239, paragraph (a) is amended to adjust basic county support rates as follows:

§ 1421.239 Support rates and discounts.

(a) *Basic support rates (counties).* * * *

NEW MEXICO

County	Rate per hundredweight	
	From—	To—
Curry	$1.61	$1.62
Lea	1.60	1.61
Roosevelt	1.58	1.59
Union	1.55	1.56

* * * * *

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 28, 1970.

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

[F.R. Doc. 70–10100; Filed, Aug. 3, 1970; 8:51 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Temporary Foreign Labor for Agricultural and Logging Employment

On June 11, 1970 (35 F.R. 9016), a notice of proposed amendments to 20 CFR Part 602 was published in the FEDERAL REGISTER. Interested persons were given opportunity to participate in the rule making through submission of written statements of data, view, or argument. After consideration of all matter presented by interested persons concerning the proposal, I have decided to and do hereby amend 20 CFR Part 602 as set forth below.

As a delay in the implementation of the rate determinations, incorporated in this amendment would be contrary to the public interest; as this amendment is an interpretative rule and statement of policy; and as there was a full participation in the rule making process, I do not believe that any further delay would serve a useful purpose here. Accordingly, this amendment shall become effective on the date of its publication in the FEDERAL REGISTER. The wage rates at § 602.10b (a) (1) will be applicable to certifications made subsequent to the effective date of this amendment; except that the effective date applicable to certifications for sugar cane production in Florida shall be the 1970 effective date of the U.S. Department of Agriculture's determination of the "fair and reasonable rate" for Florida sugar cane workers.

1. The centerhead immediately preceding § 602.10 is amended by deleting the word "industry" therefrom.

2. In § 602.10, pargaraphs (a) and (b) are revised to read as follows:

§ 602.10 The certification processes.

(a) Section 214.2(h) (2) (ii) of the Immigration and Naturalization Service Regulations (8 CFR 214.2(h) (2) (ii)) requires, in support of a petition for the admission of an alien to perform certain temporary service or labor, that

> Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a) (15) (H) (ii) of the Act.

The criteria and procedures set forth herein prescribe (1) the conditions under which U.S. workers must be recruited for agricultural or logging employment (except for employment as sheepherders) before a determination of their nonavailability can be made and (2) the terms of employment for both U.S. and foreign workers which will not adversely affect the wages and working conditions of American workers similarly employed.

(b) Agricultural or logging employers including association employers anticipating a labor shortage may request a certification for temporary foreign labor, provided that the employer or the association and those of its members for whom the services of foreign workers are requested, prior to making such a request, have filed at the local office of the State employment service an offer of employment for U.S. workers to fill such employment needs in accordance with the provisions of this section and §§ 602.10a and 602.10b. Such offers of employment, as well as any request for certification for temporary foreign workers, should be filed at the local office in sufficient time to allow the Manpower Administration 30 days to determine the availability of domestic workers, in addition to the time necessary for the employer to secure foreign workers by the date of need if the certification is approved.

* * * * *

3. In § 602.10a, paragraphs (f), (g), and (i) are revised to read as follows:

§ 602.10a Job offers and contracts.

* * * * *

(f) Permit no charge by the employer in excess of $2.55 per worker for furnishing 3 meals per day except where the Manpower Administrator, when evidence submitted to him of average actual cost for a representative pay period supports a greater charge, has approved a charge not to exceed $3.40 per worker for furnishing three meals per day. Evidence submitted to support meal charges of more than $2.55 per day should include the cost of goods and services directly related to the preparation and serving of meals. Cost of the following items may be included: food; kitchen supplies other than food, such as lunch bags and soap; labor costs which have a direct relation to food service operations, such as wages of cooks and restaurant supervisors; fuel, water, electricity, and other utilities used for the food service operations; other costs directly related to the food service operation. Receipts and other cost records for the representative pay period should be available for inspection for a period of 1 year;

(g) Require the employer to provide or pay for transportation and subsistence en route from the place of recruitment to the place of employment in those cases where the worker completes at least 50 percent of the contract. The amount paid per day for subsistence en route from the place of recruitment must be at least as much as the amount authorized to be charged each day for meals at the place of employment. An employer who has advanced payment to a worker for the costs of transportation and subsistence en route may deduct such costs from earnings of the worker until the worker has completed 50 percent of the contract period. However, upon completion of 50 percent of the contract period, the worker shall be entitled to reimbursement of the amounts so deducted. If the worker completes his contract, the employer will provide or pay the cost of return transportation and subsistence en route from the place of employment to the place of recruitment, except when the worker is not returning to the place of recruitment and has subsequent employment with an employer who will bear transportation expenses. All transportation provided by the employer will be by common carrier or other transportation facilities which conform to applicable regulations of the Interstate Commerce Commission. Transportation from the worker's on-the-job site living quarters to the place where the work is to be performed will be provided by the employer without cost to the worker. Hourly paid workers shall be paid no less than the adverse effect rate, as provided at § 602.10b(a) (1) or § 602.10b(c), for all time between arrival at the first work location of the day and departure from the last work location for that day;

* * * * *

(i) Require the employer to keep accurate and adequate records in regard to all earning and hours of employment. Such records shall include information showing the nature of the work performed, the number of hours of work offered each day by the employer and worked each day by each worker, the rate of pay, the amount of work performed, the earning of each worker, and deductions made from each worker's wages. If the number of hours worked by a worker is less than the number offered, the records shall state the reason therefore. Such records shall be made available at any reasonable time for inspection by representatives of the Secretary of Labor, and by workers or their representatives. Such records shall be retained for a period of not less than 3 years following the completion of the contract. With respect to each pay period, each worker shall be furnished at or before the time he is paid for such pay period in one or more written statements the following information: His total earnings for the pay period; his hourly rate or piece rate of pay; the hours offered him; the hours worked by him; an itemization of all deductions made from his wages; if piece rates are used, the units produced; and if his earnings were increased pursuant to paragraph (e) of § 602.10b, the amount of such increase and the average hourly earnings.

* * * * *

4. In § 602.10b, paragraphs (a), (c), and (e) are revised to read as follows:

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State	*Rate*
Alabama	$1.88
Arizona	1.73
Arkansas	1.78
California	1.87
Colorado	1.89
Connecticut	1.85
Delaware	1.64
Florida	1.68
Georgia	1.84
Idaho	1.87
Illinois	1.86
Indiana	1.83
Iowa	1.97
Kansas	1.90
Kentucky	1.85
Louisiana	1.82
Maine	1.79
Maryland	1.81
Massachusetts	1.84
Michigan	1.83
Minnesota	2.00
Mississippi	1.78
Missouri	1.91
Montana	1.92
Nebraska	2.01
Nevada	1.82
New Hampshire	1.87
New Jersey	1.90
New Mexico	1.67
New York	1.86
North Carolina	1.78
North Dakota	1.93
Ohio	1.78
Oklahoma	1.74
Oregon	1.72
Pennsylvania	1.81

State	Rate
Rhode Island	1.80
South Carolina	1.72
South Dakota	1.90
Tennessee	1.86
Texas	1.69
Utah	1.83
Vermont	1.92
Virginia	1.67
Washington	1.95
West Virginia	1.65
Wisconsin	1.95
Wyoming	1.72

(2) Piece rates shall be designed to produce hourly earnings at least equivalent to the hourly rate specified in subparagraph (1) of this paragraph for the State in which the work is to be performed and no workers shall be paid less than the specified hourly rate.

* * * * *

(c) The minimum wage rates to be offered workers in the logging industry shall be the rates prevailing for logging activities or the rates determined by the Secretary of Labor to be necessary to prevent adverse effect upon U.S. logging workers, whichever is higher.

* * * * *

(e) Upon application to, and approval by, the Secretary of Labor in each case, an agricultural employer may use piece rates which are designed to, and do, produce earnings by his employees engaged in the type of work covered by the job offer or contract, the average of which for the weekly or biweekly period is 25 percent higher than the hourly rates applicable under paragraph (a) of this section for agricultural workers. Should the average of the hourly earnings of such employees fall below this requirement, each worker's earnings for each payroll period within such weekly or biweekly period must be increased by the percentage needed to bring the total average to this requirement.

* * * * *

(8 U.S.C. 1184; 8 CFR 214.2(h), 34 F.R. 6502)

Signed at Washington, D.C., this 29th day of July 1970.

M. R. LOVELL, Jr.,
Deputy Assistant Secretary for Manpower and Manpower Administrator.

[F.R. Doc. 70-9986; Filed, Aug. 3, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Bronze Star Medal

Part 882 of Title 32 of the Code of Federal Regulations is amended as follows:

Section 882.25(h)(5) is amended by adding the following note after subdivision (iii) to read as follows:

§ 882.25 Military decorations.

* * * * *

(h) *Bronze Star Medal (BSM).* * * *

(5) Awarded for: * * *

(iii) * * *

NOTE: The following additional criteria must be met when the BSM is awarded for service, achievement, or valor in a designated combat area:

For meritorious service. The member must have been assigned or attached to a unit in a designated combat area during the entire inclusive period of the recommendation.

For valor or achievement. The act of valor or achievement must have been performed while the member was physically located in a designated combat area.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted)

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70-10044; Filed, Aug. 3, 1970; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

[CGFR 70-64]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICH.

Delegation To Modify Speed Limits

1. Sections 92.49 (a) and (b) and 92.51 prescribe various speed limits for vessels of 50 gross tons or over while navigating certain reaches of the St. Marys River. Section 92.49(c) delegates to the Coast Guard District Commander the authority to modify most of these speed limits during each season of navigation when he finds that safety in the navigable channels of the river so requires. These modifications are required to be published in the Notice to Mariners and to be given necessary publicity by other means.

2. During the past few years there have been periods when the water level in the river has been much higher than the normal level. Small boats and piers along the river have been damaged, acreage bordering the river has been destroyed by erosion, and unprotected structures have been undermined. In addition, it has been found that during these periods of high water level, excessive water action constitutes a considerable hazard to persons along the shore and to some small boats while underway. Some of the damage and hazard result from the action of waves generated by passing vessels. Numerous complaints have been received by the Coast Guard from the owners of riparian property.

3. During the spring and summer of 1969 the water level in the St. Marys River was unusually high. The Commander, 9th Coast Guard District issued a notice of proposed rule making dated July 1, 1969. The notice proposed permanent reductions in some of the existing speed limits in specified reaches of the river. The notice was sent to approximately 2,000 addressees. Several petitions, containing about 370 signatures, and 35 written comments were received in response to the notice. The petitions and most of the comments favored the proposed reductions. However, two comments suggested, as a substitute for the proposal, that authority be delegated to the District Commander to make temporary reductions in the existing speed limits. The District Commander has recommended to the Commandant that the existing speed limits be left unchanged and that the District Commander be delegated the authority to make temporary reductions whenever the need exists.

4. Section 92.49(c) now authorizes the District Commander to modify the speed limits for vessels of 50 gross tons and over navigating between Everens Point and Big Point and between Nine Mile Point and the lower end of West Neebish Channel. However, this delegation is conditioned on a finding by the District Commander that safety in the navigable channels of the river requires the modification. The basic statute does not require this restrictive condition. The Chief Counsel of the Coast Guard has construed the statute (33 U.S.C. 474) to require that all interests affected by the speed of vessels in the river, including the protection of the property of the riparian owners, be given due consideration prior to the issuance of suitable speed limits. Accordingly, the recommendation of the District Commander to broaden the delegation of authority is accepted. This document delegates to the District Commander the authority to reduce the existing speed limits whenever he deems it necessary to best serve all the interests affected by the speed of vessels in the river. This approach is in consonance with the statute as construed by the Chief Counsel since it does not unreasonably restrict commerce while protecting riparian property when the need arises.

5. This document further revises the present paragraph (c) to include a provision that the regulations of the District Commander be published in the FEDERAL REGISTER. Finally, the revision incorporates the provisions of the existing § 92.51 into the revised § 92.49 since it prescribes speed limits for vessels of 50 gross tons or over and is logically related to § 92.49.

6. The revision of § 92.49 effected by this document incorporates an interpretative ruling of the basic statute by the agency charged with its enforcement and several editorial changes. Accordingly, it is hereby found that notice and public procedures thereon are not required and this revision can be made effective in less than 30 days.

7. Section 92.49 is revised to read as follows:

§ 92.49 Speed limits for vessels of 50 gross tons or over.

This section applies to any vessel of 50 gross tons or over navigating the stated reaches of the St. Marys River.

(a) Except as modified by paragraphs (c) and (d) of this section, and §§ 92.53 and 92.55, a vessel shall not exceed a speed of 12 statute miles per hours over the ground between the following points.

(1) Upbound:

(i) Everens Point and Nine Mile Point.

(ii) Six Mile Point Range Rear Light and Big Point.

(2) Downbound:

(i) Big Point and Six Mile Point Range Rear Light.

(ii) Nine Mile Point and the lower end of West Neebish Channel.

(b) Except as modified by paragraph (d) of this section, a vessel shall not exceed a speed of 10 statute miles per hour over the ground in the Sailors Encampment Channel between Everens Point and Johnson Point, the Middle Neebish Dike Cut (Middle Neebish Channel Light 50 to Lake Nicolet Lighted Buoy 62), or the West Neebish Rock Cut (West Neebish Channel Light 33 to West Neebish Channel Light 25).

(c) Except as modified by paragraph (d) of this section, a vessel shall not exceed a speed of 15 statute miles per hour over the ground between the following points:

(1) Upbound between Nine Mile Point and Six Mile Point Range Rear Light.

(2) Downbound between Six Mile Point Range Rear Light and Nine Mile Point.

(d) The Commander, Ninth Coast Guard District is delegated authority to reduce any or all the speed limits specified in paragraphs (a), (b), and (c) of this section. In exercising this authority the District Commander shall consider all interests affected by the speed of vessels in the river, including the protection of the property of riparian owners. The regulations issued by the District Commander shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

§ 92.51 [Deleted]

8. Section 92.51 is deleted.

(Secs. 1-3, 29 Stat. 54-55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474, 49 U.S.C. 1655(b)(1); 49 CFR 1.45(b), 1.46(b))

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

Dated: July 31, 1970.

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

[F.R. Doc. 70-10168; Filed, Aug. 3, 1970; 8:52 a.m.]

SUBCHAPTER J—BRIDGES

[CGFR 70-34a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Boston Harbor, Mass.

1. The Massachusetts Department of Public Works requested the Commander, First Coast Guard District to revise the operation regulations for the Granite Avenue Highway Bridge across the Neponset River between Boston and Milton, Mass. A public notice dated February 13, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, First Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 9, 1970 (35 F.R. 5821).

2. In response to the public notice, one objection was received based on the premise that there might be some boaters who could require the draw of the Neponset Avenue bridge to open before 8 a.m. or after 4 p.m. during the month of April. Due to the normal inclement weather during the month of April and the fact that only a 24 hour advance notice is required to have this draw opened, the objection is not considered valid at this time. After consideration of all other known factors in this case this proposal is accepted. Accordingly, 33 CFR 117.75 (l)(1) is revised to read as follows:

§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(l) *Neponset River.* (1)(i) New York, New Haven, and Hartford Railroad bridge and Neponset Avenue highway bridge. From November 1 through April 30 between the hours of 10 p.m. and 6 a.m., 24 hours' advance notice is required.

(ii) Granite Avenue highway bridge. From November 1 through April 30 between the hours of 4 p.m. and 8 a.m., 24 hours' advance notice is required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 8(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: July 27, 1970.

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

[F.R. Doc. 70-10078; Filed, Aug. 3, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Subpart 9-51.1—Headquarters Review and Approval of Field Office Contract Actions

MISCELLANEOUS AMENDMENTS

1. In § 9-51.102, *Contract actions requiring Headquarters review and approval,* paragraph (a)(1) is revised and paragraph (f) is added, as follows:

§ 9-51.102 Contract actions requiring Headquarters review and approval.

(a) * * *

(1) Contract actions involving estimated costs for the contract period in excess of $10 million shall be subject to Commission approval. (A modification to an existing contract which has the effect of bringing the total amount of the contract in excess of $10 million will be brought to the attention of the Commission, for its information, by including such action in the Pending Contractual Matters reports.)

* * * * *

(f) Unless specifically requested, contract documents need not be again submitted for Headquarters review and approval prior to execution when the documents have been negotiated in accordance with guidelines established by Headquarters when approving the initiation of negotiation. However, when negotiations have been completed, the Division of Contracts should be notified at least 10 days in advance of the expected execution date. When executed, four copies of the contract should be submitted to the Division of Contracts.

2. In § 9-51.103-3, *Requests for renewals and extensions,* paragraph (g) is revised to read as follows:

§ 9-51.103-3 Requests for renewals and extenisons.

* * * * *

(g) A complete draft of the contract document proposed for negotiation accompanied by identification of contract provisions which deviate from standard clauses, together with full explanation of and justification for each such deviation.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

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

Dated at Germantown, Md., this 29th day of July 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 70-10055; Filed, Aug. 3, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

Order. 1. Preparatory to the reprinting of the revised edition of Volume V of the Commission's rules and regulations,

numerous editorial changes were made in Parts 87, 89, 91, and 93. The majority of the changes involve substituting the term "hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes below are included in the revised edition of Volume V currently on sale at the Superintendent of Documents, U.S. Government Printing Office.

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), and 303 of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules and regulations, that effective August 14, 1970, Parts 87, 89, 91, and 93 are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 28, 1970.

Released: July 31, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 87, 89, 91, and 93 to substitute hertz, in its various forms, for cycles per second and in other minor respects. In general, the following substitutions are made:

GHz for Gc/s—gigahertz for gigacycles.
Hz for c/s—hertz for cycles per second.
kHz for kc/s—kilohertz for kilocycles.
MHz for Mc/s—megahertz for megacycles.

PART 87—AVIATION SERVICES

B. Part 87 is amended as follows:

§ 87.77 [Amended]

1. In § 87.77, paragraph (a) is amended by substituting "Radio Equipment List—Equipment Acceptable for Licensing" for "Radio Equipment List, Part C" in the first sentence. Paragraph (c) is amended by substituting "Federal Aviation Regulations" for "Civil Air Regulations" in the first sentence. The second sentence is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency" the two times it occurs. Paragraph (d)(6) is amended by substituting "MHz" for "Mc/s" following the listing of frequency bands.

§ 87.79 [Amended]

2. In § 87.79(b), the second sentence is amended by substituting "Radio Equipment List—Equipment Acceptable for Licensing" for "Radio Equipment List, Part C".

§ 87.99 [Amended]

3. In § 87.99(b)(3), subdivisions (iv) and (v) are amended to read "Federal Aviation Administration" in lieu of "Federal Aviation Agency" in the two places it appears.

§ 87.113 [Amended]

4. In § 87.113(b), "Federal Aviation Administration" is substituted for "Federal Aviation Agency" in the first sentence.

§ 87.129 [Amended]

5. In § 87.129, the first and third sentences are amended by the substitution of "Federal Aviation Administration" for "Federal Aviation Agency".

6. Section 87.211 and the undesignated center heading preceding it are amended to read as follows:

FLIGHT TEST AND AVIATION INSTRUCTIONAL

§ 87.211 Frequencies available.

Flight Test and Aviation Instructional frequencies are available for assignment to aircraft stations in accordance with Subparts G and H of this part.

§ 87.501 [Amended]

7. In § 87.501, the introductory paragraph is amended to substitute "Federal Aviation Administration" for "Federal Aviation Agency"; paragraph (a) is amended to substitute "MHz" for "Mc/s" at the head of the four columns of frequencies; paragraphs (b), (c), and the introductory text of (d) are amended to specify "MHz" instead of "megacycles"; in paragraph (d), the headings of the four columns of frequencies are amended to specify "MHz" rather than "Mc/s"; paragraphs (e), (f), and (g) are amended to substitute "kHz" for "kilocycles"; and paragraph (h) (1) through (9) is amended to substitute "MHz" for "Mc/s" the 17 times it occurs.

§ 87.503 [Amended]

8. Section 87.503 is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency" in the first and third sentences.

§ 87.507 [Amended]

9. In § 87.507, paragraph (a) is amended by substituting "kHz" for "kc/s" heading the two columns of frequencies, and "Federal Aviation Administration" is substituted for "Federal Aviation Agency".

§ 87.521 [Amended]

10. In § 87.521, paragraph (a) is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency" and paragraph (d) is amended by replacing "Mc/s" with "MHz" the three times it apears.

PART 89—PUBLIC SAFETY RADIO SERVICES

C. Part 89 is amended as follows:

§ 89.79 [Amended]

1. The title of § 89.79 is amended by making one word of "radiocommunication". In Article 5, paragraph (e), "kc/s" is replaced by "kHz" the six times it appears in the listing of frequencies.

§ 89.101 [Amended]

2. Section 89.101 is amended by substituting "kHz" for "kc/s", "MHz" for "Mc/s", and "dB" for "db" where they appear in paragraphs (c) (including the charts for channels 4 and 5), (d), (f), (g), (h), (i), (j), (l), (p), and (q). In paragraph (e), "MHz" is substituted for "megacycles". Paragraphs (m), (n), and (o) are deleted and listed as "[Reserved]".

§ 89.109 [Amended]

3. In § 89.109, paragraph (a) is amended by substituting "hertz" for "cycles per second", paragraphs (d), (e), (f), (g), and (i) are amended by substituting "MHz" for "Mc/s"; paragraphs (e) and (f) are also amended by substituting a period for the semicolon in the first sentence and deleting the words "however, transmitters first authorized prior to May 1, 1964, need not meet this requirement until October 15, 1965."; paragraph (h) is amended and paragraph (i) is further amended by substituting "kHz" for "kc/s" and by setting forth "audio frequency" as two words the six times it appears.

§ 89.221–89.231 [Deleted]

4. Subpart D—§§ 89.221, 89.223, 89.225, 89.227, 89.229, and 89.231—is obsolete and is deleted in its entirety. Subpart D is shown as "[Reserved]".

§ 89.409 [Amended]

5. In § 89.409, paragraphs (d), (e) (the table), and (f)(3) are amended to substitute "MHz" for "Mc/s". Paragraph (f)(1) is amended to substitute "dB" for "db". Paragraph (f)(11) is amended by deleting the last sentence beginning "Stations in those territories * * *." Paragraph (h) is amended by substituting "kHz" and "MHz" for "kc/s" and "Mc/s" where appropriate.

§ 89.459 [Amended]

6. Section 89.459 is amended by substituting "kHz", "MHz", and "dB" for "kc/s", "Mc/s" and "db", respectively, in paragraphs (c), the table in (d), (e)(1), (e)(3), and (g). In addition, paragraph (e)(16) is amended by deleting the last sentence beginning "Stations in those territories * * *."

PART 91—INDUSTRIAL RADIO SERVICES

D. Part 91 is amended as follows:

§ 91.3 [Amended]

1. In § 91.3, the introductory paragraph is amended by inserting the word "Radio" between the words "and" and "Treaty" in the second sentence. The definition of Authorized bandwidth is amended by substituting "kilohertz" for "kilocycles". The definition of Landing area is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency".

§ 91.61 [Amended]

2. The title of § 91.61 is amended to delete the letter "s" from the last word.

The corrected title reads "Amendment or dismissal of application".

§ 91.64 [Amended]

3. Section 91.64(c) is amended by deleting the letter "s" from the word "Equipments" in the title "List of Equipment Acceptable for Licensing" which appears in the second sentence.

§ 91.105 [Amended]

4. In § 91.105, paragraph (a) is amended to substitute "hertz" for "cycles per second"; paragraph (d) is amended to substitute "MHz" for "Mc/s", to insert a period after the word "section", and to delete all the text which follows beginning with the words "*Provided, however,*"; paragraphs (e) and (f) are amended to substitute "MHz" for "Mc/s"; paragraphs (g) and (h) are amended to substitute "kHz" for "kc/s" the first three and last two times it appears—the fourth time, "kilohertz" is substituted, and where "audio frequency" or "audio frequencies" appear, they are printed as two words.

§ 91.111 [Amended]

5. In § 91.111, paragraphs (a) and (b) are amended to substitute "kHz" and "MHz" for "kc/s" and "Mc/s", respectively, wherever they appear. In addition, footnote 7 to the table is deleted and footnotes 8 and 9 are renumbered as 7 and 8.

§ 91.158 [Amended]

6. Section 91.158(b) is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency" at the end of the first sentence.

§ 91.160 [Amended]

7. In § 91.160(e)(3), subdivisions (iv) and (v) are amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency".

§ 91.251 [Amended]

8. In § 91.251, paragraph (e) is amended by printing "nonprofit" as one word.

§ 91.255 [Amended]

9. In § 91.255, paragraphs (a) intro., (a)(1), (a)(2), (a)(3), (b), and (c) are amended to substitute "MHz" for "Mc/s", and paragraphs (d), (e), and (f) are deleted.

§ 91.301 [Amended]

10. In § 91.301, paragraph (c) is amended to delete the hyphen and to print as one word "nonprofit" the three times it appears.

§ 91.304 [Amended]

11. In § 91.304, paragraph (a) is amended by substituting "kHz" for "kc/s" and "MHz" for "Mc/s" throughout the table; paragraph (b) is amended by substituting "kHz" for "kc/s", "MHz" for "Mc/s", and "dB" for "db" where they appear in subparagraphs (6), (8), (23), (24), (26), (29), (30), (32), and (33). In subparagraphs (23) and (24), "hertz" is substituted for "c/s" the first two times it appears and "Hz" for "c/s" the last two times. Subparagraph (9) is amended by deleting the second sentence beginning "All licensees in this service * * *."

§ 91.305 [Amended]

12. In § 91.305, "MHz" is substituted for "Mc/s" in paragraphs (a) intro., (a)(1), (a)(2), (a)(3), (b), and (c). Paragraphs (d), (e), and (f) are deleted.

§ 91.354 [Amended]

13. In § 91.354, the table in paragraph (a) is amended to substitute "kHz" for "kc/s" and "MHz" for "Mc/s"; paragraph (b) is amended by substituting "kHz" for "kc/s", "MHz" for "Mc/s", and "dB" for "db" where they appear in subparagraphs (6), (8), (10), (22), (23), (29), (30), (32), and (33). In subparagraphs (22) and (23), "hertz" is substituted for "c/s" the first two times it appears and "Hz" for "c/s" the last two times. Subparagraph (9) is amended by deleting the second sentence beginning "All licensees in this service * * *."

§ 91.355 [Amended]

14. In § 91.355, paragraphs (a) intro., (a)(1), (a)(2), (a)(3), (b), and (c) are amended by substituting "MHz" for "Mc/s", and paragraphs (d), (e), and (f) are deleted.

§ 91.401 [Amended]

15. Section 91.401(c) is amended by printing "nonprofit" as one word.

§ 91.405 [Amended]

16. In § 91.405, paragraphs (a) intro., (a)(1), (a)(2), (a)(3), (b), and (c) are amended to substitute "MHz" for "Mc/s". Paragraphs (d), (e), and (f) are deleted.

§ 91.451 [Amended]

17. Section 91.451(c) is amended by printing "nonprofit" as one word.

§ 91.455 [Amended]

18. In § 91.455, paragraphs (a) intro., (a)(1), (a)(2), (a)(3), (b), and (c) are amended by substituting "MHz" for "Mc/s". Paragraphs (d), (e), and (f) are deleted.

§ 91.504 [Amended]

19. In § 91.504, paragraph (a) intro. and the table are amended to substitute "kHz" for "kc/s" and "MHz" for "Mc/s"; in paragraph (b), subparagraphs (8), (10), (21), (22), (26), (28), and (29) are amended by substituting "kHz" for "kc/s", "MHz" for "Mc/s" and "dB" for "db" wherever they appear. In subparagraphs (21) and (22), "hertz" is substituted for "c/s" the first two times and "Hz" for "c/s" the second two times. Paragraph (c) is amended by substituting "MHz" for "Mc/s".

§ 91.505 [Deleted]

20. Section 91.505—Ineligible licensees—is obsolete and is deleted.

§ 91.506 [Amended]

21. In § 91.506, paragraphs (a) and (b) are amended by substituting "MHz" for "Mc/s". Paragraphs (c), (d), and (e) are deleted.

§ 91.554 [Amended]

22. In § 91.554, the table in paragraph (a) is amended by substituting "MHz" for "Mc/s". Paragraph (b) is amended by substituting "kHz" for "kc/s", "MHz" for "Mc/s" and "dB" for "db" where they appear in subparagraphs (8), (9), (19), (30), (31), (35), and (38). In subparagraphs (3) and (31), "hertz' is substituted for "c/s" the first two times it appears and "Hz" for "c/s" the last two times. Paragraph (c) is amended by substituting "kHz" and "MHz" for "kc/s" and "Mc/s", respectively. Paragraph (d) is deleted.

§ 91.555 [Amended]

23. The text of § 91.555 is amended to substitute "kHz" for "kc/s" and "dB" for "db".

§ 91.556 [Amended]

24. In § 91.556, paragraphs (a) and (b) are amended by substituting "MHz" for "Mc/s" and paragraph (c) is deleted.

25. In § 91.606, "kHz" is substituted for "kc/s" in the title and in paragraphs (a) and (c). Paragraph (b) is amended to read as follows:

§ 91.606 **Policy governing assignment of frequencies in the band 1750–1800 kHz.**

* * * * *

(b) The normal minimum geographical separation between stations of different frequencies separated by less than 3 kHz. Any person desiring geographical separation of less than 360 miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 decibels throughout the daytime primary service area of other stations.

* * * * *

§§ 91.651–91.656 [Deleted]

26. Subpart N—§§ 91.651, 91.652, 91.653, 91.654, 91.655, and 91.656—is obsolete and therefore deleted. Subpart N is shown as "[Reserved]".

§ 91.731 [Amended]

27. In § 91.731, paragraph (a) is amended to substitute "MHz" for "Mc/s". Paragraphs (b), (c), and (d) are deleted and the designation "(a)" is deleted from the beginning of the one remaining paragraph.

§ 91.755 [Amended]

28. In § 91.755, paragraph (a) is amended to substitute "MHz" for "Mc/s". Paragraphs (b), (c), and (d) are deleted and the designation "(a)" is deleted from the beginning of the one remaining paragraph.

PART 93—LAND TRANSPORTATION RADIO SERVICES

E. Part 93 is amended as follows:

§ 93.7 [Amended]

1. In § 93.7, the introductory text is amended by inserting the word "Radio" between the words "and" and "Treaty"; and in paragraph (c), the definition of Authorized bandwidth is amended by

substituting "kilohertz" for "kilocycles".

§ 93.103 [Amended]

2. In § 93.103, paragraph (b) is amended by substituting the word "chapter" for "subchapter" at the end of the paragraph.

§ 93.105 [Amended]

3. In § 93.105, paragraphs (a), (b), (e), (f), (g), and (h) are amended by substituting "hertz" for "cycles per second", "MHz" for "Mc/s", and "kHz" for "kc/s" wherever they appear. In addition, in paragraphs (g) and (h), "audio frequency" and "audio frequencies" are printed as two words.

§ 93.158 [Amended]

4. Section 93.158(b) is amended by substituting "Federal Aviation Administration for "Federal Aviation Agency" at the end of the first sentence.

§ 93.160 [Amended]

5. In § 93.160, subdivisions (iv) and (v) of paragraph (e)(3) are amended to substitute "Federal Aviation Administration" for "Federal Aviation Agency".

§§ 93.301–93.306 [Deleted]

6. Subpart G—§§ 93.301, 93.302, 93.303, 93.304, 93.305, and 93.306—is obsolete and is deleted. Subpart G is shown as "[Reserved]".

§ 93.351 [Amended]

7. In 93.351, paragraph (a)(3) is amended by deleting the hyphen and printing "nonprofit" as one word.

§ 93.401 [Amended]

8. In § 93.401, paragraph (a)(2) is amended to delete the hyphen and to print "nonprofit" as one word.

§ 93.402 [Amended]

9. In § 93.402, the title is amended to delete the word "stations" and to substitute "MHz" for "Mc/s" and paragraphs (b) and (c) are amended to substitute "MHz" for "Mc/s".

§ 93.501 [Amended]

10. In § 93.501, paragraph (a)(3) is amended to print "nonprofit" as one word.

§ 93.503 [Amended]

11. In § 93.503, the title and paragraphs (a), (b), (c), and (d) are amended to substitute "MHz" for "Mc/s" and paragraph (e) is deleted.

[F.R. Doc. 70–10032; Filed, Aug. 3, 1970; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Tariff Circular 3; Exemption Application 5]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption Regarding Carriage of Miscellaneous Cargoes Between Seattle, Wash., and Prudhoe Bay on Arctic Coast of Alaska

On June 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 10622) an application for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes, including liquid in bulk, transported between Seattle, Wash., on the one hand and on the other the Arctic Coast of Alaska between Beechey Point and Tigvariak Island (Prudhoe Bay), via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean. The application is filed by Foss Launch & Tug Co. (Foss) and Foss Alaska Line, Inc. (Foss Alaska). The grounds for the application are the same as those set forth in Exemption Application No. 4 which was filed by Puget Sound Tug & Barge Co. and Alaska Barge & Transport, Inc. That application was approved and became effective on June 17, 1970 (see 35 F.R. 9925).

The exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a), and 841(a); Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is further amended by amending paragraph (c) thereof to read as follows:

§ 531.26 Exemptions.

* * * * *

(c) The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916 as amended shall not apply to direct service by water between Seattle, Wash., and Prudhoe Bay, Alaska of miscellaneous cargoes including liquid in bulk provided by Pudget Sound Tug & Barge Co., Alaska Barge & Transport, Inc., Foss Launch & Tug Co., and Foss Alaska Line, Inc., during 1970: *Provided*, That the carriers furnish to the Federal Maritime Commission, 30 days after the exempted carriage has commenced, (1) a copy of each contract of carriage entered into between the carriers and the shippers, indicating the services provided by the carriers and the charges assessed; (2) any contractual arrangements and charges therefor not included in such contracts for other services to shippers, such as storage, warehousing, handling charges, or any other special services provided to the shippers in connection with the movement of this cargo; (3) any additional contractual arrangements for liability for loss or damage and responsibility for insurance coverage; (4) an identification of all commodities carried, the tonnage for each commodity, and the names of shippers of such commodity; and (5) an indication of barge space contracted to each shipper, i.e., whether the shipper chartered full reach of a barge or merely part capacity of a barge. This exemption proviso shall expire December 31, 1970.

* * * * *

Effective date. The exemption granted herein shall become effective upon publication of this order in the FEDERAL REGISTER.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–10104; Filed, Aug. 3, 1970; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Rehabilitation of Low-Income Housing

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 167(k) of the Internal Revenue Code of 1954 (83 Stat. 651; 26 U.S.C. 167) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 521(a) of the Tax Reform Act of 1969 (83 Stat. 651), the following new sections are added immediately after § 1.167(i)–1 to read as follows:

§ 1.167(j) Statutory provisions; depreciation; special rules for section 1250 property.

SEC. 167. *Depreciation.* * * *

(j) *Special rules for section 1250 property*—(1) *General rule.* Except as provided in paragraphs (2) and (3), in the case of section 1250 property, subsection (b) shall not apply and the term "reasonable allowance" as used in subsection (a) shall include an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods:

(A) The straight line method,

(B) The declining balance method, using a rate not exceeding 150 percent of the rate which would have been used had the annual allowance been computed under the method described in subparagraph (A), or

(C) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in subparagraph (B).

Nothing in this paragraph shall be construed to limit or reduce an allowance otherwise allowable under subsection (a) except where allowable solely by reason of paragraph (2), (3), or (4) of subsection (b).

(2) *Residential rental property*—(A) *In general.* Paragraph (1) of this subsection shall not apply, and subsection (b) shall apply in any taxable year, to a building or structure—

(i) Which is residential rental property located within the United States or any of its possessions, or located within a foreign country if a method of depreciation for such property comparable to the method provided in subsection (b) (2) or (3) is provided by the laws of such country, and

(ii) The original use of which commences with the taxpayer.

In the case of residential rental property located within a foreign country, the original use of which commences with the taxpayer, if the allowance for depreciation provided under the laws of such country for such property is greater than that provided under paragraph (1) of this subsection, but less than that provided under subsection (b), the allowance for depreciation under subsection (b) shall be limited to the amount provided under the laws of such country.

(B) *Definition.* For purposes of subparagraph (A), a building or structure shall be considered to be residential rental property for any taxable year only if 80 percent or more of the gross rental income from such building or structure for such year is rental income from dwelling units (within the meaning of subsection (k) (3) (C)). For purposes of the preceding sentence, if any portion of such building or structure is occupied by the taxpayer, the gross rental income from such building or structure shall include the rental value of the portion so occupied.

(C) *Change in method of depreciation.* Any change in the computation of the allowance for depreciation for any taxable year, permitted or required by reason of the application of subparagraph (A), shall not be considered a change in a method of accounting.

(3) *Property constructed, etc., before July 25, 1969.* Paragraph (1) of this subsection shall not apply, and subsection (b) shall apply, in the case of property—

(A) the construction, reconstruction, or erection of which was begun before July 25, 1969, or

(B) For which a written contract entered into before July 25, 1969, with respect to any part of the construction, reconstruction, or erection or for the permanent financing thereof, was on July 25, 1969, and at all times thereafter, binding on the taxpayer.

(4) *Used section 1250 property.* Except as provided in paragraph (5), in the case of section 1250 property acquired after July 24, 1969, the original use of which does not commence with the taxpayer, the allowance for depreciation under this section shall be limited to an amount computed under—

(A) The straight line method, or

(B) Any other method determined by the Secretary or his delegate to result in a reasonable allowance under subsection (a), not including—

(i) Any declining balance method,

(ii) The sum of the years-digits method, or

(iii) Any other method allowable solely by reason of the application of subsection (b) (4) or paragraph (1) (C) of this subsection.

(5) *Used residential rental property.* In the case of section 1250 property which is residential rental property (as defined in paragraph (2) (B)) acquired after July 24, 1969, having a useful life of 20 years or more, the original use of which does not commence with the taxpayer, the allowance for depreciation under this section shall be limited to an amount computed under—

(A) The straight line method,

(B) The declining balance method, using a rate not exceeding 125 percent of the rate which would have been used had the annual allowance beeen computed under the method described in subparagraph (A), or

(C) Any other method determined by the Secretary or his delegate to result in a reasonable allowance under subsection (a), not including—

(i) The sum of the years-digits method,

(ii) Any declining balance method using a rate in excess of the rate permitted under subparagraph (B), or

(iii) Any other method allowable solely by reason of the application of subsection (b) (4) or paragraph (1) (C) of this subsection.

(6) *Special rules.* (A) Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided in paragraphs (5), (9), (10), and (13) of section 48(h) shall be applied for purposes of paragraphs (3), (4), and (5) of this subsection.

(B) For purposes of paragraphs (2), (4), and (5), if section 1250 property which is not property described in subsection (a) when its original use commences, becomes property described in subsection (a) after July 24, 1969, such property shall not be treated as property the original use of which commences with the taxpayer.

(C) Paragraphs (4) and (5) shall not apply in the case of section 1250 property acquired after July 24, 1969, pursuant to a written contract for the acquisition of such property or for the permanent financing thereof, which was, on July 24, 1969, and at all times thereafter, binding on the taxpayer.

[Sec. 167(j), as added by sec. 521(a), Tax Reform Act of 1969 (83 Stat. 649)]

§ 167(j)–1 [Reserved]

§ 1.167(k) Statutory provisions; depreciation; depreciation of expenditures to rehabilitate low-income rental housing.

SEC. 167. *Depreciation.* * * *

(k) *Depreciation of expenditures to rehabilitate low-income rental housing*—(1) *60-month rule.* The taxpayer may elect, in accordance with regulations prescribed by the Secretary or his delegate, to compute the

depreciation deduction provided by subsection (a) attributable to rehabilitation expenditures incurred with respect to low-income rental housing after July 24, 1969, and before January 1, 1975, under the straight line method using a useful life of 60 months and no salvage value. Such method shall be in lieu of any other method of computing the depreciation deduction under subsection (a), and in lieu of any deduction for amortization, for such expenditures.

(2) *Limitations.* (A) The aggregate amount of rehabilitation expenditures paid or incurred by the taxpayer with respect to any dwelling unit in any low-income rental housing which may be taken into account under paragraph (1) shall not exceed $15,000.

(B) Rehabilitation expenditures paid or incurred by the taxpayer in any taxable year with respect to any dwelling unit in any low-income rental housing shall be taken into account under paragraph (1) only if over a period of 2 consecutive years, including the taxable year, the aggregate amount of such expenditures exceeds $3,000.

(3) *Definitions.* For purposes of this subsection—

(A) *Rehabilitation expenditures.* The term "rehabilitation expenditures" means amounts chargeable to capital account and incurred for property or additions or improvements to property (or related facilities) with a useful life of 5 years or more, in connection with the rehabilitation of an existing building for low-income rental housing; but such term does not include the cost of acquisition of such building or any interest therein.

(B) *Low-income rental housing.* The term "low-income rental housing" means any building the dwelling units in which are held for occupancy on a rental basis by families and individuals of low or moderate income, as determined by the Secretary or his delegate in a manner consistent with the policies of the Housing and Urban Development Act of 1968 pursuant to regulations prescribed under this subsection.

(C) *Dwelling unit.* The term "dwelling unit" means a house or an apartment used to provide living accommodations in a building or structure, but does not include a unit in a hotel, motel, inn, or other establishment more than one-half of the units in which are used on a transient basis.

[Sec. 167(k) as added by sec. 521(a), Tax Reform Act of 1969 (83 Stat. 651)]

§ 1.167(k)–1 Depreciation of property attributable to rehabilitation expenditures.

(a) *In general.* (1) In the case of property attributable to rehabilitation expenditures incurred with respect to low-income rental housing after July 24, 1969, and before January 1, 1975, a taxpayer may elect under section 167(k) to compute the depreciation deduction provided by section 167(a) by using the straight line method, a useful life of 60 months, and no salvage value, in lieu of any other method of computing the reasonable allowance referred to in section 167(a). The expenditures must meet the conditions and limitations contained in §§ 1.167(k)–2 and 1.167(k)–3 and the election must be made as prescribed in § 1.167(k)–4. If a proper election with respect to any portion of the basis of property is in effect under section 167(k), no deduction for depreciation or amortization shall be allowed with respect to that portion of the basis of such property under any other provision of the Code. For example, the additional first-year depreciation allowance for small business allowed under section 179 shall not be allowed with respect to that portion of the basis of property for which a proper election under section 167(k) is in effect. The provisions of this subparagraph may be illustrated by the following example:

Example. In 1970, a calendar-year taxpayer buys an existing building and spends $60,000 to rehabilitate 10 dwelling units. The property attributable to the expenditures is placed in service on January 1, 1971. If the conditions of § 1.167(k)–2 (relating to minimum and maximum limitations) and § 1.167(k)–3 (relating to definitions) are met in 1971, the taxpayer may make an election under section 167(k) and claim a depreciation deduction of $12,000 (12/60 × $60,000) for 1971.

(2) Any property attributable to expenditures which are incurred before July 25, 1969, or after December 31, 1974, will not qualify for an election under section 167(k). For purposes of determining whether rehabilitation expenditures are incurred after July 24, 1969, and before January 1, 1975, each dwelling unit (see § 1.167(k)–3(c)) shall be considered separately. An expenditure is incurred, for purposes of this section, on the date such expenditures would be considered incurred under the accrual method of accounting, regardless of the method of accounting used by the taxpayer with respect to other items of income and expense. Thus, even though a taxpayer is on the cash receipts and disbursements method of accounting, expenditures shall be considered incurred, for purposes of this section, on the date that all events have occurred which establish the fact of the taxpayer's liability for such expenditures, and the amount of such expenditures can be determined with reasonable accuracy. The method used by a taxpayer on the cash receipts and disbursements method of accounting, in determining when expenditures are incurred, will be acceptable if it accords with any generally recognized and accepted accrual basis income tax accounting principles. The method so adopted must be applied consistently by the taxpayer for purposes of this subparagraph. (See sections 446(c) and 1.446–1(c)(1)(ii)). The principles of this subparagraph may be illustrated by the following example:

Example. On June 30, 1969, A, a taxpayer on the cash receipts and disbursements method of accounting, signs a contract with a builder for the rehabilitation of an apartment house. If (under subparagraph (2) of this paragraph) any expenditures under the contract are considered incurred before July 25, 1969, property attributable to such expenditures does not qualify for the election under section 167(k).

(3) If an election under section 167(k) is made with respect to property, see sections 1245 and 1250 for treatment of gain on disposition of the property. See section 57(a)(2) for treatment of depreciation under section 167(k) as an item of tax preference, for purposes of the minimum tax contained in section 56.

(b) *Election by partnership.* An election under section 167(k) with respect to property held by a partnership shall be made by the partnership. See section 703(b).

§ 1.167(k)–2 Limitations.

(a) *In general.* The amount of rehabilitation expenditures that may be taken into account with respect to any dwelling unit shall be subject to the limitations described in paragraphs (b) and (c) of this section. In the case of a partnership, these limitations shall apply to the partnership, not to the individual partners. The taxpayer shall maintain detailed records which permit specific identification of the rehabilitation expenditures paid or incurred with respect to each dwelling unit.

(b) *Minimum amount.* (1) Rehabilitation expenditures paid or incurred by the taxpayer in any taxable year with respect to any dwelling unit may be taken into account only if the sum of (i) such expenditures, and either (ii) the rehabilitation expenditures paid or incurred by the taxpayer with respect to such dwelling unit in the immediately preceding taxable year, or (iii) the rehabilitation expenditures paid or incurred by the taxpayer with respect to such dwelling unit in the immediately succeeding taxable year, exceeds $3,000. Thus, with respect to any dwelling unit the taxpayer must pay or incur rehabilitation expenditures of more than $3,000 over a period of 2 consecutive taxable years.

(2) The principles of this paragraph may be illustrated by the following examples:

Example (1). A, a calendar-year taxpayer, spends $7,000 in 1970 to rehabilitate two dwelling units, of which $5,000 is attributable to unit 1 and $2,000 to unit 2. The expenditures qualify as rehabilitation expenditures under § 1.167(k)–3. The property attributable to the $5,000 spent on unit 1 would qualify for the election under section 167(k). The property attributable to the $2,000 spent on unit 2 may qualify only if an amount in excess of $1,000 is expended solely on unit 2 in either 1969 or 1971.

Example (2). The facts are the same as in example (1) except that in 1972 A spends $4,000 to further rehabilitate units 1 and 2. The $4,000 is allocated to the two units equally and qualifies as rehabilitation expenditures under § 1.167(k)–3. In the absence of any expenditures in 1971 or 1973, none of the property attributable to the expenditures in 1972 would qualify for an election under section 167(k).

(c) *Maximum amount.* (1) The maximum amount of rehabilitation expenditures paid or incurred by the taxpayer with respect to any dwelling unit which may be taken into account under section 167(k) is $15,000. Property attributable to amounts in excess of $15,000 may qualify for the reasonable allowance provided by section 167(a). All amounts with respect to which a proper election is filed will be taken into account in applying the limitation of this paragraph, including rehabilitation expenditures covered by an election revoked or considered revoked under § 1.167(k)–4(d).

(2) This paragraph may be illustrated by the following example:

Example. B, a calendar-year taxpayer, spends the following amounts (per dwelling unit) in 4 consecutive taxable years beginning in 1970: $500, $2,000, $5,000, and $9,000.

The expenditures qualify as rehabilitation expenditures under § 1.167(k)-3. All of the property attributable to the expenditures in 1971 and 1972 qualifies for an election under section 167(k). If the taxpayer makes an election for such years, property attributable to only $8,000 of the expenditures for 1973 qualifies for the election since the total qualified amount may not exceed $15,000. The $500 expenditure in 1970 is not taken into account.

(d) *Allocation rules.* (1) Expenditures which are attributable to more than one dwelling unit shall be allocated among those individual dwelling units in the same ratio as the area of each such dwelling unit bears to the total area of all dwelling units to which the expenditures are attributable. Expenditures for related facilities attributable solely to dwelling units, such as parking facilities for tenant use, shall be allocated among the dwelling units to which they relate in the manner described in the preceding sentence. Expenditures attributable to commercial units, or to related facilities attributable solely to commercial units, shall not be allocated to dwelling units. Expenditures attributable to common areas such as stairways, halls, and entranceways shall be allocated among the particular dwelling and nondwelling units to which they relate.

(2) The principles of this paragraph may be illustrated by the following examples:

Example (1). A taxpayer spends $60,000 to replace the roof of an existing structure and to install a new heating system. There are 25 dwelling units of varying size in the structure. Unit 1 contains 1,000 square feet and unit 2 contains 2,000 square feet. The entire building contains 36,000 square feet. The dwelling units occupy 25,000 square feet, a retail store occupies 5,000 square feet, and common areas occupy the remainder. Of the 6,000 square feet of common areas, 1,000 square feet (5,000/30,000×6,000) are allocated to the commercial store and 5,000 (25,000/30,000×6,000) to the dwelling units. Since five-sixths of the total floor space (30,000/36,000) is attributable to dwelling units, the dwelling units are allocated $50,000 (⅚×$60,000) and the commercial units $10,000 (⅙×$60,000). Thus, unit 1 is allocated $2,000 (1,000/25,000×$50,000) and unit 2 is allocated $4,000 (2,000/25,000×$50,000).

Example (2). A taxpayer who owns a three-story apartment building spends $1,000 to install new paneling, carpeting, and lighting in the hallway on a floor containing five dwelling units of equal size. Each dwelling unit is allocated $200 of the total expenditure. Since the expenditure is attributable only to the floor containing the five dwelling units, none of the expenditure is allocable to other areas of the building.

Example (3). A taxpayer spends $5,000 to install new fixtures and new window glass in a commercial store on the first floor of a five-story building. The other floors are occupied by dwelling units. None of the expenditure is allocable to the dwelling units.

§ 1.167(k)-3 Definitions.

(a) *Rehabilitation expenditures*—(1) *In general.* The term "rehabilitation expenditures" means amounts chargeable to capital account for depreciable property with a useful life of 5 years or more, in connection with the rehabilitation of an existing building for low-income rental housing. Expenditures attributable to any dwelling unit shall not qualify as rehabilitation expenditures unless following the completion of rehabilitation the dwelling unit is held for occupancy on a rental basis by tenants meeting the requirements of paragraph (b) of this section. Expenditures for the purchase of land, or incurred to purchase the existing building or any interest in the building (such as a leasehold interest), do not qualify as rehabilitation expenditures. Expenditures attributable to a commercial unit, such as a grocery store, do not qualify as rehabilitation expenditures. An amount need not be actually spent on a dwelling unit or a building in order to qualify provided the expenditure is in connection with the rehabilitation of an existing building and not attributable to a commercial unit. For example, expenditures to pave a parking lot for use by the tenants could qualify. Such expenditures must meet the limitations of section 167(k)(2) and will be allocated in accordance with § 1.167(k)-2(d).

(2) *New construction distinguished.* Expenditures attributable to a building which are for new construction do not qualify as rehabilitation expenditures. Whether expenditures are attributable to the rehabilitation of an existing structure, or attributable to new construction, will be determined upon the basis of all the facts and circumstances. Expenditures will generally be considered attributable to rehabilitation if the foundation and outer walls of the existing building are retained. Other factors that may be relevant in this determination include: The amount paid to acquire the existing building; and the amount of material remaining from the existing building.

(3) *Enlargement of existing building.* The total area occupied by the dwelling units in a rehabilitated building may not exceed the area of the existing building prior to rehabilitation, and any enlargement of this area for dwelling units will be considered new construction which will not qualify as rehabilitation. Expenditures which are attributable to the construction of a related facility, such as a garage, sidewalk or parking lot, will not be considered the enlargement of a building.

(4) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). The taxpayer owns a two-story apartment building with an empty attic, which he plans to rehabilitate. In addition to rehabilitating the existing units, he constructs two new apartments in the space formerly occupied by the attic. The expenditures may qualify as rehabilitation expenditures. However, if the taxpayer adds a third story to the building, the expenditures do not qualify as rehabilitation expenditures.

Example (2). The taxpayer owns an apartment building. In addition to rehabilitating the existing structure, the taxpayer adds a new wing to the building occupied by dwelling units. The expenditures attributable to the new wing do not qualify as rehabilitation expenditures.

Example (3). A taxpayer owns an apartment building. As part of the rehabilitation of the existing structure, the taxpayer constructs a garage for the use of tenants. The expenditures attributable to the garage may qualify as rehabilitation expenditures. If the garage is used by tenants and nontenants an allocation of expenditures will be made.

(b) *Low-income rental housing*—(1) *In general.* (i) The term "low-income rental housing" means any dwelling unit in a building which is held for occupancy by families and individuals of low or moderate income (as defined in subparagraph (2) of this paragraph). If a dwelling unit fails to qualify as low-income rental housing at any time during the 60-month election period, any election with respect to any property attributable to rehabilitation expenditures allocated to such unit shall be considered revoked by the taxpayer. (See § 1.167(k)-4(d) for revocation of election.)

(ii) If a dwelling unit is rented for one or more periods during the taxable year, beginning after the date the property attributable to rehabilitation expenditures allocated to such unit is placed in service, it shall be considered low-income rental housing only if it is occupied by families and individuals of low or moderate income (as defined in subparagraph (2) of this paragraph) during each such period.

(iii) If a dwelling unit is not rented for some period during the taxable year, beginning after the date the property attributable to rehabilitation expenditures allocated to such unit is placed in service, it shall be considered low-income rental housing only if at all times during such period the rental at which the unit is offered indicates that such unit is held for occupancy by families and individuals of low or moderate income (as defined in subparagraph (2) of this paragraph). Generally, if the rental at which the unit is offered does not exceed 30 percent of the low or moderate income level (determined under subparagraph (2) of this paragraph), for the number of persons occupying comparable units, the unit will be considered low-income rental housing.

(2) *Definition of low or moderate income.* For purposes of section 167(k) and this section—

(i) The occupants of a dwelling unit shall be considered families and individuals of low or moderate income only if the adjusted income (as defined in subparagraph (3) of this paragraph) of such occupants does not exceed 150 percent of the maximum income level established as the standard for eligibility for public housing in that area, and for that number of occupants, under sections 2(2) and (15)(7)(b)(ii) of the United States Housing Act of 1937 (42 U.S.C. 1402).

(ii) Notwithstanding subdivision (i) of this subparagraph, the occupants of a dwelling unit shall not qualify under this subparagraph if all such occupants are students (as defined in section 151(e)(4)), no one of whom is entitled to file a joint return under section 6013.

All determinations under this subparagraph shall be made as of the earlier of the date the lease is signed or the dwelling unit is occupied on a rental basis.

(3) *Adjusted income.* The term "adjusted income" means the gross income for the taxable year immediately preceding occupancy of the persons who occupy the dwelling unit, reduced by the amount of any trade or business

expenses allowed as a deduction under section 162 for such year. For this purpose, the occupants of a dwelling unit shall include all persons required to supply income certifications under subparagraph (4) of this paragraph and the adjusted income shall be computed solely from such income certifications.

(4) *Income certification.* A taxpayer electing to compute depreciation under section 167(k) with respect to any property contained in a dwelling unit, shall secure an income certification from the tenant covering each person who proposes to live in such dwelling unit. If the dwelling unit is rented to a new tenant during the 60-month election period, the taxpayer shall secure an income certification from the new tenant covering each person who proposes to live in the dwelling unit. The adjusted income is not affected if a person covered by an income certification earns additional income. The income certification shall state the gross income and business expenses allowed as a deduction under section 162 for all such persons for the immediately preceding taxable year. The income certification must be sworn to before an official authorized to administer oaths (such as a notary public), and shall be maintained by the taxpayer as a part of his books and records.

(5) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). The maximum income level established as the standard for eligibility for local public housing in a particular area is $5,000 for a family of four. During 1970, the taxpayer spends in excess of $3,000 per unit in rehabilitating four two-bedroom dwelling units. All such units are placed in service on January 1, 1971, and are advertised for rental at $180 per month. Two of the units are rented at this price to tenant A and tenant B, each of whom is married and has two children. At the time of the signing of the lease, tenants A and B certify that their families' gross income for 1970 was $7,000 and $8,000, respectively. Neither family had any business expenses which were deductible under section 162, for 1970. The low or moderate income level for purposes of this paragraph is $7,500 (150 percent of the $5,000 local eligibility level). Since family A's adjusted income of $7,000 does not exceed this amount, rehabilitation expenditures allocated to the dwelling unit rented to family A could qualify under section 167(k). However, the rehabilitation expenditures allocated to the dwelling unit rented to family B could not qualify, since tenant B's adjusted income ($8,000) is in excess of the low or moderate income level for that area.

Example (2). The facts are the same as in example (1). During 1971, tenant A's wife takes a job and earns $3,000, giving the family a total income of $10,000. Even though A's adjusted income would not qualify in 1971 under paragraph (2), the original election with respect to property contained in unit A will remain valid as long as tenant A occupies the unit.

Example (3). One of the remaining two units is rented on June 1, 1971, to tenant C whose income certification shows a gross income of $25,000 and $18,500 in deductions under section 162. The taxpayer may make an election with respect to the unit occupied by tenant C, since tenant C's adjusted income is less than $7,500.

Example (4). The remaining unit is vacant throughout 1971. The unit will be considered low-income rental housing since the rental at which the unit is offered ($2,160 per year) does not exceed 30 percent of the low or moderate income level for a family of 4, $2,250 (30% × $7,500).

(c) *Dwelling unit*—(1) *In general.* The term "dwelling unit" means a house or an apartment used to provide living accommodations in a building or structure. A house or apartment will not be considered as used to provide living accommodations unless the unit contains the facilities generally found in a principal place of residence (such as a kitchen and sleeping accommodations).

(2) *Exception.* The term "dwelling unit" does not include any unit in a hotel, motel, inn, or other establishment more than one-half of the dwelling units in which are used on a transient basis. Generally, a dwelling unit will be considered used on a transient basis if the normal rental term is less than 30 days.

§ 1.167(k)–4 Time and manner of making election.

(a) *Manner of election*—(1) *In general.* An election under section 167(k) shall be made by attaching a statement to the income tax return filed for the first taxable year in which the taxpayer computes the depreciation deduction using a 60-month useful life. An information statement shall be attached to the income tax return filed for each subsequent taxable year in which the taxpayer computes depreciation under section 167(k). The 60-month election period shall begin with the date the property is placed in service, unless the taxpayer adopts an averaging convention in accordance with § 1.167(a)–10(b) which permits the use of some other date. Except as provided in subparagraph (2) of this paragraph, no election may be made until all the conditions and limitations of §§ 1.167(k)–2 and 1.167(k)–3 are satisfied.

(2) *Special rule.* The rules contained in this subparagraph shall apply only if the taxpayer does not satisfy the $3,000 minimum amount limitation of section 167(k)(2)(B) in the taxable year in which property is placed in service and in the immediately preceding taxable year. The taxpayer may make an election under section 167(k) for the taxable year in which property is placed in service, by filing the election within the time and in the manner prescribed in this section and by enclosing a separate written statement disclosing an intent to fulfill the $3,000 minimum amount limitation in the succeeding taxable year. If the taxpayer does not make an election under the preceding sentence for the taxable year the property is placed in service, an amended return to make the election may be filed for such year, provided that such amended return is filed within the time and in the manner prescribed in paragraph (c)(2) of this section. The principles of this subparagraph may be illustrated by the following example:

Example. A, a calendar-year taxpayer, spends $2,000 per dwelling unit in two consecutive taxable years, beginning in 1970, and the expenditures qualify as rehabilitation expenditures under § 1.167(k)–3. An election under this subparagraph may be made with respect to the property placed in service in 1970, provided that A files a statement of intent to spend more than $1,000 per dwelling unit in 1971. Alternatively, A may file an amended return for 1970.

(b) *Information required*—(1) *Election year.* The election to compute depreciation under section 167(k) with respect to any property must contain the following information:

(i) Taxpayer's name, address, and identification number.

(ii) Description of property with respect to which an election is made, and the date such property was placed in service.

(iii) Location and description of building being rehabilitated.

(iv) Number of dwelling units in the structure, and the number of such units used on a transient basis (see § 1.167(k)–3(c)(2)).

(v) Date rehabilitation expenditures are incurred (see § 1.167(k)–1(a)(2)).

(vi) Statement that all income certifications required by § 1.167(k)–3(b)(4) have been obtained.

(vii) For each dwelling unit which the taxpayer seeks to qualify as low-income housing for purposes of the election under section 167(k):

(*a*) Rehabilitation expenditures allocated to such unit (see § 1.167(k)–2(b)),

(*b*) For each period of occupancy during the taxable year, the number of occupants, the adjusted income of the occupants of such unit (determined solely from the income certifications required by § 1.167(k)–3(b)(4)), and the rent charged for such unit, and

(*c*) For each period in which such unit is vacant during the taxable year, a description of each such unit (as to number of rooms), the low or moderate income level in that area for the number of persons occupying comparable units, and the rental at which each vacant unit is offered.

(viii) If allocation is required under § 1.167(k)–2(d), the area occupied by dwelling units and nondwelling units.

(ix) If applicable, statement of intent to fulfill $3,000 minimum amount limitation (paragraph (a)(2) of this section).

(2) *Subsequent years.* For each taxable year in which depreciation is computed under section 167(k) after the taxable year of the election, the statement required by this section must state the rental charges for each occupied unit and the rental charge at which each vacant unit is offered. In addition, if any such unit is rented to a new tenant during the taxable year, such statement must also contain the following information:

(i) A statement that such tenant has signed an income certification (see § 1.167(k)–3(b)(4)),

(ii) The number of occupants in the unit, and the total adjusted income of such occupants, determined solely from the income certifications required by § 1.167(k)–3(b)(4), and

(iii) The low or moderate income level for that area and that number of occupants (§ 1.167(k)–3(b)(2)).

(c) *Time for filing election*—(1) *General rule.* In general, the election to compute depreciation under section 167(k) with respect to any property attributable to rehabilitation expenditures must be filed no later than the time prescribed by law (including extensions thereof) for filing the taxpayer's return for the taxable year in which the property is placed in service, provided that the rehabilitation expenditures meet the requirements of §§ 1.167(k)–2 and 1.167(k)–3 in that year, taking into account expenditures of the preceding taxable year for purposes of the $3,000 minimum amount limitation. The statement required for subsequent years must be filed no later than the time prescribed by law (including extensions thereof) for filing the return for such subsequent years. However, if the taxpayer does not file a timely return for the year in which the property is placed in service, the election shall be filed at the time the taxpayer files his first return for such year. For information required in the election and subsequent years, see paragraph (b) of this section. If the taxpayer fails to make an election within the time prescribed by this paragraph, no election may be made with respect to such property by the filing of an amended return or in any other manner.

(2) *Special rule.* If an election is filed with an amended return permitted by paragraph (a)(2) of this section it must be filed no later than time prescribed by law (including extensions thereof) for filing a return for the first taxable year following the year in which the property is placed in service.

(d) *Revocation of election*—(1) *In general.* An election under section 167(k) may be revoked by the taxpayer at any time prior to the time prescribed by law (including extensions thereof) for filing a tax return for the last taxable year in which any portion of the 60-month election period falls. Such revocation shall be made by filing a statement in writing with the district director or director of the regional service center with which the election was filed.

If an election is revoked under this paragraph, the revocation shall not affect taxable years for which a tax return was filed computing a depreciation deduction under section 167(k). The revocation shall be effective on the date specified by the taxpayer. Such revocation may apply to any property attributable to rehabilitation expenditures allocated to any dwelling unit in the building or structure or to all such property. An election revoked under this subparagraph may not be reinstated.

(2) *Failure to meet requirements of section 167(k).* An election under section 167(k) with respect to property attributable to a dwelling unit shall be considered revoked with respect to such property if at any time during the taxable year—

(i) Such unit is rented to a person or persons outside the definition of low or moderate income (see § 1.167(k)–3(b)(2));

(ii) Such unit is not held for occupancy by families and individuals of low or moderate income (see § 1.167(k)–3(b)(1));

(iii) More than one-half of the dwelling units in the building are rented on a transient basis (see § 1.167(k)–3(c));

(iv) Expenditures which are required in order to meet the $3,000 minimum amount limitation for the preceding taxable year are insufficient (see § 1.167(k)–2(b)).

The revocation shall be deemed to occur on the first day in which the dwelling unit does not meet the requirements of section 167(k) during the taxable year. Any revocation of an election under this subparagraph shall not affect prior taxable years for which a tax return computing a depreciation deduction under section 167(k) was filed if all the conditions of section 167(k) were met for those years. An election considered revoked under this subdivision may not be reinstated.

(3) *Effect of revocation.* The taxpayer may not compute the depreciation deduction using the 60-month useful life permitted under section 167(k) for any portion of any taxable year, beginning after the date on which a revocation is effective under this paragraph. The depreciation deduction allowed under section 167(k) for the taxable year in which a revocation is effective shall be the amount such deduction would have been for such year if no revocation had occurred, multiplied by a fraction consisting of (i) the number of days in the taxable year prior to the date of the revocation, over (ii) the number of days of the 60-month election period which fall within such year. The taxpayer shall continue to use the straight line method of depreciation, but shall use the estimated remaining useful life and salvage value of the property (determined without regard to section 167(k)) as of the date such revocation is deemed to occur. If the taxpayer wishes to adopt another method of depreciation following a revocation of an election, such new method is a change in a method of accounting which requires the consent of the Secretary or his delegate under section 446(e). Generally, the straight line method of depreciation using the property's remaining useful life determined without regard to section 167(k) will be the only method of depreciation which will be accepted following a revocation.

(4) *Example.* The principles of this paragraph may be illlustrated by the following example:

Example. Beginning after July 24, 1969, a calendar-year taxpayer spends $5,000 per dwelling unit to rehabilitate the three dwelling units in an apartment house. The property attributable to these expenditures is placed in service on January 1, 1970. The dwelling units qualify as low-income rental housing and the taxpayer elects to compute depreciation under section 167(k). The dwelling units continue to qualify as low-income rental housing throughout 1970, 1971, and 1972. On March 15, 1973, the three units cease to qualify as low-income rental housing and the election under section 167(k) is considered revoked on that date. The amount of the depreciation deduction computed under section 167(k) for 1973 with respect to these three units is the amount such depreciation would have been absent a revocation, $3,000 (⅓×$15,000), multiplied by the number of days of the taxable year before the revocation, 73, over the number of days of the 60-month election period within the taxable year, 365. Thus, the depreciation deduction for 1973 under section 167(k) is $600 (⅓×$3,000). For the remainder of 1973, the taxpayer must compute depreciation under the straight line method, using the estimated useful life and the salvage value of the property on March 15, 1973. The adjusted basis of the property on March 15, 1973, is $5,400, the property's unadjusted basis ($15,000), minus the depreciation allowed under section 167(k) ($9,600). Assume that the property's estimated remaining useful life is 20 years and that the salvage value is $1,000. The depreciation deduction for 1973 under section 167(a) is the amount the depreciation would have been for 1973 under the straight line method, $220 (1/20×$4,400), multiplied by the number of days following the revocation, 292, over the number of days of the taxable year, 365. Thus, the taxpayer would be allowed a deduction of $176 under section 167(a) for the period of 1973 following the revocation (⅘×$220). The depreciation allowed for 1973 with respect to the property is the sum of the depreciation computed under section 167(k) before the revocation ($600) plus the depreciation allowed under section 167(a) after the revocation ($176), or $776.

(e) *Effective date.* The provisions of section 167(k) apply to taxable years ending after July 24, 1969. A taxpayer will be permitted to make an election or revoke an election under section 167(k) within 90 days from the date of the publication in the FEDERAL REGISTER of the final regulations under section 167(k). The election will be permitted under this paragraph for any taxable year ending after July 24, 1969, notwithstanding the fact that the period prescribed by paragraph (c) of this section for filing an election for such taxable year has expired. The provisions of paragraph (a)(1) of this section shall apply for purposes of determining the beginning of the 60-month election period. If the taxpayer is permitted to revoke an election with respect to any property within the 90-day period specified in this paragraph, the taxpayer may adopt any method of depreciation permitted under section 167 for such property, beginning with the date the property was placed in service, using the estimated useful life of the property on such date, determined without regard to section 167(k).

[F.R. Doc. 70–10079; Filed, Aug. 3, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 711]

MARKETING QUOTA REVIEW REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7

U.S.C. 1301, 1363–1368, 1375), the Department proposes to issue marketing quota review regulations effective as provided herein.

It is proposed that the regulations shall be essentially the same as the regulations currently in effect (26 F.R. 10204), as amended, except as follows:

1. The factors subject to review are stated in more detail.

2. Review jurisdiction in cases involving quota notices executed by other officials acting in lieu of the county committee is specifically granted. Language is added to provide that an appeal by a farmer of the quota resulting from the division of a parent farm into two or more farms shall be considered to be an appeal of the reconstitution of the parent farm. Notice to the farm operator of each farm involved in such reconstitution would be given and the review committee would make a determination on the quotas in the consolidated appeal.

3. The function of the review committee in cases where the issue of untimely filing is presented is specifically stated.

4. The use of notice of insufficiency (Form MQ–55) and order of dismissal (Form MQ–57) is discontinued.

5. A listing of the counties in areas of venue is included as a section of the regulations.

Prior to the issuance of the regulations referred to herein, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

GENERAL

AUTHORITY: The provisions of this Part 711 issued under secs. 301, 363–368, 375, 52 Stat. 38 as amended, 63, 64, as amended, 66, as amended; 7 U.S.C. 1301, 1363–1368, 1375.

GENERAL

§ 711.1 Effective date.

The Marketing Quota Review Regulations (26 F.R. 10204, 27 F.R. 4831, 6539, 28 F.R. 3913, 31 F.R. 4271, 5663, 32 F.R. 15704) shall remain in effect and shall apply to all actions and proceedings taken prior to October 15, 1970, and such regulations are superseded as of midnight, October 14, 1970. The provisions of §§ 711.1 to 711.50 are effective October 15, 1970.

§ 711.2 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this part.

§ 711.3 Definitions.

(a) *General terms.* In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions in Part 719 of this chapter shall apply to this part.

(b) *Act.* Act means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(c) *Applicant.* Applicant means the farmer who filed an application for review of a farm marketing quota and if a hearing involves the quota of a farm resulting from the reconstitution by division of a parent farm, the farm operator of each farm resulting from such reconstitution shall be considered an applicant for purposes of this part.

(d) *Clerk.* Clerk means the county executive director for the county in which the application for review is filed unless another employee of the county or State office is designated by the State executive director to serve as clerk to the review committee.

(e) *Review committee.* Review committee means three farmers designated to review a quota by the State executive director from the panel of farmers appointed by the Secretary under section 363 of the act.

(f) *Quota.* Quota means a farm marketing quota established under the act for a year for which quotas are approved in the national referendum for a commodity (upland cotton, extra long staple cotton, peanuts, rice and tobacco) including any of the following factors which enter into the establishment of such quota:

(1) Farm acreage allotment (amount of rice producer allotment prior to allocation to a farm not subject to review by review committee but may be reviewed in accordance with Part 780 of this chapter);

(2) Tobacco acreage-poundage;

(3) Farm normal yield or projected farm yield when used to calculate a farm marketing excess (review of such yields in connection with price support determinations permitted in accordance with Part 780 of this chapter);

(4) Actual production for the farm;

(5) Farm marketing excess;

(6) Excess acreage (peanuts and tobacco);

(7) Acreage of the commodity on the farm; and

(8) Determination of the land constituting the farm.

§ 711.4 Forms.

The following general forms, as revised from time to time, are prescribed for use in connection with review proceedings;

(a) MQ–53 Application for Review of Farm Marketing Quota.

(b) MQ–54 Notice of Untimely Filing of Review Application.

(c) MQ–56 Notice of Hearing of Review Application.

(d) MQ–58 Determination of Review Committee Farm Marketing Quota.

(e) MQ–59 Oath of Review Committeeman.

§ 711.5 Public information.

The clerk shall maintain a record of applications and review committee proceedings which shall be available at the office of the clerk for public inspection and copying in accordance with Part 798 of this chapter.

REVIEW COMMITTEE

§ 711.6 Eligibility as member of a panel.

Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations in Part 7 of Subtitle A of this title, as amended, in a county within the area of venue for which he is to be appointed shall be eligible for appointment as a member of a review committee panel for such area of venue. If the area of venue consists of only one county or a part of a county, these eligibility requirements must be met in such county or in a nearby county. No farmer whose legal residence is in one State shall be eligible for appointment as a member of a review committee panel for an area of venue in another State.

§ 711.7 Appointment of members of a panel.

The Secretary shall appoint six or more eligible farmers to serve as members of a review committee panel in each area of venue. Notice of appointment

shall be sent to the State committee, which shall notify the farmers so appointed. Appointments may be made before, during, or after the period in which applications for review of quotas are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act, to make such other appointment deemed proper.

§ 711.8 Oath of office.

Each farmer appointed to serve as a member of a review committee panel shall, as soon as possible after appointment, execute an oath of office on such form as may be prescribed by the Deputy Administrator, duly subscribed and sworn to or affirmed before a notary public. No farmer shall serve on a review committee unless such oath of office has been duly executed and filed with the State executive director or the clerk. A farmer appointed for consecutive terms to serve as a member of a review committee panel shall not be required to file a new oath of office after the original filing. If the form of oath of office is materially changed, a new oath of office shall be executed if required by the Deputy Administrator.

§ 711.9 Composition of review committee.

(a) *Three designated members from the panel constitute a review committee.* Three members from the panel shall act as a review committee to hear applications for review for the prescribed area of venue. The State executive director shall designate from the panel of members for the prescribed area of venue three members who shall act as a review committee to hear specific applications and shall designate one of these three members as chairman of the review committee and another member as vice-chairman. Where the number of applications pending require two or more review committees for prompt disposition of such applications, the State executive director shall designate the members of each review committee, the chairman and vice chairman thereof, and the specific application to be heard by each review committee. Two or more review committees may hear applications concurrently in an area of venue. In the absence of the chairman, the vice chairman shall perform the duties and exercise the powers of the chairman. The State executive director shall notify members of each review committee of the schedule of hearings. No member shall serve in any case in which a quota will be reviewed for a farm in which such member, any of his relatives or business associates, is interested, nor shall any member serve where he had acted as State, county, or community committee member on a quota to be reviewed by the review committee.

(b) *Only two members present to commence hearing.* Where only two members of a review committee are present to commence a hearing, although three members were scheduled to hear the application, at the request of or with the consent of the applicant in writing, a hearing conducted by two members of the review committee shall be deemed to be a regular hearing of the review committee as to such application. The determination made by such members shall constitute the determination of the review committee. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State executive director. If the applicant does not consent in writing to a hearing conducted by two members of the review committee, the hearing shall be rescheduled.

(c) *Only two members remain to complete a hearing.* Where only two members of a review committee remain to complete a hearing commenced with three members, due to serious illness, death, or other cause which prevents one of the members from completing the hearing within a reasonable time, at the request or with the consent of the applicant in writing, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purpose of such hearing. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State executive director. If the applicant does not consent in writing to completion of the hearing by two members of the review committee, the hearing shall be rescheduled.

(d) *Reopened or remanded hearings.* In the case of a reopened or remanded hearing, if any member of the review committee is no longer in office because of death, resignation, or ineligibility, the State executive director shall designate another member of the review committee panel to serve on the review committee. If a hearing held pursuant to paragraph (b) or (c) of this section is reopened or remanded and only one review committee member is available to hear such reopened or remanded hearing, the State executive director shall designate two additional members from the review committee panel to serve on the review committee.

§ 711.10 Term of office.

Appointment as a member of a review committee panel shall be for a term of 1 calendar year. A member may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee shall continue in office to conclude hearings before it which are begun during such year and make final determinations thereof, or to hold a reopened hearing, or to conclude a hearing remanded to it by a court.

§ 711.11 Compensation.

The members designated as review committeemen shall receive compensation when serving at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. No member of a review committee shall be entitled to receive compensation for services as such member for more than 30 days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

§ 711.12 Effect of change in composition of review committee.

Nothing contained in §§ 711.6 to 711.11 relating to any vacancy or revocation or suspension of appointment and nothing done pursuant thereto shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee whose office has become vacant participated, or as affecting in any way court proceeding which may be instituted to review such determination.

JURISDICTION

§ 711.13 Areas of venue and jurisdiction.

(a) *Areas of venue.* The State committee shall establish one or more areas of venue in the State. An area of venue may consist of all or part of a county, or more than one county within a State. In establishing areas of venue, the State committee shall take into consideration the requirements of section 363 of the act as to eligibility of review committee members, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen in any one year.

(b) *Jurisdiction.* A review committee shall have jurisdiction within the area of venue for which it is established to hear applications respecting quotas established or denied by written notice issued by the county committee or other authorized official for farms within its area of venue, in accordance with this part.

APPLICATION FOR REVIEW OF QUOTA

§ 711.14 Application for review.

(a) *Manner and time of filing.* Any farmer who is dissatisfied with his quota may, within 15 days after the date of mailing to him of notice of such quota, file a written application for review thereof by the review committee. Such 15-day period is prescribed in accordance with section 363 of the act. Unless application for review is timely filed, as determined under this section, the quota established by the notice shall not be subject to review by the review committee. An application shall be in writing and addressed to, and filed with, the county executive director for the county from which the notice of quota was received. Any application (Form MQ–53 available on request) whether made on Form MQ–53 or not, shall contain the following:

(1) Date of application and commodity (including type where applicable, e.g. Upland cotton, Flue-cured tobacco).

(2) Correct full name and address of applicant.

(3) Brief statement of each ground upon which the application is based.

(4) A statement of the amount of quota which it is claimed should have been established.

(5) Signature of applicant.

In any case where an application is timely filed for review of a quota on a farm which was reconstituted by division of a parent farm into two or more farms, such application shall be considered an application for review of the reconstitution of the parent farm. In any such case the farm operator of each farm resulting from such reconstitution shall be considered an applicant for purposes of this part with all the rights and privileges provided in this part. If an action may be taken by an applicant which affects the rights of any other applicant in the case, the other applicants shall be given the opportunity to concur in such action or to oppose such action.

(b) *Procedure where application is not timely filed.* The county committee shall examine each application for review. If the application is not filed within the prescribed 15-day period, the county executive director shall send a notice of untimely filing on Form MQ–54 by certified mail to the applicant at the address shown on the application. The applicant may file a request in writing with the county executive director within 15 days after the date of mailing such notice to him requesting a review committee hearing on the sole issue of whether the application was filed within the prescribed 15-day period. In the absence of timely request in writing for such review committee hearing, the application shall be deemed withdrawn by the applicant. If timely request in writing for such review committee hearing is filed, a copy of the application and request shall be forwarded by the county executive director to the State executive director with a request that a hearing on the sole issue of timely filing be scheduled before the review committee. In cases involving the sole issue of timely filing of an application, the review committee shall determine whether the date the application was filed, or the postmark date in case of mailing by the applicant, was within the 15-day period. If the review committee determines that the application was timely filed, a hearing on the merits of the application shall be held. In addition, a hearing on the merits shall be conducted and the application treated as timely filed in any case where the review committee determines that the applicant in good faith requested review of his quota by the county or State committee under the regulations in Part 780 of this chapter in reliance upon action or advice of any authorized representative of a county or State committee and subsequently filed application for review under this part within a reasonable time after he learns that the quota is subject to review committee jurisdiction.

(c) *Withdrawal of application.* An application may be withdrawn upon the written request of the applicant. Any application so withdrawn or deemed withdrawn under paragraph (b) of this section shall be endorsed by the clerk "Dismissed by the applicant".

(d) *Procedure where application is timely filed.* The county committee shall examine each application for review and where an application is found to be timely filed, the county executive director shall forward a copy of the application to the State executive director with a request that a hearing on the merits be scheduled before the review committee.

§ 711.15 Matters subject to review.

In all cases, the review committee shall consider only such matters as, under applicable provisions of law and regulations, are required or permitted to be considered by the county committee in the establishment of the quota being reviewed. The establishment of national marketing quotas and apportionment of national acreage allotments among States and counties and the establishment of reserve acreages at the national and State level and apportionment of such reserves among States and counties are not subject to review by a review committee. Review of a quota may include any of the factors which enter into the establishment of such quota for the farm and crop year as set forth in § 711.3(f): *Provided, however,* That any factor of such quota considered by a review committee in a prior determination for the farm and crop year shall not be considered in a subsequent review proceeding. For example, a determination of the farm acreage allotment by the review committee would not be reconsidered upon any application for review of the farm marketing excess for the same farm and crop year.

§ 711.16 County committee answer.

The county committee shall prepare a written answer to each application scheduled for hearing setting forth the pertinent facts, the applicable regulations, the data used in establishing the quota and any other matters deemed pertinent: *Provided,* That the answer may be limited to the issue of timely filing where the hearing is limited to that issue. If the county committee determines that the increase, adjustment or other determination requested in the application is proper in whole or in part, the written answer shall set forth the proposed determination and in such cases, the applicant shall be notified by the county committee of such proposed determination prior to the scheduled review hearing if practicable to do so. In the event the applicant is satisfied with the proposed determination, upon withdrawal of his application, the county committee shall take the necessary action to revise the quota within the limits of the act and applicable commodity regulations if acreage is available in the county in the amount required. The State executive director may perform the functions of the county committee under this section and the functions of the county committee and county executive director under § 711.14 (b) and (d) in any case where the application for review involves a notice of farm marketing quota issued by officials other than the county committee.

§ 711.17 Amendments.

Upon due request, and within the discretion of the review committee, the right to amend the application and all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

HEARING AND DETERMINATION

§ 711.18 Place and schedule of hearing.

The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State executive director or by the review committee in cases arising under § 711.21: *Provided, however,* That the place of hearing may be in some other county if agreed to in writing by the applicant. The State executive director shall schedule applications for hearings and forward such schedule to the clerk.

§ 711.19 Notice of hearing.

The clerk shall give written notice on Form MQ–56 to the applicant by depositing such notice in the U.S. mail, certified and addressed to the last known address of the applicant at least 10 days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such 10-day period, the hearing may be scheduled earlier upon consent of the other interested parties. The notice of the hearing shall specify the time and place of the hearing, contain a statement of the statutory authority for the hearing, state that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located, and that a verbatim transcript may be obtained by the applicant if he makes arrangement therefor before the hearing and pays the expense thereof.

§ 711.20 Continuances.

Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued pursuant to § 711.19. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing unless the hearing is held pursuant to § 711.9 (b) or (c). There shall not be a continuance for lack of a full committee in the case of a reopened or remanded hearing where the hearing was initially held pursuant to § 711.9 (b) or (c) and the two review committeemen who previously held the hearing are present and eligible to serve.

§ 711.21 Conduct of hearing.

(a) *Open to public.* Except as otherwise provided in §§ 711.1 to 711.50, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated by the review committee on its own motion or at the request of the State executive director and heard at the same time on the same record. In any case involving two or more farms resulting from reconstitution by division of a parent farm, the hearing shall be consolidated.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe. The review committee may take official notice of relevant publications of the Department of Agriculture and regulations of the Secretary.

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall testify under oath or affirmation administered by the member of the review committee who is presiding at the hearing. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes including but not limited to stenographic reports or recordings at the hearing as will enable it to make a summary of the proceedings and the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee and one copy shall be furnished to the State office without charge. The clerk shall certify that the summary of the testimony or the verbatim transcript is accurate to the best of his knowledge and belief.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk and an additional copy thereof shall be provided to the other party.

§ 711.22 Nonappearance of applicant.

(a) *Original hearing.* If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant and no continuance has been requested by the applicant, the review committee shall threupon close the hearing, as to such applicant, and, without further proceedings in the case, make a determination dismissing the application.

(b) *Reopened or remanded hearing.* If, at a hearing which is reopened pursuant to § 711.25 or remanded by a court, the applicant is absent and no appearance is made on his behalf, the review committee shall continue the hearing for a reasonable period of time and if the applicant does not appear at such continued hearing, the review committee shall make a determination.

§ 711.23 Determination by review committee.

As soon as practicable after hearing on an application, including a hearing on the sole issue of timely filing, the review committee shall make a determination upon the application. If it is determined by the review committee that the application should be dismissed for untimely filing or denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate. The appropriate county executive director shall make available to the review committee such clerical and stenographic assistance as may be required.

§ 711.24 Service of determination.

A copy of the determination, certified by the clerk as a true and correct copy of the signed original, shall be served upon the applicant by sending the same by certified mail addressed to the applicant at his last known address. The copy of the determination shall contain at the top thereof substantially the following statement: "To all persons who, as operator, landlord, tenant, or sharecropper, are or will be interested in the abovenamed commodity on the farm identified below in the year for which the marketing quota being reviewed is established" and such statement shall constitute notice to all such persons. The clerk shall make a notation on the original determination of the date and place of such mailing. The clerk forthwith shall forward two copies of such determination to the State office, and one copy to the county committee. The determination of the review committee does not become final until the period for reopening of hearing under § 711.25 has expired without any reopening; or if reopened thereunder, such determination becomes final upon issuance of a new determination

pursuant to the reopened hearing, subject to further appeal to a court by the applicant.

§ 711.25 Reopening of hearing.

(a) *Upon motion of review committee.* Upon its own motion within 15 days from the date of mailing to the applicant of a copy of the determination of the review committee, the review committee may reopen a hearing for the purpose of taking additional evidence or of adding any relevant matter or document.

(b) *Upon written request based on new evidence.* Upon written request by the applicant, the county committee, the State executive director, or other interested parties, to the review committee within 15 days from the date of mailing to the applicant of a copy of the determination of the review committee, the review committee shall reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document if the review committee finds that such evidence or documents constitute new evidence not available to the parties at the time of the hearing.

(c) *Upon written notice by the Secretary.* Upon written notice by the Secretary or on his behalf by the Deputy Administrator to the review committee within 45 days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the hearing shall be deemed reopened and the State executive director shall schedule the reopened hearing.

(d) *Schedule of reopened hearing.* Schedule of and notice of any reopened hearing shall follow the requirements of §§ 711.18 and 711.19 insofar as practicable. Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, no hearing shall be reopened after an appeal to a court pursuant to section 365 of the act has been timely filed by the applicant. No special hearing to contest a reopening of a hearing shall be scheduled; however, the applicant may present evidence and arguments to contest the reopening when the reopened hearing is held.

§ 711.26 Record of hearing.

The record of the proceedings shall be prepared by the clerk and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of regulations presented at the hearing.

(c) The answer of the county committee or the State executive director.

(d) The summary of the proceedings and the testimony prepared by the review committee if a verbatim transcript is not made, or a transcript of the testimony where a verbatim transcript is made, in accordance with § 711.21(f), to which shall be annexed any documentary evidence received at the hearing.

(e) Any written arguments or proposed findings of fact and conclusions filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record and a certificate by the clerk stating that such record is true, correct and complete.

COURT PROCEEDINGS

§ 711.27 Procedure in the case of court proceedings.

Upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, the review committee is required by section 365 of the act to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within 15 days after a notice of the review committee's determination is mailed to him. Such suit may be instituted in the U.S. District Court or in any court of record of the State having general jurisdiction, sitting in the county of the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from the Deputy Administrator.

PUERTO RICO

§ 711.28 Special provisions applicable to Puerto Rico.

Notwithstanding the provisions of §§ 711.1 to 711.50, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. The Director, Caribbean Area ASCS office, shall recommend members of the review committee panel, the areas of venue, and perform the functions of the State executive director. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed shall be eligible for appointment as a member of a review committee panel. The clerk shall be the ASC district supervisor of the district in which the review committee will hold its hearings. Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

AREAS OF VENUE

§ 711.29 Establishment of areas of venue.

ALABAMA

Counties of:

Area I—Colbert, Franklin, Lauderdale, Lawrence.
Area II—Jackson, Limestone, Madison, Morgan.
Area III—Blount, Cherokee, Cullman, De Kalb, Etowah, Marshall.
Area IV—Fayette, Lamar, Jefferson, Marion, Walker, Winston.
Area V—Calhoun, Chambers, Clay, Cleburne, Randolph, St. Clair, Talladega, Tallapoosa.
Area VI—Greene, Hale, Marengo, Pickens, Sumter, Tuscaloosa.
Area VII—Autauga, Bibb, Chilton, Dallas, Perry, Shelby.
Area VIII—Bullock, Elmore, Lee, Lowndes, Macon, Montgomery, Russell, Coosa.
Area IX—Butler, Coffee, Covington, Crenshaw, Pike.
Area X—Barbour, Dale, Geneva, Henry, Houston.
Area XI—Baldwin, Choctaw, Clarke, Mobile, Washington.
Area XII—Conecuh, Escambia, Monroe, Wilcox.

ARIZONA

Area—Entire State.

ARKANSAS

Counties of:

Area I—Clay, Conway, Craighead, Faulkner, Greene, Independence, Jackson, Lawrence, Mississippi, Poinsett, Randolph, White.
Area II—Arkansas, Crittenden, Cross, Lee, Lonoke, Monroe, Phillips, Prairie, Pulaski, St. Francis, Woodruff.
Area III—Ashley, Bradley, Calhoun, Chicot, Cleveland, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Union.
Area IV—Clark, Columbia, Garland, Hempstead, Hot Spring, Howard, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Saline, Scott, Sevier, Yell, Lafayette, Little River.
Area V—Baxter, Benton, Boone, Carroll, Cleburne, Crawford, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searcy Sebastian, Sharp, Stone, Van Buren, Washington.

CALIFORNIA

Counties of:

Area I—Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity.
Area II—Contra Costa, Mendocino, Sonoma, Napa, Solano, Lake, Marin.
Area III—Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Inyo, Mono, Nevada, Placer, Sacramento, Sutter, Yolo, Yuba.
Area IV—Calaveras, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumme.
Area V—Alameda, Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz.
Area VI—Fresno, Kern, Kings, Tulare.
Area VII—Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura.

CONNECTICUT

Counties of:

Area I—Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, Windham.

FLORIDA

Counties of:

Area I—Alachua, Baker, Clay, Columbia, Duval, Gilchrist, Hendry, Hillsborough, Lake, Lee, Levy, Marion, Nassau, Orange, Palm Beach, Polk, Putnam, Seminole, St. Johns, Sumter, Union, Volusia.
Area II—Bradford, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor.

Area III—Calhoun, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla.
Area IV—Bay Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

GEORGIA

Counties of:
Area I—Bartow, Carroll, Catossa, Chattooga, Cherokee, Clayton, Cobb, Coweta, Dade, Dawson, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Gilmer, Gordon, Gwinnett, Haralson, Heard, Henry, Lumpkin, Murray, Newton, Paulding, Pickens, Polk, Rockdale, Spalding, Union, Walker, Whitfield.
Area II—Banks, Barrow, Burke, Clarke, Columbia, Elbert, Franklin, Glascock, Greene, Habersham, Hall, Hancock, Hart, Jackson, Jefferson, Jenkins, Lincoln, McDuffie, Madison, Morgan, Oconee, Oglethorpe, Putnam, Rabun, Richmond, Screven, Stephens, Taliaferro, Towns, Walton, Warren, White Wilkes.
Area III—Baldwin, Bibb, Bleckley, Butts, Chattahoochee, Crawford, Crisp, Dodge, Dooly, Harris, Houston, Jasper, Jones, Lamar, Laurens, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Sumter, Talbot, Taylor, Troup, Twiggs, Upson, Washington, Wilcox, Wilkinson.
Area IV—Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Decatur, Dougherty, Early, Grady, Irwin, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Telfair, Terrell, Thomas, Tift, Turner, Webster, Worth.
Area V—Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Echols, Effingham, Emanuel, Evans, Glynn, Jeff Davis, Johnson, Lanier, Liberty, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Troutlen, Ware, Wayne, Wheller.

ILLINOIS

Counties of:
Area I—Boone.
Area II—Adams.
Area III—Alexander, Hamilton, Massac, Pulaski, Union.

INDIANA

Counties of:
Area I—Carroll, Cass, Elkhart, Fulton, Howard, Kosciusko, Marshall, Miami, St. Joseph, Wabash.
Area II—Clay, Daviess, Green, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Sullivan, Vigo.
Area III—Benton, Jasper, Lake, La Porte, Newton, Porter, Pulaski, Starke, Tippecanoe, White.
Area IV—Boone, Clinton, Fountain, Hendricks, Marion, Montgomery, Parke, Putnam, Vermillion, Warren.
Area V—Clark, Dearborn, Floyd, Harrison, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.
Area VI—Crawford, Dubois, Gibson, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.
Area VII—Blackford, Delaware, Hamilton, Hancock, Henry, Jay, Madison, Randolph, Tipton, Wayne.
Area VIII—Barthlomew, Brown, Decatur, Fayette, Franklin, Jackson, Johnson, Rush, Shelby, Union.
Area IX—Adams, Allen, De Kalb, Grant, Huntington, Lagrange, Noble, Steuben, Wells, Whitley.

KANSAS

Counties of:
Area I—Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth.
Area II—Allen, Anderson, Bourbon, Coffey, Linn, Miami.
Area III—Cherokee, Crawford, Labette, Montgomery, Neosho.

KENTUCKY

Counties of:
Area I—Ballard, Caldwell, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall, Trigg.
Area II—Butler, Christian, Crittenden, Daviess, Henderson, Hopkins, Logan, McLean, Muhlenberg, Todd, Union, Webster.
Area III—Adair, Allen, Barren, Casey, Cumberland, Green, Hart, Metcalfe, Monroe, Simpson, Taylor, Warren.
Area IV—Breckinridge, Bullitt, Edmonson, Grayson, Hancock, Hardin, Larue, Marion, Meade, Nelson, Ohio, Washington.
Area V—Bell, Clay, Clinton, Harlan, Knox, Laurel, Leslie, McCreary, Pulaski, Russell, Wayne, Whitley.
Area VI—Anderson, Boyle, Clark, Estill, Garrard, Jackson, Lincoln, Madison, Mercer, Montgomery, Powell, Rockcastle.
Area VII—Bourbon, Fayette, Franklin, Harrison, Henry, Jessamine, Nicholas, Robertson, Scott, Shelby, Spencer, Woodford.
Area VIII—Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Jefferson, Kenton, Oldham, Owen, Pendleton, Trimble.
Area IX—Bath, Boyd, Carter, Elliott, Fleming, Greenup, Johnson, Lawrence, Lewis, Mason, Menifee, Rowan.
Area X—Breathitt, Floyd, Knott, Lee, Letcher, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Wolfe.

LOUISIANA

Parishes of:
Area I—Bienville, Bossier, Caddo, Claiborne, De Soto, Jackson, Lincoln, Red River, Union, Webster.
Area II—Caldwell, Concordia, East Carroll, Franklin, Madison, Morehouse, Richland, Tensas, West Carroll, Ouachita.
Area III—Avoyelles, Beauregard, Catahoula, Grant, La Salle, Natchitoches, Rapides, Sabine, Vernon, Winn.
Area IV—Acadis, Allen, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, St. Landry, St. Martin, Vermilion.
Area V—East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, West Feliciana.
Area VI—Ascension, Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John, St. Mary, Terrebonne, St. James.

MARYLAND

Counties of:
Area I—Calvert, Charles, St. Marys.
Area II—Anne Arundel, Frederick, Montgomery, Prince Georges.

MASSACHUSETTS

Area—Entire State.

MINNESOTA

Counties of:
Area I—Fillmore, Freeborn, Houston.
Area II—Meeker, Stearns.

MISSISSIPPI

Counties of:
Area I—Alcorn, Benton, Itawamba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo, Union.
Area II—Calhoun, Carroll, Chickasaw, Choctaw, Clay, Grenada, Lowndes, Monroe, Montgomery, Oktibbeha, Webster, Yalobusha.
Area III—Attala, Kemper, Leake, Neshoba, Noxubee, Winston.
Area IV—Clarke, Jasper, Lauderdale, Newton, Scott, Smith.
Area V—Forrest, George, Greene, Harrison, Hancock, Jackson, Jones, Perry, Stone, Wayne.
Area VI—Covington, Jefferson Davis, Lamar, Lawrence, Marion, Pearl River, Simpson, Walthall.
Area VII—Adams, Amite, Franklin, Lincoln, Wilkinson, Pike.
Area VIII—Claiborne, Copiah, Hinds, Jefferson, Madison, Rankin, Warren.
Area IX—Holmes, Humphreys, Issaquena, Leflore, Sharkey, Sunflower, Washington, Yazoo.
Area X—Bolivar, Coahoma, De Sota, Panola, Quitman, Tallahatchie, Tate, Tunica.

MISSOURI

Counties of:
Area I—Andrew, Atchison, Buchanan, Clay, Clinton, Daviess, De Kalb, Gentry, Harrison, Holt, Nodaway, Platte, Worth.
Area II—Caldwell, Carroll, Charlton, Grundy, Jackson, Lafayette, Linn, Livingston, Mercer, Putnam, Ray, Saline, Sullivan.
Area III—Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Randolph, Schuyler, Scotland, Shelby.
Area IV—Audrain, Boone, Callaway, Howard, Lincoln, Montgomery, Pike, St. Charles, St. Louis, Warren.
Area V—Bates, Benton, Cass, Cole, Cooper, Henry, Johnson, Miller, Moniteau, Morgan, Pettis.
Area VI—Barton, Camden, Cedar, Dade, Dallas, Hickory, Laclede, Polk, Pulaski, St. Clair, Vernon, Webster, Wright.
Area VII—Crawford, Dent, Franklin, Gasconade, Jefferson, Maries, Osage, Phelps, St. Francois, Texas, Washington.
Area VIII—Bollinger, Cape Girardeau, Madison, Mississippi, New Madrid, Perry, Ste. Genevieve, Scott, Stoddard.
Area IX—Butler, Carter, Dunklin, Howell, Iron, Oregon, Pemiscot, Reynolds, Ripley, Shannon, Wayne.
Area X—Barry, Christian, Douglas, Greene, Jasper, Lawrence, McDonald, Newton, Ozark, Stone, Taney.

NEVADA

Counties of:
Area I—Clark, Lincoln, Nye.

NEW MEXICO

Counties of:
Area I—Chaves, Curry, De Baca, Eddy, Lea, Quay, Roosevelt.
Area II—Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Valencia.

NORTH CAROLINA

Counties of:
Area I—Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Yancey.
Area II—Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Polk, Rutherford, Stanley, Union.
Area III—Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Rowan, Stokes, Surry, Wilkes, Yadkin.
Area IV—Alamance, Caswell, Chatham, Durham, Franklin, Granville, Harnett, Lee, Orange, Person, Vance, Wake, Warren.
Area V—Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson.
Area VI—Carteret, Craven, Duplin, Greene, Johnston, Jones, Lenoir, Onslow, Pamlico, Sampson, Wayne.
Area VII—Blanden, Brunswick, Columbus, Cumberland, Hoke, Moore, New Hanover, Pender, Richmond, Robeson, Scotland.

OHIO

Counties of:
Area I—Crawford, Delaware, Fayette, Franklin, Licking, Madison, Marion, Morrow, Pickaway, Union, Wyandot.

Area II—Allen, Auglaize, Defiance, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby, Van Wert.
Area III—Butler, Champaign, Clark, Clinton, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Warren.
Area IV—Adams, Brown, Clermont, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto.
Area V—Athens, Fairfield, Guernsey, Hocking, Meigs, Monroe, Morgan, Muskingum, Nobel, Perry, Vinton, Washington.

OKLAHOMA

Counties of:
Area I—Beaver, Cimarron, Custer, Dewey, Ellis, Harper, Roger Mills, Texas, Woods, Woodward.
Area II—Alfalfa, Garfield, Grant, Kay, Major, Noble, Osage.
Area III—Adair, Cherokee, Craig, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Rogers, Tulsa, Wagoner, Washington.
Area IV—Blaine, Canadian, Creek, Hughes, Kingfisher, Lincoln, Logan, Okfuskee, Oklahoma, Pawnee, Payne, Pottawatomie, Seminole.
Area V—Beckham, Greer, Harmon, Jackson, Kiowa, Tillman, Washita.
Area VI—Caddo, Carter, Cleveland, Coal, Comanche, Cotton, Garvin, Grady, Jefferson, Johnston, Love, McClain, Marshall, Murray, Pontotoc, Stephens.
Area VII—Atoka, Bryan, Choctaw, Haskell, Latimer, Le Flore, McCurtain, McIntosh, Pittsburg, Pushmataha, Sequoyah.

PUERTO RICO

Counties of:
Area I—North Area.

SOUTH CAROLINA

Counties of:
Area I—Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg.
Area II—Aiken, Edgefield, Fairfield, Lexington, McCormick, Newberry, Saluda.
Area III—Bamberg, Barnwell, Calhoun, Clarendon, Orangeburg, Richland, Sumter.
Area IV—Allendale, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.
Area V—Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, Williamsburg.
Area VI—Cherokee, Chester, Chesterfield, Kershaw, Lancaster, Lee, Union, York.

TENNESSEE

Counties of:
Area I—Carter, Cocke, Greene, Hamblen, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington.
Area II—Anderson, Campbell, Claiborne, Hancock, Grainger, Knox, Scott, Sevier, Union.
Area III—Blount, Bradley, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane.
Area IV—Bledsoe, Clay, Cumberland, Fentress, Jackson, Overton, Pickett, Putnam, Van Buren, Warren, White.
Area V—Cannon, Coffee, De Kalb, Franklin, Grundy, Hamilton, Marion, Rutherford, Sequatchie.
Area VI—Cheatham, Davidson, Macon, Robertson, Smith, Sumner, Trousdale, Williamson, Wilson.
Area VII—Bedford, Giles, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Wayne.
Area VIII—Benton, Decatur, Dickson, Hickman, Houston, Humphreys, Montgomery, Perry, Stewart.
Area IX—Chester, Crockett, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.
Area X—Carroll, Dyer, Gibson, Henderson, Henry, Lake, Lauderdale, Obion, Weakley.

TEXAS

Counties of:
Area I—Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler.
Area II—Bailey, Baylor, Griscoe, Childress, Cochran, Cottle, Crosby, Dickens, Floyd, Foard, Garza, Hale, Hall, Hardeman, Hockley, King, Knox, Lamb, Lubbock, Lynn, Motley, Terry, Wilbarger, Yoakum.
Area III—Archer, Callahan, Clay, Comanche, Eastland, Erath, Fisher, Haskell, Hood, Jack, Jones, Kent, Mitchell, Montague, Nolan, Palo Pinto, Parker, Scurry, Schackelford, Somervell, Stephens, Stonewall, Taylor, Throckmorton, Wichita, Wise, Young.
Area IV—Bell, Bosque, Collin, Cooke, Dallas, Denton, Ellis, Falls, Fannin, Freestone, Grayson, Hill, Hunt, Johnson, Kaufman, Leon, Limestone, McLennan, Madison, Navarro, Robertson, Rockwell, Tarrant.
Area V—Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Harrison, Henderson, Hopkins, Houston, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, Wood.
Area VI—Andrews, Borden, Brewster, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Howard, Hudspeth, Irion, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reagan, Reeves, Sterling, Terrell, Upton, Ward, Winkler.
Area VII—Bandera, Brown, Coke, Coleman, Concho, Coryell, Crockett, Edwards, Gillespie, Hamilton, Kendall, Kerr, Kimble, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, Runnels, San Saba, Schleicher, Sutton, Tom Green.
Area VIII—Atascosa, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, La Salle, McMullen, Maverick, Madina, Nueces, Starr, Uvalde, Val Verde, Webb, Willacy, Zapata, Zavala.
Area IX—Aransas, Bastrop, Bee, Blanco, Burleson, Burnet, Caldwell, Calhoun, Comal, De Witt, Fayette, Goliad, Gonzales, Guadalupe, Hays, Karnes, Lee, Live Oak, Milam, Refugio, San Particio, Travis, Victoria, Washington, Williamson, Wilson.
Area X—Austin, Brazoria, Brazos, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jackson, Jasper, Jefferson, Lavaca, Liberty, Matagorda, Montgomery, Newton, Orange, Polk, San Jacinto, Trinity, Tyler, Walker, Waller, Wharton.

VIRGINIA

Counties of:
Area I—Accomack, Amelia, Brunswick, Chesapeake, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Nansemond, Northampton, Nottoway, Powhatan, Prince George, Southampton, Surry, Sussex, Virginia Beach.
Area II—Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Craig, Cumberland, Franklin, Halifax, Henry, Lunenburg, Mechlenburg, Nelson, Patrick, Pittsylvania, Prince Edward, Roanoke.
Area III—Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.
Area IV—Caroline, Charles City, Essex, Fluvanna, Gloucester, Hanover, Henrico, James City, King and Queen, King George, King William, Lancaster, Louisa, Mathews, Middlesex, New Kent, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland, York.
Area V—Albemarle, Alleghany, Augusta, Bath, Clarke, Culpepper, Fairfax, Fauquier, Frederick, Greene, Highland, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren.

WEST VIRGINIA

Counties of:
Area I—Barbour, Berkeley, Braxton, Brooke, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monogalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel.
Area II—Boone, Cabell, Calhoun, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, Wyoming.

WISCONSIN

Counties of:
Area I—Columbia, Dane, Dodge, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha.
Area II—Barron, Buffalo, Chippewa, Crawford, Dunn, Eau Claire, Grant, Jackson, Juneau, La Crosse, Monroe, Pepin, Pierce, Polk, Richland, St. Croix, Sauk, Trempealeau, Vernon.

§§ 711.30–711.50 [Reserved]

Signed at Washington, D.C., on July 28, 1970.

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

[F.R. Doc. 70-10099; Filed, Aug. 3, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING OF MOUTHWASH, MOUTH FRESHENER, AND GARGLE PREPARATIONS

Proposed Statement of Policy

Elsewhere in this issue of the FEDERAL REGISTER, the Food and Drug Administration has announced its conclusions concerning the effectiveness of certain mouthwash and gargle preparations which are subjects of approved new-drug applications and which were reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. The Administration concluded that there is a lack of substantial evidence that those preparations are effective for any of their labeled claims which relate to antimicrobial, antiseptic, germicidal, and analgesic uses. The announcement also includes examples of the types of claims which would be considered to be acceptable for such products.

In addition to mouthwash and gargle preparations for which new-drug applications are in effect, there are many similar products on the market. The

Food and Drug Administration has surveyed the labeling of such products and finds that many of them make direct or implied claims for benefit relating to antimicrobial, antiseptic, germicidal, or analgesic effects. Available information has been reviewed and has not been found to substantiate such claims. To adequately serve the best interests of the consuming public, the conclusions reached concerning the preparations reviewed by the Academy should also apply to all similar marketed preparations.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 571(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 3 be amended by adding thereto a new section, as follows:

§ 3.____ Mouthwashes, mouth fresheners, gargles, and similar preparations; labeling.

(a) Certain mouthwash and gargle preparations which have been subjects of approved new-drug applications have been evaluated by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. Pursuant to these evaluations, the Food and Drug Administration published its conclusions that there is a lack of substantial evidence that those preparations are effective for any labeled claims which relate to antimicrobial, antiseptic, germicidal, or analgesic uses. Examples of the type claims made for these products and for which substantial evidence is considered lacking include the following: "Effectively destroys bacteria that cause bad breath in the mouth—and stays active against bacteria for hours * * *"; "combat cold symptoms and minor throat irritations * * *"; "use * * * on skin shaving nicks, skin cuts, * * * to help against the spread of infection"; "* * * temporary relief of minor sore throat and mouth irritations"; "combats odor-causing bacteria"; "long-acting antibacterial action"; "temporary relief of minor sore throat due to the common cold and minor throat irritations from smoking or speaking"; "effective as a dental preoperative and postoperative rinse, prevents odors associated with periodontal packs, reduces postoperative healing time, helps relieve gingival irritation in orthodontics after adjustment of bands and appliances and after scaling"; "oral antiseptic"; "for the temporary relief of minor sore throat pain"; "stops both causes of bad breath germs, kills bad breath germs and destroys food odors"; "germicidal mouthwash"; "symptomatic treatment of sore bleeding gums"; "germicidal gargle"; "deodorant"; "cleansing agent"; "astringent"; "an aid in the relief of bleeding gums." Further, claims for reduction of oral bacteria, debris removal, and reduction of air contamination during operative procedures are regarded as misleading in the absence of substantial evidence showing some prophylactic or therapeutic benefit from such bacterial count reduction or debris removal.

(b) There are many mouthwash, gargle, and related products on the market. The Food and Drug Administration has made a survey of these products and has found that labeling of many of them includes direct or implied claims for beneficial effects similar to those described in paragraph (a) of this section. The Administration also finds that there is neither substantial evidence, nor general recognition by qualified experts, that these products are effective for such purposes. It is the opinion of the Food and Drug Administration that in the interest of the public, the conclusions reached pursuant to evaluation of mouthwash and gargle preparations by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, should apply to all such products regardless of their previous status under the Federal Food, Drug, and Cosmetic Act.

(c) The Administration will not object to labeling of a mouthwash, mouth freshener, or gargle preparation which offers it for such use as an aromatic mouth freshener (provided the product contains armomatic ingredients); as a refreshing mouth rinse; as an aid to daily care of the mouth; and for causing the mouth to feel clean. The label declaration or implication that an ingredient of such an article is active, when this is used to imply that the article has a prophylactic or therapeutic effect, may cause the article to be misbranded. However, an ingredient may continue to be listed on the label if it does in fact contribute to the nonprophylactic and nontherapeutic usefulness of the article (e.g., wetting agent, foaming agent).

(d) Any mouthwash, mouth freshener, or gargle preparation that is labeled, represented, or advertised for any use such as described in paragraph (a) of this section will be regarded as misbranded and subject to regulatory proceedings.

(e) Regulatory proceedings may be initiated with respect to such preparations shipped within the jurisdiction of the Act that are contrary to provisions of the statement after 90 days from the date of publication of this statement in the FEDERAL REGISTER.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-10072; Filed, Aug. 3, 1970; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 40, 70, 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Notice of Proposed Rule Making

The Atomic Energy Commission is proposing to amend its regulations in 10 CFR Parts 30, 40, 70, and 170 to revise fees charged for facilities and materials licenses.

The Commission first adopted rules providing for facilities and materials license fees in 1968. This action was based on title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a), which states:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government shall be self-sustaining to the fullest extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefore such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *.

The fees in 10 CFR Part 170 became effective on October 1, 1968. The categories of licenses which are presently subject to application and annual fees are: (a) Licenses for production or utilization facilities issued pursuant to 10 CFR Part 50 of this chapter; (b) licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials; (c) licenses for special nuclear material in quantities sufficient to form a critical mass, except for licenses for plutonium-beryllium neutron sources; and (d) waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.

When Part 170 was published in the FEDERAL REGISTER, the Commission announced its intention to continue to study the matter of license fees. Based on this study, and the Bureau of the Budget's Circular A–25, which sets forth general policies and guidelines for developing an equitable and uniform system of charges, the Commission has developed revised fee schedules for production and utilization facilities and materials licenses.

The proposed fees set forth in revised §§ 170.21 and 170.31 are designed to recover the Commission's costs involved in the issuance of facilities and materials licenses, except those costs for certain

categories of licenses which are exempt from payment of fees.

Section 170.11 would be amended to include two additional categories of licenses that are exempt from all fees. These are licenses authorizing the use of byproduct, source, or special nuclear materials for human use and in civil defense activities only.

Parts 30, 40, and 70 would be amended to provide that a fee will be required for an application to amend a materials license to increase the scope of the license to a higher fee category or to include more than one fee category.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30, 40, 70, and 170 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Footnote 1 which follows § 30.32(e) of 10 CFR Part 30 is deleted and § 30.32(e) is amended to read as follows:

§ 30.32 Applications for specific licenses.

* * * * *

(e) Each application for a byproduct material license, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in § 170.31 of this chapter. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in § 170.31 of this chapter.

2. Footnote 2 which follows § 40.31(f) of 10 CFR Part 40 is deleted and § 40.31(f) is redesignated (e) and amended to read as follows:

§ 40.31 Applications for specific licenses.

* * * * *

(e) Each application for a source material license, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in § 170.31 of this chapter. No fee will be required to accompany an application for renewal, or amendment of a license, except as provided in § 170.31 of this chapter.

3. Footnote 1 which follows § 70.21(e) of 10 CFR Part 70 is deleted and § 70.21(e) is amended to read as follows:

§ 70.21 Filing.

* * * * *

(e) Each application for a special nuclear material license, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in § 170.31 of this chapter. No fee will be required to accompany an application for renewal or amendment of a license, except as provided in § 170.31 of this chapter.

4. Section 170.2 of 10 CFR Part 170 is amended to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for, or holder of, a specific license for byproduct material issued pursuant to Parts 30 and 32–35 of this chapter, for source material issued pursuant to Part 40 of this chapter, for special nuclear material issued pursuant to Part 70 of this chapter, or for a production or utilization facility issued pursuant to Part 50 of this chapter.

5. Paragraph (l) of § 170.3 is deleted and a new paragraph (p) is added to § 170.3 to read as follows:

§ 170.3 Definitions.

As used in this part:

* * * * *

(l) [Deleted]

* * * * *

(p) "Human use" means the internal or external administration of byproduct, source, or special nuclear material, or the radiation therefrom, to human beings.

6. New subparagraphs (6) and (7) are added to § 170.11(a) of 10 CFR Part 170 to read as follows:

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

* * * * *

(6) A license authorizing the human use only of byproduct material, source material, or special nuclear material.

(7) A license authorizing the use of byproduct material, source material, or special nuclear material in civil defense activities only.

* * * * *

7. Section 170.21 of 10 CFR Part 170 is amended to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below: *Provided, however,* That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities:

SCHEDULE OF FEES

Facility (thermal megawatt values refer to the maximum capacity stated in the permit or license) [1]	Application fee for construction permit	Construction [2] permit fee	Operating [4] license fee	Annual fee after issuance of operating license
(1) Power reactor	$25,000	$45/Mw(t) [2]	$25,000+ $65/Mw(t) [3]	$2/Mw(t) [3] ($2,000 minimum)
(2) Testing facility	800	3,000	4,500	2,500
(3) Research reactor	500	2,000	3,000	1,500
(4) Other production or utilization facility	8,000	15,000	20,000	10,000

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors at a single power station at one time, the construction permit fee will be $45/Mw(t) for the largest reactor (or for a single unit if all reactors are the same size). When the construction permits issued for two or more reactors at a single power station are not issued at the same time, the construction permit fee will be $45/Mw(t) for each reactor.

[4] Operating license fees shall be paid for each power reactor that is licensed.

8. Section 170.31 of 10 CFR Part 170 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses [1]	Application [2] fee	Annual fee
1. Special nuclear material:		
A. Licenses for quantities greater than 350 grams of contained uranium 235, uranium 233 and plutonium, except for licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter and licenses for storage only.	$1.60/gram (maximum fee $8,000).	$1.60/gram (maximum fee $8,000).
B. Licenses for quantities greater than 350 grams of contained uranium 235, uranium 233 and plutonium, for storage only, except for licenses authorizing storage only of special nuclear material in sealed sources as defined in Part 70 of this chapter.	550	550.
C. All other specific special nuclear material licenses	40	40.
2. Source material:		
A. Licenses for source material in quantities greater than 50 kilograms, except licenses for storage only.	1.45 per kilogram (maximum fee $800).	1.45 per kilogram (maximum fee $800).
B. All other specific source material licenses	40	40.
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30, 32 and 33 of this chapter for commercial processing, manufacturing or transfer of products containing byproduct material or quantities of byproduct material.	500	500.

See footnotes at end of table.

Category of materials licenses [1]	Application [2] fee	Annual fee
B. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography.	150	150.
C. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	375	375.
4. Waste Disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	500	500.
5. All other licenses:		
A. All other specific materials licenses other than licenses in categories 1A through 4A.	40	40.

[1] Amendments reducing the scope of a licensee's program shall not entitle the licensee to a partial refund of any fee; applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 30th day of July 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-10068; Filed, Aug. 3, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

CHIEF, FINANCIAL ADMINISTRATION DIVISION, OFFICE OF PRIVATE RESOURCES

Redelegation of Authority

Pursuant to the authority delegated to me by the Administrator, Agency for International Development in Delegation of Authority No. 39, dated April 13, 1964 (29 F.R. 5355), as amended, I hereby redelegate to Leo Nielson, Chief, Financial Administration Division, Office of Private Resources, authority pursuant to section 239(d) of the Foreign Assistance Act of 1961, as amended (the "F.A.A.") to invest certain funds in obligations of the United States, which funds are currently administered by the Agency for International Development pursuant to F.A.A. section 239(b) and the Presidential Determination of December 30, 1969 made thereunder (35 F.R. 43).

This Redelegation of Authority shall be effective on the date hereof and the authority delegated herein may not be redelegated.

Dated: July 24, 1970.

HERBERT SALZMAN,
Assistant Administator,
Office of Private Resources.

[F.R. Doc. 70-10051; Filed, Aug. 3, 1970; 8:47 a.m.]

[Delegation of Authority No. 9 (Rev.)]

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATORS

Delegations of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation, or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

(1) Deputy Administrator.

(2) Assistant Administrator for Administration.

(3) Assistant Administrator, Bureau for East Asia.

(4) Assistant Administrator, Bureau for Africa.

(5) Assistant Administrator, Bureau for Vietnam.

(6) Assistant Administrator, Bureau for Near East and South Asia.

This delegation of authority supersedes Delegation of Authority No. 9 (revised) of January 11, 1969 (34 F.R. 9572).

This delegation of authority is effective immediately.

Dated: July 27, 1970.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 70-10050; Filed, Aug. 3, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Supplement to Bureau of Land Management Manual 1510]

CHIEF, DIVISION OF ADMINISTRATIVE SERVICES ET AL.

Delegation of Authority Regarding Contracts

A. Pursuant to the authority contained in Bureau Manual 1510-03B2C and 1510.-03C, the following are hereby redelegated the authorities contained in Bureau Manual 1510.03B2C in the amounts shown:

1. Procurement Agents, Contracting Section:

a. May enter into contracts after formal advertising not exceeding $10,000.

b. May enter into negotiated contracts without advertising pursuant to section 302(c)(5) of the FPAS Act, as amended.

c. May procure necessary supplies and services up to $2,500 and from established sources (GSA, FSS, etc.) in any amount.

B. The authorities contained herein may not be redelegated.

C. This Delegation of Authority is effective on date of publication in the FEDERAL REGISTER.

EDWARD G. BYGLAND,
Director, PSC.

[F.R. Doc. 70-10063; Filed, Aug. 3, 1970; 8:48 a.m.]

CALIFORNIA

Notice of Filing of Plat of Survey

1. The plat of survey of the lands described below will be officially filed in the Land Office, Sacramento, Calif., effective September 4, 1970.

MOUNT DIABLO MERIDIAN

T. 23 N., R. 2 W.,
Foster Island in secs. 11, 14, and 15.

2. This plat represents the retracement of a portion of the subdivisional lines, the extension survey of the subdivisional lines, and the survey of Foster Island in the Sacramento River in secs. 11, 14, and 15.

3. The area surveyed contains 221.89 acres.

4. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 2800 Cottage Way, Room E-2807, Sacramento, Calif. 95825.

JOHN E. CLUTE,
Chief, Branch of Title and Records.

[F.R. Doc. 70-10075; Filed, Aug. 3, 1970; 8:49 a.m.]

[OR 6520]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

JULY 27, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6520, for the withdrawal of public land described below. Said land is to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, nor the disposal of materials under the act of July 31, 1947, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532, 533).

This proposal for the Coon Johnson Road No. 1987 will provide a means by which the Secretary of Agriculture can grant easements for road rights-of-way to private parties.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

COON JOHNSON ROAD NO. 1987

T. 20 S., R. 9 W.,
Sec. 15, lot 10;
Sec. 16, lots 1, 2, 3, 4, and 6.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of the Coon Johnson Road No. 1987 as shown on the plats at the Land Office, Bureau of Land Management, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The area described contains about 16.17 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-10064; Filed, Aug. 3, 1970; 8:48 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 3, 1970, Part II (35 F.R. 2476–2496), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on March 3 (35 F.R. 4013–4014), April 7 (35 F.R. 5635–5636), May 5 (35 F.R. 7086–7087), June 3 (35 F.R. 8600–8602), and July 8 (35 F.R. 10964–10966). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following correction is to be made:

NEW MEXICO

Bernalillo County

Albuquerque, *Alvarado Hotel*, 110 First Street SW., destroyed.

The following properties have been added to the National Register since July 8:

ARKANSAS

Pope County

Pottsville, *Potts' Inn*, Main and Center Streets.

Pulaski County

Mabelvale vicinity, *Ten Mile House (Stagecoach House)*, north of Mabelvale on Arkansas 5.

FLORIDA

St. Johns County

St. Augustine, *St. Augustine Historic District*, bounded on the north by Orange Street east to San Marco Avenue; thence northwest along San Marco to the northern boundary of Castillo de San Marcos, which is the nothern district boundary; bounded on the east by the Matanzas River; the southern boundary is a line parallel to and 225 feet south of St. Francis Street extending west to the intersection with Cordova Street; thence north on Cordova Street to Bridge Street; west on Bridge to Grenada Street; north on Grenada to King Street; west on King to Seville Street; north on Seville to Valencia Street; east on Valencia to Cordova, and north on Cordova to Orange.

GEORGIA

Bibb County

Macon, *Grand Opera House (Academy of Music)*, 651 Mulberry Street.

Chatham County

Savannah, *Scarbrough, William, House*, 41 West Broad Street.

Hancock County

Jewell vicinity, *Shivers-Simpson House (Rock Mill)*, Mayfield Road, on the Ogeechee River.

Thomas County

Thomasville, *Jeffries House (Augustine Hansell House)*, 429 South Hansell Street.
Thomasville, *Thomas County Courthouse*, North Broad Street.

MAINE

Kennebec County

Hallowell, *Row House (The Gage Block)*, 106–114 Second Street.

Knox County

Vinalhaven, *The Vinalhaven Galamander*, Bandstand Park.

Waldo County

Searsport, *Penobscot Marine Museum*, Church Street.

MASSACHUSETTS

Bristol County

Berkeley, *Dighton Rock*, 1 mile west of Bay View Avenue in Dighton Rock State Park.

Essex County

Gloucester, *Lane, Fitz Hugh, House*, harbor side of Rogers Street.

Norfolk County

Quincy, *Moswetusset Hummock*, on Squantum Street, about 1,000 feet northeast of the intersection with Morrissey Boulevard.

Quincy, *Quincy Homestead*, 34 Butler Road.

Plymouth County

Plymouth, *Plymouth Rock*, Water Street.

Suffolk County

Boston, *Trinity Church*, Copley Square.

Worcester County

Worcester, *Elm Park*, Bounded by Elm, Russell, Highland, and Pleasant Streets and by private properties on the west and north of Federal and Marmon Places (excludes the property of Worcester High School on Highland Street).

MICHIGAN

Calhoun County

Marshall, *Brooks, Harold C., House (Jabez S. Fitch House)*, 310 North Kalamazoo Avenue.
Marshall, *Honolulu House (Abner Pratt House)*, 107 North Kalamazoo Street.

Chippewa County

Sault Ste. Marie, *Johnston, John, House*, 415 Park Place.

Ingham County

East Lansing vicinity, *St. Katherine's Chapel*, 4650 Meridian Road, east of East Lansing.

Kalamazoo County

Kalamazoo, *Ladies Library Association Building*, 333 South Park Street.

Kent County

Grand Rapids, *Grand Rapids Art Museum (Abram W. Pike House)*, 230 Fulton Street East.
Grand Rapids, *Turner House (R. C. Allen, Inc., Employees' Clubhouse)*, 731 Front Street NW.

Keweenaw County

Copper Harbor, *Fort Wilkins*, Fort Wilkins State Park.

Macomb County

Romeo, *Romeo Historic District*, bounded on north by Gates Street, running east and west 2,700 feet north of St. Clair Street; bounded on the south by Durham Drive and a line running east and west 3,180 feet south of St. Clair Street; the western boundary runs north and south 2,940 feet from Main Street; the eastern boundary is 2,400 feet from Main Street.

Muskegon County

Muskegon, *Hackley, Charles H., House*, 484 West Webster Avenue.

Oakland County

Pontiac, *Myrick-Palmer House*, 223 West Huron Street.
Pontiac, *Wisner House (Pine Grove)*, 405 Oakland Avenue.

MINNESOTA

Dakota County

Hastings, *Le Duc House*, 1629 Vermillion Street.
Mendota, *Mendota Historic District*, bounded on the west by Government lot 2, sec. 28, T. 28 N, R. 23 W; on the southwest by Interstate 55 to Sibley Highway; northeast along Sibley Highway to the intersection of D Street; northwest on D Street to the Chicago & Northwestern Railroad; then directly north to the Dakota-Ramsey County line and thence southwest along the line to the boundary of Government lot 2 extended north.

Washington County

Scandia, *Hay Lake School*, sec. 27, T. 31 N, R. 19 W.

MISSOURI

Jefferson County

Hillsboro vicinity, *Sandy Creek Covered Bridge*, 5 miles north of Hillsboro on U.S. 21, east on Goldman Road, and southwest on Lemay Ferry Road.

Pike County

Eolia vicinity, *St. John's Episcopal Church*, 0.25 mile north of Eolia on County Route D, 0.25 mile east on County Route H.

NORTH CAROLINA

Wake County

Raleigh, *Mordecai House*, Mimosa Street.
Raleigh, *State Bank of North Carolina (Christ Church Rectory)*, 11 New Bern Avenue.

OHIO

Hamilton County

Cincinnati, *Delta Queen* (steamboat), Public Landing.

OKLAHOMA

Caddo County

Hinton vicinity, *Rock Mary*, c. 4 miles west of Hinton.

Canadian County

El Reno vicinity, *Fort Reno*, 3 miles west and 2 miles north of El Reno.

Cherokee County

Park Hill, *Murrell Home (Hunter's Home)*, N½ sec. 22, T. 16 N., R. 22 E.

Garvin County

Erin Springs, *Erin Springs Mansion (Frank Murray Home)*, south of the Washita River.

SOUTH CAROLINA

Abbeville County

Abbeville, *Abbeville Opera House*, Court Square.

Lexington County

Lexington, *Fox House* (Classical and Theological Seminary of the Evangelical Lutheran Synod of South Carolina and Adjacent States), 232 Fox Street.

Spartanburg County

Spartanburg vicinity, *Walnut Grove Plantation*, 8 miles southeast of Spartanburg, c. 1 mile east of the intersection of U.S. 221 and Interstate 26.

TENNESSEE

Loudon County

Loudon vicinity, *Bowman House*, east of Loudon on Little River Road.

Maury County

Columbia, *Mayes-Hutton House*, 306 West Sixth Street.

Sumner County

Hendersonville vicinity, *Rock Castle*, southeast of Hendersonville on Indian Lake Road.

TEXAS

Fayette County

Winedale, *Winedale Inn Complex*, off FM 1457.

McLennan County

Waco, *Waco Suspension Bridge*, across the Brazos River at Bridge Street.

Travis County

Austin, *Texas State Capitol*, Congress and 11th Streets.

WASHINGTON

King County

Seattle, *Wawona* (schooner), Seattle Police Harbor Patrol Dock, foot of Densmore Street.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 70-10042; Filed, Aug. 3, 1970; 8:46 a.m.]

[Order No. 8]

ASSISTANT SUPERINTENDENT, LAKE MEAD NATIONAL RECREATION AREA, ET AL.

Delegation of Authority

Assistant Superintendent et al., Delegation of Authority regarding execution of contracts for construction, supplies, equipment, or services.

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve and administer contracts not in excess of $200,000 for supplies, equipment, services, and construction, in conformity with applicable regulations and statutory authority and subject to availability of appropriations. Contracts for construction will be entered into only with the advice and consent of the appropriate design and construction office chief.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $100,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 3. *Assistant Administrative Officer.* The Assistant Administrative Officer may execute, approve and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 4. *General Supply Specialist.* The General Supply Specialist may execute, and approve and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 5. *Supervisory Park Rangers.* The Supervisory Park Rangers, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 6. *Maintenancemen.* The Maintenancemen, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 7. *Revocations.* This order supersedes Order No. 7, as published in 34 F.R. 9938, dated June 27, 1969.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Western Region Order No. 4 (31 F.R. 5577))

Dated: July 6, 1970.

ROGER W. ALLIN,
Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 70-10043; Filed, Aug. 3, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GEORGE WASHINGTON UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated 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. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90 day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

* * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 68-00135-33-46500. Applicant: George Washington University, 1337 H Street NW., Washington, D.C. 20005. Article: LKB 8800 Ultrotome III Ultramicrotome. Date of denial of without prejudice to resubmission: November 20, 1967.

Docket No. 68-00143-33-46040. Applicant: University of Illinois Medical Center, 833 South Wood Street, Chicago, Ill. 60612. Article: Electron microscope, Model EM 300. Date of denial without prejudice to resubmission: November 14, 1967.

Docket No. 68-00148-80-23600. Applicant: University of South Florida, 4202 Fowler Avenue, Tampa, Fla. 33620. Article: Radial drill—36' x 10''. Date of denial without prejudice to resubmission: January 11, 1968.

Docket No.: 68-00149-75-49200. Applicant: Battelle-Northwest, Post Office Box 999, Richland, Wash. 99352. Article: 2 Spherical counters and cable connectors. Date of denial without prejudice to resubmission: November 28, 1967.

Docket No.: 68-00151-33-02500. Applicant: Oregon State Board of Health, 1400 Southwest 15th Avenue, Portland, Oreg. 97201. Article: Amino acid analyzer, Model 034-02. Date of denial without prejudice to resubmission: January 12, 1968.

Docket No.: 68-00155-33-46040. Applicant: Columbia University, Neurological Institute, 710 West 168th Street, 11th Floor, New York City, N.Y. 10032. Article: Electron microscope, Model Elmiskop IA. Date of denial without prejudice to resubmission: January 2, 1968.

Docket No.: 68-00162-30-71200. Applicant: San Jacinto College, 8060 Spencer Highway, Pasadena, Tex. 77505. Article: Electronic controls refrigeration trainers. Date of denial without prejudice to resubmission: December 1, 1967.

Docket No.: 68-00171-01-77030. Applicant: University of Massachusetts, Department of Chemistry, Amherst, Mass. 01002. Article: NMR spectrometer, Model R-20. Date of denial without prejudice to resubmission: June 12, 1968.

Docket No.: 68-00180-33-90000. Applicant: University of Utah, Purchasing Department, Salt Lake City, Utah 84112. Article: Stereotaxic equipment. Date of denial without prejudice to resubmission: January 24, 1968.

Docket No.: 68-00199-33-34020. Applicant: New York Eye and Ear Infirmary, 218 Second Avenue, New York City, N.Y. 10003. Article: Ultrasonic irradiation. Date of denial without prejudice to resubmission: November 20, 1967.

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

[F.R. Doc. 70-10024; Filed, Aug. 3, 1970; 8:45 a.m.]

HARVARD 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. 70-00612-33-46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The research projects for which the article will be used include the following:

A. A study of the structure and function of normal and pathologic vascular endothelium with the use of electron microscopic tracers which would delineate the sites of vascular permeability.

B. Studies on the localization of various enzymes in normal skeletal muscle macrophages, liver, Kupffer cells, and kidneys, again under normal and pathologic conditions.

C. Studies on the ultrastructural basis for normal and increased glomerular permeability with the use of enzyme tracers.

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, was being manufactured in the United States when the applicant placed the order for the foreign article.

Reasons: The captioned application is a resubmission of Docket No. 69-00682-33-46500 which was received on June 23, 1970. Applicant indicated on the original application that a bona fide order for the foreign article had already been placed. At that time, the most closely comparable domestic instrument was the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The foreign article provides a range of cutting speeds from 0.1 to 60 millimeters per second (mm./sec.). The Sorvall Model MT-2 provides a range of cutting speeds from 0.09 to 3.2 mm./sec. The wider cutting-speed range of the foreign article permits greater flexibility in the imbedding media and specimens with large variations in material density, especially when experiments require the thinnest possible sections. (See Sjostrand, Fritof S., Electron Microscopy for Cells and Tissues, Academic Press Inc., London, 1968, p. 237.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of June 24, 1970, that some of the imbedding and specimen materials described in the application will require cutting speeds in excess of 4 mm./sec.

For this reason, we find that the Sorvall Model MT-2 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 applicant ordered the foreign article.

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

[F.R. Doc. 70-10026; Filed, Aug. 3, 1970; 8:45 a.m.]

MASSACHUSETTS GENERAL HOSPITAL

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

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

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

Docket No. 70-00728-00-46500. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Two diamond knives. Manufacturer: IVIC, Venezuela. Intended use of article: The article will be used for ultrathin sectioning of ear tissue of mice and guinea pigs and for some heart tissue of various animals.

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, was being manufactured in

the United States at the time the applicant institution ordered the foreign article.

Reasons: The foreign article is a diamond knife that was custom made to fit a particular ultramicrotome (Ivan Sorvall Inc. Model MT-2) and for cutting epoxy embedded biological material. The nature of the material to be sectioned with the foreign article is a pertinent specification, because the material determines the knife-edge angle. (The harder the material, the larger must the knife-angle be to provide useable sections for electron microscopy.) For this reason, a sample of the material to be sectioned is furnished to the manufacturer. Domestic diamond knives are available from the Scientific Instrument Division of E. I. du Pont de Nemours & Co. (du Pont). The applicant institution states, however, that du Pont does not custom make such knives for specific types of material and guarantee the appropriate knife angle, even when the order is accompanied by a sample of the material to be cut. Since the correct knife angle is pertinent to the purposes for which the foreign article is to be used, we find that no instrument of equivalent scientific value for such purposes was being manufactured in the United States within the purview of § 602.1(f)(3) of above-cited regulations.

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 available in the United States at the time the applicant ordered the foreign article.

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

[F.R. Doc. 70-10027; Filed, Aug. 3, 1970; 8:45 a.m.]

MASSACHUSETTS GENERAL HOSPITAL

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

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

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

Docket No. 70-00681-00-46500. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Diamond knife, cutting edge approximately 1.5. Manufacturer: IVIC, Venezuela. Intended use of article: The article is to be mounted in a holder for Porter-Blum MT-2 microtomes.

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, was being manufactured in the United States at the time the applicant institution ordered the foreign article.

Reasons: The foreign article is a diamond knife that was custom made to fit a particular ultramicrotome (Ivan Sorvall Inc., Model MT-2) and for cutting epoxy embedded biological material. The nature of the material to be sectioned with the foreign article is a pertinent specification, because the material determines the knife-edge angle. (The harder the material, the larger must the knife-angle be to provide useable sections for electron microscopy.) For this reason, a sample of the material to be sectioned is furnished to the manufacturer. Domestic diamond knives are available from the Scientific Instrument Division of E. I. du Pont de Nemours & Co. (du Pont). The applicant institution states, however, that du Pont does not custom make such knives for specific types of material and guarantee the appropriate knife angle, even when the order is accompanied by a sample of the material to be cut. Since the correct knife angle is pertinent to the purposes for which the foreign article is to be used, we find that no instrument of equivalent scientific value for such purposes was being manufactured in the United States within the purview of § 602.1(f)(3) of above-cited regulations.

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 available in the United States at the time the applicant ordered the foreign article.

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

[F.R. Doc. 70-10028; Filed, Aug. 3, 1970; 8:45 a.m.]

YALE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated 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. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 69-00174-33-01110. Applicant: Yale University, 20 Ashmun Street, New Haven, Conn. 06520. Article: Amino acid analyzer, Model JLC 5AH. Date of denial without prejudice to resubmission: February 11, 1969.

Docket No. 69-00181-92-46500. Applicant: University of Georgia, Athens, Ga. 30601. Article: Reichert ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: January 15, 1969.

Docket No. 69-00229-33-77040. Applicant: New England Institute, Post Office

Box 308, Grove Street, Ridgefield, Conn. 06877. Article: Mass spectrometer, Model MS 902. Date of denial without prejudice to resubmission: April 23, 1969.

Docket No. 69-00237-33-11000. Applicant: Vanderbilt University, Department of Pharmacology, 21st Avenue South, Nashville, Tenn. 27203. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Date of denial without prejudice to resubmission: May 15, 1969.

Docket No. 69-00247-90-46070. Applicant: Queens College, City University of New York, 65-30 Kissena Boulevard, Flushing, N.Y. 11367. Article: Scanning electron microscope, Model JSM-2. Date of denial without prejudice to resubmission: February 11, 1969.

Docket No. 69-00304-16-61800. Applicant: Claiborne County Schools, Port Gibson, Miss. 39150. Article: Planetariums and auxiliary projectors. Date of denial without prejudice to resubmission: February 19, 1969.

Docket No. 69-00339-88-46040. Applicant: Queens College, The City University of New York, 65-30 Kissena Boulevard, Flushing, N.Y. 11367. Article: Electron microscope, Model JEM-T7. Date of denial without prejudice to resubmission: June 9, 1969.

Docket No. 69-00359-60-32500. Applicant: University of Illinois, 223 Administration Building, Urbana, Ill. 61801. Article: Infrared gas analyzer, Model SB2. Date of denial without prejudice to resubmission: January 30, 1969.

Docket No. 69-00365-01-77040. Applicant: The City College of The City University of New York, Convent Avenue and 138th Street, New York, N.Y. 10031. Article: Mass spectrometer, Model CH-5. Date of denial without prejudice to resubmission: June 9, 1969.

Docket No. 69-00411-22-43000. Applicant: University of Montana, Department of Geology, Missoula, Mont. 59801. Article: Magnetometer, Model GM-102. Date of denial without prejudice to resubmission: March 6, 1969.

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

[F.R. Doc. 70-10023; Filed, Aug. 3, 1970; 8:45 a.m.]

YALE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated 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. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 6025(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 67-00387-01-11000. Applicant: Yale University, 20 Ashmun Street, New Haven, Conn. 06510. Article: Gas chromatograph system. Date of denial without prejudice to resubmission: March 6, 1968.

Docket No. 68-00387-01-11000. Applicant: University of Texas at Austin, Austin, Tex. 78712. Article: Energy storage capacitor. Date of denial without prejudice to resubmission: June 27, 1968.

Docket No. 68-00409-99-03400. Applicant: University of Tennessee, Knoxville, Tenn. 37916. Article: Auditory training units and filtered speech testing. Date of denial without prejudice to resubmission: April 26, 1968.

Docket No. 68-00415-01-77040. Applicant: University of Georgia, Athens, Ga. 30601. Article: Mass spectrometer, model RMU-6. Date of denial without prejudice to resubmission: June 10, 1968.

Docket No. 68-00438-33-46500. Applicant: University of Tennessee, 951 Court Avenue, Memphis, Tenn. 38103. Article: Ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: June 11, 1968.

Docket No. 68-00439-01-77040. Applicant: Polytechnic Institute of Brooklyn, 333 Jay Street, Brooklyn, N.Y. 11201. Article: Mass spectrometer, Model RMU-6. Date of denial without prejudice to resubmission: July 11, 1968.

Docket No. 68-00446-33-46040. Applicant: University of Illinois Medical Center, 833 South Wood Street, Chicago, Ill. 60612. Article: Electron microscope, Model HS-7S. Date of denial without prejudice to resubmission: June 18, 1968.

Docket No. 68-00482-33-46500. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: June 11, 1968.

Docket No. 68-00507-85-43000. Applicant: University of Miami, Institute of Marine Science Rickenbacker Causeway, Virginia Key, Miami, Fla. 33149. Article: Portable Magnetometer, Model GM-102. Date of denial without prejudice to resubmission: September 5, 1968.

Docket No. 68-00519-33-46500. Applicant: Veterans Administration Hospital, 50 Irving Street NW., Washington, D.C. 20422. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 23, 1968.

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

[F.R. Doc. 70-10025; Filed, Aug. 3, 1970; 8:45 a.m.]

National Bureau of Standards

RECOMMENDED STANDARDS FOR CLOTHING SIZING SYSTEMS FOR BOYS' AND WOMEN'S APPAREL

Notice of Circulation for Acceptance

The National Bureau of Standards is giving public notice and circulating for public comment the following recommended standards (TS) for a determination of their acceptance to producers, distributors, users, and consumers:

TS 167, "Body Measurements for the Sizing of Women's Patterns and Apparel" (a revision of a Voluntary Product Standard previously identified as "Commercial Standard" CS 215-58).

TS 5502, "Body Measurements for the Sizing of Boys' Apparel" (a revision of a Voluntary Product Standard previously identified as "Commercial Standard" CS 155-50).

This circulation is being made in accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR 10.5; 35 F.R. 8351, May 28, 1970). The purpose of these recommended standards is to establish nationally recognized sizing designations and definitions for the guidance of those engaged in producing, distributing, or specifying women's and boys' apparel and women's patterns. These standards, if approved and published, will provide producers, distributors, and purchasers with a basis for associating standard sizing designations with body types which are defined in terms of specific measurements.

The development of these standards by the Department of Commerce was undertaken at the request of the Mail Order Association of America, and they have been processed in compliance with the requirements set forth in the referenced procedures.

Single copies of these recommended standards may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234 (free of charge). Written comments or objections concerning either or both of these standards should be addressed to the Office of Engineering Standards Services within 30 days following publication of this notice.

Issued: July 16, 1970.

LAWRENCE M. KUSHNER,
Acting Director.

Approved:

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 70-10029; Filed, Aug. 3, 1970; 8:45 a.m.]

Office of the Secretary

[Dept. Organization Order 15-6]

FEDERAL COCHAIRMEN AND CHAIRMAN OF THE FIELD COMMITTEE

Functions and Responsibilities

The following order was issued by the Secretary of Commerce on July 2, 1970.

SECTION 1. *Purpose.* This order sets forth the functions of and responsibilities of Federal Cochairmen of regional commissions and the Chairman of the Federal Field Committee for Development Planning in Alaska.

SEC. 2. *General.* .01 The Federal Cochairmen of regional commissions were established by title V of the Public Works and Economic Development Act of 1965, as amended (the PWED Act), and, in the case of one Federal Cochairman, by the Appalachian Regional Development Act of 1965, as amended. These acts and Executive Order 11386 of December 28, 1967, vest certain functions and responsibilities in the Federal Cochairmen relating to activities of regional commissions, the Secretary of Commerce, and other Federal agencies.

.02 The Chairman of the Federal Field Committee for Development Planning in Alaska (the "Field Committee") was established by Executive Order 11182 of October 2, 1964. Executive Order 11182 and Executive Order 11386 vest certain functions and responsibilities in the Chairman relating to the Field Committee, the Secretary of Commerce, and other Federal agencies.

.03 Section 601(a) of the PWED Act provides that the Secretary shall "coordinate the Federal Cochairmen appointed heretofore and subsequent to this Act." Executive Order 11386 assigns certain functions to the Secretary involving activities of regional commissions and activities of the Federal Government relating to regional economic development. With respect to the Federal Cochairmen and the Chairman of the Field Committee, the executive order includes the provisions that the Secretary shall:

Provide guidance and policy direction to the Federal Cochairmen and the Chairman of the Field Committee with respect to their Federal functions,

Advise the Federal Cochairmen of the Federal policy with respect to those (regional economic development) matters,

Advise the Chairmen of the Field Committee with respect to the tentative plans and recommendations of the Field Committee, and

Resolve any questions of policy which may arise between a Federal Cochairman and a Federal department or agency in the implementation of regional development programs.

SEC. 3. *Functions.* .01 The President prescribed (section 5 of Executive Order 11386) that:

The Federal Cochairmen, and the Chairman of the Field Committee, as appropriate, shall:

(a) Maintain continuing liaison with the Secretary of Commerce with respect to the activities of the regional commissions and the Field Committee.

(b) Adhere to general Federal policies affecting regional economic development that are established by the Secretary of Commerce.

(c) Inform the appropriate Federal departments and agencies of programs and projects to be considered by the commissions, and attempt to obtain a consensus within the Federal Government through consultation with appropriate Federal agency representatives before casting a vote on any such matter.

(d) Represent the participating Federal departments and agencies in connection with the activities of the regional commissions.

(e) Submit to the Secretary of Commerce regional economic development plans and programs of the regional commissions, budgetary recommendations, legislative recommendations, and progress reports, as requested by the Secretary of Commerce, on the activities of the regional commissions.

(f) Submit reports required by section 304 of the Appalachian Regional Development Act of 1965, as amended, and by section 510 of the PWED Act to the Secretary of Commerce for review prior to transmittal to the President or the Congress.

.02 By Executive Order 11386, the Federal Cochairmen and the Chairman of the Field Committee also are members of the Federal Advisory Council on Regional Economic Development (the Council), which was established by that order to assist the Secretary of Commerce in carrying out his functions under that order, which include the development of basic policies and priorities with respect to Federal programs relating to regional economic development. The Secretary of Commerce, as Chairman of the Council, established regional Federal councils for each of the regional economic development regions designated under the PWED Act and appointed each Federal Cochairman as the Chairman of the council covering his region. The Federal regional councils were established to assist the Council in accomplishing its responsibilities for improving interagency cooperation and coordination for regional economic development.

.03 In further respect to the authorities of the Secretary of Commerce referred to in paragraph 2.03 above and in accord with the responsibilities of the Federal Cochairman enumerated above, the Federal Cochairmen of regional commissions established under title V of the PWED Act:

a. Are hereby delegated authority, for funds allotted to them from appropriations authorized by title V of the PWED Act, to make final commitments for development facility grants and supplements approved by their respective regional commissions, for technical assistance, planning assistance and administrative grants to their respective regional commissions, and for administrative expenses of their respective offices: *Provided*, That such commitments are in accord with financial plans approved by the Secretary, and are in accord with guidelines and other instructions issued or approved by the Secretary.

b. Shall submit for the Secretary's approval annual financial plans of their respective regional commissions.

c. Shall advise the Secretary on national policies affecting regional economic development and on economic development matters involving their regional areas.

d. Shall cooperate with the Special Assistant for Regional Economic Coordination in developing for the Secretary guidelines for use of funds appropriated under title V of the PWED Act, including standards for meeting the requirements of section 604 of said Act for proper and efficient management of funds.

e. Together with the Special Assistant for Regional Economic Coordination, shall obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals and recommendations submitted by their respective regional commissions.

f. In collaboration with the Special Assistant for Regional Economic Coordination, shall develop proposed agreements or memoranda of understanding with Federal agencies when required for the conduct of their respective regional commission programs.

g. Shall review the plans of the Economic Development Administration for specific grants and loans for economic development assistance within their regional area boundaries, such review to

be for the purpose of advising the Economic Development Administration whether such plans are compatible with the approved plans of their respective regional commissions.

h. Shall consult with the Special Assistant for Regional Economic Coordination on research plans related to the objectives of title V of the Public Works and Economic Development Act of 1965, which are to be carried out under the direction of the Special Assistant.

.04 In carrying out his responsibilities, under Executive Order 11386, and under Executive Order 11182 of October 2, 1964, as amended, which established the Field Committee, the Chairman of the Field Committee shall observe the provisions of paragraph .03 above, as applicable to the Field Committee.

Effective date: July 2, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-10030; Filed, Aug. 3, 1970; 8:45 a.m.]

[Dept. Organization Order 30-2B, Amdt. 3]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material amends the material appearing at 33 F.R. 19255 of December 25, 1968; 34 F.R. 5611 of March 25, 1969; and 35 F.R. 9295 of June 13, 1970.

Department Organization Order 30-2B, dated December 11, 1968, is hereby further amended as follows:

1. In section 10, *Institute for Basic Standards*, the listing which opens paragraph .04 is revised to read:

.04 The other organization units of the Institute for Basic Standards are as follows:

Located at Bureau Headquarters:
- Applied Mathematics Division.
- Electricity Division.
- Heat Division.
- Mechanics Division.
- Optical Physics Division.

Located at Boulder, Colo.:
- Cryogenics Division.
- Electromagnetics Division.
- Laboratory Astrophysics Division.
- Quantum Electronics Division.
- Time and Frequency Division.

2. The organization chart of May 28, 1970, attached to Amendment 2 to DOO 30-2B, is amended under "Institute for Basic Standards" by substituting Electromagnetics Division* for "Radio Standards Engineering Division*" and Quantum Electronics Division* for "Radio Standards Physics Division*."

Effective date: June 30, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-10031; Filed, Aug. 3, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

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 0F0999) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide dimethoate (*O,O*-dimethyl-*S*-(*N*-methylcarbamoylmethyl) phosphorodithioate), including its oxygen analog (*O,O*-dimethyl-*S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodities cucumbers at 2 parts per million, sorghum forage at 0.5 part per million, and sorghum grain at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a flame photometric detector equipped with a phosphorus filter (526 millimicrons).

Dated: July 27, 1970.

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

[F.R. Doc. 70-10034; Filed, Aug. 3, 1970; 8:46 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 0F0986) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94804, proposing establishment of tolerances (21 CFR Part 120) for residues of the herbicide paraquat cation derived from application of either the dichloride or the bis(methylsulfate) salt in or on the raw agricultural commodities alfalfa, birdsfoot trefoil, clover, pasture grass, and range grass at 50 parts per million; and in milk and the meat, fat, and meat byproducts of cattle, goats, and sheep at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residues are reduced by reaction with sodium dithionite to an unstable free radical that has an intense blue color. The color intensity is determined with a spectrophotometer at 394 millimicrons.

Dated: July 27, 1970.

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

[F.R. Doc. 70-10035; Filed, Aug. 3, 1970; 8:46 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

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 0F0963) has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, proposing that 21 CFR 120.1001(d) be amended by revising the item "α - (Di - *sec* - butyl) phenyl - poly (oxypropylene) block polymer with poly (oxyethylene); the poly(oxypropylene) content averages 4 moles, the poly(oxyethylene) content averages 5 moles, the molecular weight averages 600" to read "α - (Di - *sec* - butyl) phenyl - poly(oxypropylene) block polymer with poly (oxyethylene); the poly(oxypropylene) content averages 4 moles, the poly(oxyethylene) content averages 5 to 12 moles, the molecular weight averages 600 to 965."

The analytical method proposed in the petition for determining residues of the inert ingredient is that of R. A. Greff et al., "Journal of the American Oil Chemists' Society," vol. 42, page 180 (1965).

Dated: July 27, 1970.

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

[F.R. Doc. 70-10036; Filed, Aug. 3, 1970; 8:46 a.m.]

E. I. du PONT de NEMOURS & CO., 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 0F1000) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of tolerances (21 CFR Part 120) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodities, apricots, cherries, nectarines, peaches, plums, and prunes at 15 parts per million from both preharvest and postharvest applications.

The analytical method proposed in the petition for determining residues of the fungicide is the method of H. L. Pease and J. A. Gardiner published in the "Journal of Agricultural and Food Chemistry," vol. 17, pages 267-70 (1969).

Dated: July 27, 1970.

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

[F.R. Doc. 70-10037; Filed, Aug. 3, 1970; 8:46 a.m.]

UNIROYAL, INC.

Notice of Filing of Petition Regarding Pesticide Chemical and Food Additive

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 0F0990) has been filed by Uniroyal Chemical Division, Uniroyal, Inc., Bethany, Conn. 06525, proposing the establishment of tolerances (21 CFR Part 120) for residues of the plant regulator succinic acid 2,2-dimethyl hydrazide in or on the raw agricultural commodities peanuts at 20 parts per million, peanut hay and hulls at 10 parts per million, and poultry kidney at 1 part per million.

Notice is also given, pursuant to provisions of the act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), that the same firm has filed a related petition (FAP 0H2553) proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for residues of the plant regulator in peanut meal from application during the growing of peanuts.

The analytical method proposed in the pesticide petition for determining residues of the plant regulator is a colorimetric method in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled, and reacted with trisodium pentacyanoamine ferrate to form a specific red color at pH 5.0. The color is measured spectrophotometrically.

Dated: July 27, 1970.

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

[F.R. Doc. 70-10038; Filed, Aug. 3, 1970; 8:46 a.m.]

ENRICHED FLOUR DEVIATING FROM IDENTITY STANDARD

Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to The Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250. This permit covers interstate marketing tests of enriched flour deviating from the standard of identity for enriched flour (21 CFR 15.10).

The U.S. Department of Agriculture will assume possession of the food at the point of manufacture and will be responsible for its introduction into interstate commerce. The marketing is to take place pursuant to a study being conducted by the sponsor through its direct food distribution program.

The product will contain lysine hydrochloride in a quantity not less than 0.30 percent, an ingredient not presently provided for in the standards. Nutrients will be added as specified in § 15.10(a) except that the specified quantities of thiamine, riboflavin, niacin, and iron (Fe) will be increased approximately two-fold. The labels of the product will declare by common name the ingredients used as well as the percentage of the minimum daily requirements for the vitamins and minerals present in the enriched flour.

This temporary permit expires July 24, 1971.

Dated: July 24, 1970.

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

[F.R. Doc. 70-10039; Filed, Aug. 3, 1970; 8:46 a.m.]

[DESI 2855]

CERTAIN MOUTHWASH AND GARGLE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Pepsodent Antiseptic Mouthwash containing hexachlorophene and alcohol; Lever Brothers Co., 390 Park Avenue, New York, N.Y. 10022 (NDA 10-094).

2. Cepacol Mouthwash/Gargle containing cetylpyridinium chloride and alcohol; The William S. Merrell Co., Division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215 (NDA 2-855).

3. Sterisol containing hexedine and alcohol; Warner Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 11-419).

4. Betadine Mouthwash/Gargle containing povidone-iodine and alcohol; The Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 10-290).

5. Isodine Gargle and Mouthwash containing providone-iodine complex and alcohol; Isodine Pharmacal Corp., Division of International Latex Corp., Dover, Del. 19901 (NDA 10-290).

6. Kasdenol Mouthwash and Gargle containing calcium hypochlorite; Kasdenol Corp., subsidiary of Guardian Chemical Corp., 41-45 Crescent Street, Long Island City, N.Y. 11101 (NDA 9-394).

7. Micrin Oral Antiseptic containing dequalinium acetate, cetylpyridinium chloride, oil of peppermint, menthol, and alcohol; Johnson and Johnson, 501 Georges Street, New Brunswick, N.J. 08901 (NDA 12-233).

8. Tosis containing sodium chloride, sodium bicarbonate, sodium borate, sodium benzoate, sodium salicylate, thymol, menthol, and flavoring agents; Cole Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 4-116).

9. Tyrolaris Mouthwash containing tyrothricin 0.02 percent, panthenol 0.02 percent, and alcohol 10 percent; Merck & Co., Inc., Rahway, N.J. 07065 (NDA 7-521).

The Food and Drug Administration concludes that:

1. The article "Tosis" is effective for its claim as an aromatic mouthwash.

2. There is a lack of substantial evidence that the preparation "Tyrolaris" is effective for the purposes claimed in its labeling. The antibiotic regulation providing for certification of this preparation was revoked March 19, 1967, on a finding that such evidence was lacking.

3. There is a lack of substantial evidence that the other articles listed above are effective for their respective claims relating to antimicrobial, antiseptic, germicidal, and analgesic uses and including the following: "effectively destroys bacteria that cause bad breath in the mouth—and stays active against bacteria for hours * * *"; "combat cold symptoms and minor throat irritations * * *"; "use * * * on skin shaving nicks, skin cuts, * * * to help against the spread of infection"; "* * * temporary relief of minor sore throat and mouth irritations"; "combats odor-causing bacteria"; "long-acting antibacterial action"; "temporary relief of minor sore throat due to the common cold and minor throat irritations from smoking or speaking"; "effective as a dental preoperative and postoperative rinse, prevents odors associated with periodontal packs, reduces postoperative healing time, helps relieve gingival irritation in orthodontics after adjustment of bands and appliances and after scaling"; "oral antiseptic"; "for the temporary relief of minor sore throat pain"; "stops both causes of bad breath germs, kills bad breath germs and destroys food odors"; "germicidal mouthwash"; "symptomatic treatment of sore bleeding gums"; "germicidal gargle"; "deodorant"; "cleansing agent"; "astringent"; "an aid in the relief of bleeding gums."

Claims such as "reduce oral bacteria", "remove oral debris", and "reduces air contamination during oral operative procedures" based upon a reduction of oral bacterial count, or on comparative data on oral debris removal with water, are misleading and unsupported by substantial evidence in the absence of evidence showing some prophylactic or therapeutic benefit resulting from bacterial-count reduction or debris removal. Articles labeled with such claimed effects lack substantial evidence of effectiveness for the implied therapeutic and hygienic benefits to be derived from bacterial-count reduction and from debris removal. Even though some of these products may be shown to reduce the total bacterial count of the oral flora, there is no evidence that this will have any prophylactic or therapeutic effect or benefit.

The Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of those new-drug applications listed above for the drugs which have claims for which substantial evidence of effectiveness is lacking.

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

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

The Administration will not object to labeling which offers mouthwashes for nonprophylactic or nontherapeutic uses such as: An aromatic mouth freshener (provided the product contains aromatic ingredients); as a refreshing mouth rinse; as an aid to daily care of the mouth; and for causing the mouth to feel clean.

The label declaration or implication that an ingredient of such an article is active, when this is used to imply that the article has a prophylactic or therapeutic effect, may cause the article to be misbranded and a new drug for which substantial evidence of effectiveness is lacking. However, an ingredient may continue to be listed on the label if it does in fact contribute to the nonprophylactic and nontherapeutic usefulness of the article (e.g., wetting agent, foaming agent).

The holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC reports. Any interested person may obtain a copy of the NAS–NRC reports on these drugs by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 2855 and be directed as shown below:

Requests for NAS–NRC report: Food and Drug Administration, Attention of Press Relations Staff (CE–200), 200 C Street SW., Washington, D.C. 20204.

All other communications: Food and Drug Administration, Attention of Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 353, 355) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70–10113; Filed, Aug. 3, 1970; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–83]

UNIVERSITY OF FLORIDA

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 10 to Facility License No. R–56. The license presently authorizes the University of Florida to possess, use, and operate its training reactor located on the University's campus in Gainesville, Fla., at steady-state power levels up to 100 kilowatts (thermal). The amendment (1) incorporates new Technical Specifications for operation of the facility which include provisions for an increase (from 0.6 percent to 2.3 percent delta k/k) in the core excess reactivity, and (2) restates the license in its entirety to consolidate all pertinent provisions of amendments previously issued.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated September 11, 1969, as revised May 11, 1970, (2) the amendment to the facility license, including new Technical Specifications, and (3) the related Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of July 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70–10054; Filed, Aug. 3, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22264; Order 70–7–127]

AIR INDIES CORP.

Order To Show Cause Regarding Establishment of Final Service Mail Rates

Issued under delegated authority July 28, 1970.

Air Indies Corp. (Air Indies) is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed June 10, 1970, Air Indies requested the Board to establish final mail rates for the transportation of priority and nonpriority mail by aircraft between St. Croix and St. Thomas, V.I.

By Order 70–7–108, July 23, 1970, in this docket the Board granted Air Indies exemption authority to engage in the carriage of mail by aircraft in that market.

No service mail rates are currently in effect for this transportation by Air Indies. The petitioner requests that the multielement service mail rates in effect for Caribbean-Atlantic Airlines, Inc., in the market be made applicable to Air Indies. The rates applicable to Caribbean-Atlantic Airlines, Inc., were established for priority mail by Order E–25610, August 28, 1967, in the Domestic Service Mail Case, and for nonpriority mail by Order 70–4–9, April 2, 1970, in Nonpriority Mail Rates.[1]

On June 16, 1970, the Postmaster General filed a reply supporting the petition provided that Air Indies will be subject to all of the provisions of Orders E–25610 and 70–4–9, as amended. We propose to establish service rates for the transportation of mail by aircraft in this market by Air Indies at the levels established in Orders E–25610 and 70–4–9, as amended.

[1] Present service rates provide for terminal charges per pound of 2.34 cents at St. Thomas and 4.68 cents at St. Croix plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air Indies by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between St. Croix and St. Thomas, V.I. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order [2] to include the following findings and conclusions:

1. On and after July 23, 1970, the fair and reasonable final service mail rates to be paid to Air Indies Corp., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between St. Croix, V.I., and St. Thomas, V.I., shall be:

(a) For priority mail, the multielement rate established by the Board in Order E–25610, August 28, 1967;

(b) For nonpriority mail, the multielement rate established by the Board in Order 70–4–9, April 2, 1970

2. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f):

It is ordered, That:

1. Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and all interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as the fair and reasonable rates of compensation to be paid to Air Indies Corp. for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 as specified in the appendix; and

3. This order shall be served upon Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70–10084; Filed, Aug. 3, 1970; 8:50 a.m.]

[2] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 22402; Order 70–7–129]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of July 1970.

By tariff revisions marked to become effective August 1, 1970, Aloha Airlines, Inc. (Aloha) [1] and Hawaiian Airlines, Inc. (Hawaiian) [2] propose to establish student group fares. The proposals are prompted by legislation recently passed by the State of Hawaii Legislature, which reads in pertinent part as follows:

SEC. 239–6 *Airlines, certain carriers.* There shall be levied and assessed upon each airline(s), a tax of 4 percent of its gross income each year from the airline business: *Provided*, That if an airline adopts a rate schedule for students in grade 12 or below traveling in school groups provided such students at reasonable hours a rate less than one-half of the regular adult fare, the tax shall be 3 percent of its gross income each year from the airline business.

Aloha proposes to establish fares for groups of 15 or more at 10 cent. below 50 percent of the normal one-way fare, whereas Hawaiian proposes fares for groups of five or more at 45 percent of the normal fare. The Student Educational Group Fares would apply to all full-time students, whether in college, high school, or elementary school, traveling in groups on school sponsored or approved trips. Each of the carriers would require that reservations be made at least 7 days prior to the day of travel. In addition, Hawaiian would permit stopovers at an additional charge of $5 each.

The carriers point out that because of its geographical characteristics, the State of Hawaii is unique among the States, and that air transportation between the islands is the only real means of travel. Since alternative modes of travel are not available between the islands, budgetary considerations tend to limit school sponsored trips and thereby limit the educational and cultural opportunities of the students. In the 1969–70 school year only 1 percent of the students attending public schools left their home island to participate in educational and sporting events. Similarly, only one-half of 1 percent of the college students traveled together on sponsored trips. The Superintendent of the Department of Education attributes the limited extent of student travel to the "high-cost of interisland travel."

Hawaiian estimates that the proposal will produce additional net revenues of approximately $31,000. Aloha has not provided an estimate of its anticipated additional revenue. In addition, Aloha and Hawaiian estimate that their tax savings would amount to $140,000 and $260,000, respectively, for the year 1970.

On the basis of the facts and information now available, the Board concludes that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the serious questions of discrimination inherent in the proposals, we further conclude that they should be suspended pending investigation.

The Board is in sympathy with the desire of the State of Hawaii to expand its educational programs and the carriers' efforts to accommodate this objective. However, we are unable to conclude here that the proposed fares are sufficiently distinguishable from other student fares which the Board has heretofore found to constitute unjustifiable discrimination. We refer specifically to the Capital Group Student Fares Case, 25 CAB 280 (1957), which involved reduced fares for students traveling within the 48 States in groups of 25 or more. The Board has distinguished fares available to all youths from student fares.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in appendix A attached hereto,[4] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [4] are suspended and their use deferred to and including October 29, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

[1] Aloha's Tariff CAB No. 16.
[2] Hawaiian's Tariff CAB No. 6.
[3] Order 69–8–140, Aug. 27, 1969.
[4] Appendix A filed as part of the original document.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the aforesaid tariffs and be served upon Aloha Airlines, Inc., and Hawaiian Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-10086; Filed, Aug. 3, 1970; 8:50 a.m.]

[Docket No. 22323; Order 70-7-138]

AMERICAN AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of July 1970.

By tariff filed July 2, 1970, and marked for effectiveness August 1, 1970,[1] American Airlines, Inc. (American), proposes certain tariff provisions to accomodate the ocean-air interchange of a container owned by the ocean carrier.[2] American does not propose any line-haul unitization or incentive discounts, as currently apply to other containers, thus the normal import/export rates would apply as for noncontainerized traffic. American does propose, however, to transport free the actual tare (empty weight) of the unit (287 pounds) as a consideration of the loaded movement, as opposed to 200 pounds for a Type B air container, and to return the empty ocean container free from the destination of the loaded movement to the ocean carrier, subject to certain conditions.[3]

In support of its filing, American states that they recently entered into an agreement with an ocean carrier (American President Lines) for the joint promotion of sea-air traffic originating in the Orient, moving by ocean vessel to a West Coast port thence air beyond, that such goods are to move in the ocean carrier's sealed container, that shippers have indicated a need for such containers, and that extra security and faster transfer between the sea and air carrier will result. American also states that the proposed provisions are consistent with the industry domestic container agreement with respect to the tare weight allowance on other carrier-owned containers.

The Flying Tiger Line Inc. (Flying Tiger), has filed a complaint against American's filing, requesting suspension and investigation on the grounds that the filing incorporates rate reductions for which no cost justification has been provided, that the filing is within the scope of the domestic container agreement and therefore subject to a lesser allowance for tare weight consistent with the Type B shipper-owned unit, as well as subject to a minimum charge for such Type B container.

Flying Tiger also protests the free return of the empty container as proposed by American, stating that there is no indication that American would in fact be able to use such empty containers on the return trip.

In answer to the complaint, American states that their proposal does not fall within the scope of the industry container agreement because the container is not owned by either the shipper or the air carrier, and export/import rates are not subject to the agreement. In any event, American states that the containerization discounts specified in such agreement are not being offered by American on this container. Further, in the sense that they are interchanging with a connecting carrier a container owned by such connecting carrier, American states that their filing is analagous to the present interchange of air-carrier-owned Type A containers wherein full actual tare of such containers is allowed on the loaded movement over the lines of both carriers, as well as free return of such containers, when empty, to the owning carrier.

Lastly, American states that even if the container in question is construed as falling within the definition of "carrier-owned containers" and thus within the scope of the industry container agreement, the filing is warranted under the "experimental container" provisions of said agreement.[4]

Upon consideration of the complaint and other relevant matters, the Board finds that the complaint does not set forth facts sufficient to warrant investigation, and the request therefor, and consequently the request for suspension, will be denied and the complaint dismissed.

It appears to the Board that American would give similar treatment to the air-sea container as is currently pacticed throughout the industry on other containers owned by a connecting carrier. The carriers now grant free actual tare to a Type A container owned by other air carriers when such units are interchanged, return it to the owning carrier at no charge, and are permitted to use the unit for their own traffic on such return movement.

The Board notes too that a substantial number of Type A containers have a cube-tare relationship (ratio of cubic capacity to empty weight) of from 1-1.3 to 1-1.8, while the ocean container here in question has a ratio of 1-1.4.

Lastly, American's proposal may serve to encourage the development of intermodal (sea-air) traffic, thus contributing to the growth of air traffic.[5]

Having found no basis to warrant investigation, and noting that by its terms the domestic container agreement includes self-enforcement provisions, the Board does not reach the issue of whether or not American's filing is subject to the agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

The complaint of The Flying Tiger Line Inc., in Docket 22323 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-10085; Filed, Aug. 3, 1970; 8:50 a.m.]

CAB OFFICIAL MILEAGES

Notice to Users

JULY 30, 1970.

On May 21, 1970, the Board issued a notice (35 F.R. 8249) informing the users of CAB official mileages of the Board's intention to adopt, effective July 1, 1970, a standard uniform system for the derivation and application of all official airport-to-airport mileages as set forth therein. Interested persons were invited to submit their views or suggestions on the matters set forth in the notice by filing them with the Board on or before June 8, 1970. No views or suggestions have been filed.

This is to advise the users of CAB official mileages that the Board has adopted the standard uniform system for the derivation and application of all official airport-to-airport mileages set forth in the notice of May 21, 1970. In order to grant the carriers sufficient time to adapt the new method of computing mileages into their accounting systems, the Board will make the standard uniform system effective October 1, 1970.

This notice is being published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-10080; Filed, Aug. 3, 1970; 8:49 a.m.]

[Docket No. 21322; Order 70-7-128]

DOMESTIC TRUNKLINE CARRIERS

Order Regarding Passenger Fare Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of July 1970.

[1] An earlier filing, posted June 15, 1970, for Aug. 1, 1970, effectiveness was rejected for technical reasons.

[2] Except as to its weight, the ocean container is essentially identical to the Type B domestic air container of 197.7 cubic feet; two of either such units can be accommodated on a standard 88" x 125" pallet for jet freighter aircraft.

[3] The free movement would be only airport to airport on a space-available basis, subject to pickup and delivery charges; American would be permitted to use the empty container for other traffic (Rule 90, Tariff CAB No. 141, Airline Tariff Publishers, Inc., Agent).

[4] Paragraph 3(C)(2) of Agreement CAB 21225 permits carriers to furnish experimental carrier-owned containers for a period of 1 year under specified conditions, one of which authorizes a full actual tare weight allowance.

[5] As on other container traffic, the Board will expect American or any other air carriers offering the import container to report such traffic to the Board. This data will assist any subsequent evaluation by the Board.

On July 9, 1970, the U.S. Court of Appeals for the District of Columbia Circuit filed its decision in Moss, et al. v. Civil Aeronautics Board, No. 23,627, holding Board Order 69–9–68, adopted September 12, 1969, invalid and declaring unlawful the tariffs filed by the carriers based thereon, which first became effective October 1, 1969.

The Court of Appeals concluded that by setting forth in its order a specific fare-structure formula which it said it would accept after holding ex parte meetings with the industry on the subject, the Board had engaged in ratemaking, within the meaning of section 1002 (d) of the Act. Since the Board did not provide notice and hearing with respect to these actions, as required by section 1002(d), the court held the Board's order invalid. The court found further that the Board's invalid order exerted compulsion upon the carriers so that the tariffs they filed which were based on the invalid order were also unlawful.

The Board accepts the court's decision as stated in its opinion. The invalidated order and the tariffs "based thereon" have been in effect for some 10 months, however, and there is now no way to turn the clock back or to ignore the economic developments affecting air transportation over the past year. The court's opinion makes clear, and we believe correctly, that there are no reparations under the Act even if the rates charged pursuant to the Board's invalid order are unreasonable. Further, the tariffs suspended by the invalid order would have required the public to pay substantially more than the rates specified in the Board's formula. And even if those higher fares had been properly suspended, under the statute that suspension could only have continued to March 15, 1970. Finally, the lower fares established pursuant to the Board's order, and then considered by the Board to be "just and reasonable," were struck down by the court because of the manner in which they were adopted rather than because they were unjust and unreasonable, a point on which the court voiced no opinion.

The court's opinion indicates that it will remand the case to the Board for further proceedings. As a first step, pursuant to the court's mandate, we shall vacate Board Order 69–9–68 as invalid.[1] The next step is to consider what is to be done prospectively about the tariffs based thereon, which the court has found unlawful. Although the tariffs filed pursuant to Board Order 69–9–68 have twice been replaced by new tariff filings,[2] we believe that since they embody the structure and the increase contemplated in that order they fall within the condemnation of the court's judgment. Accordingly, new tariffs will have to be placed into effect. Pending placing these new tariffs into effect, the existing tariffs are the only ones which legally may be charged under section 403 of the Federal Aviation Act.

The Board currently has under way in Docket 21866, Domestic Passenger-Fare Investigation, a general investigation of the level and structure of fares beween points in the 48 contiguous States and the District of Columbia.[3] Hearings in two of the six hearing parts of the investigation have been substantially completed and four additional hearings are scheduled for the coming 4 months. We hope to have the entire investigation submitted to us for decision in the early part of the coming year. If we were at this time to provide notice and hearing with respect to an investigation of domestic passenger fares to prevail until action on Docket 21866 has been completed, which we would have to do under the Act if the Board were to prescribe the fares, even to reestablish the pre-October 1969 fares,[4] it now appears to us that we would only hinder and delay Docket 21866 since that investigation would concern largely the same subject matter and involve the same parties. In the meantime, during the time necessary to conduct such an investigation properly, the question of what tariffs could lawfully be in effect would remain unanswered.

We recognize, as did the court, that under the Federal Aviation Act the carriers have the statutory right to initiate new rates on proper notice. Last August the carriers filed new tariffs at higher levels than the Board would have permitted under Order 69–9–68. Reestablishment of prior fares would in all likelihood lead to immediate exercise of the carriers' right to file new tariffs, and, even if the Board exercised its discretion not to suspend such tariffs, confusion, inconvenience and discrimination would result for the traveling public by such a rapid series of tariff changes as the carriers sought to establish an interim rate level pending completion of our domestic passenger fare investigation.

Under the circumstances we believe the quickest, fairest, and most effective way to resolve the present unsettled situation is to have the carriers submit tariffs free of any compulsion which may have been inherent in the invalid Order 69–9–68, provide opportunity to receive and consider complaints directed against such filings, and take such action thereon as is appropriate and lawful, including the possibility, if we think it necessary, of holding a hearing suited to the circumstances and consistent with the court's opinion. Accordingly, we will direct the carriers to file new tariffs on or before August 14, marked to become effective October 15, 1970, using the posting-date procedure.

The period of time allowed for the completion of the processing of these tariff filings is in our opinion essential to fair and orderly procedures. In the first place, carrier filings required are extensive, covering all domestic passenger fares. Moreover, we expect them to be accompanied by full justification as provided in § 221.165 of the Board's economic regulations. We serve notice on the carriers now that we intend to examine with great care the justification which they present with their tariff filings. Furthermore, in accordance with our usual rules, we will allow full time for the public or any interested party to file complaints against the carrier tariff filings and to request their suspension.[5] The carriers, in turn, will be permitted to proper period of time within which to answer such complaints or requests for suspension. If we act promptly on the records thus developed, as we intend to do, we should be in a position to make our rulings around September 15. Assuming that we do so and that there have been variations in tariffs filed by the various carriers, there will be adequate time left for carriers to make competitive filings so that all tariffs, even though some are on short notice, will be filed sufficiently in advance of October 15 to give the public the kind of advance notice of fares that it is entitled to have. In addition, this schedule may permit the Board to hear oral argument or hold a suitable hearing, as indicated above, should either alternative prove necessary or desirable under the circumstances. Any constriction of this period would tend to prejudice either the carriers, any complainants, or the public.

The tariffs in effect since July 1, 1970, are marked to expire August 31, 1970; and the Board has required that fares that were in effect on June 30, 1970, be refiled to become effective September 1, 1970. The Board permitted the current fares to become effective for a 2-month period and required that any tariff proposing to extend these fares beyond August 31, 1970, be filed on 45 days' notice in order to provide an opportunity for interested persons to be heard before extension of the fares for any significant period.[6] These tariffs were filed on

[1] Because the court's mandate has not yet issued and it still has jurisdiction of Order 69–9–68 we shall make our order of vacation effective only upon issuance of the court's mandate. We will not vacate ordering paragraphs 4 and 5, which authorized discussions of joint fares and divisions. Pursuant to sections 412 and 414 of the Act those authorizations relieved the discussions from the operation of the antitrust laws. There is nothing in the court's opinion to suggest that these paragraphs of the Board's order were invalid.

[2] The first replacement was on Feb. 1, 1970, to embody new lower joint fares required by the Board. The second occasion was on July 1, 1970 at the time of the increase in the transportation tax, to reflect the Board's authorization to "round up" fares to the next highest dollar.

[3] Order 70–1–147, issued Jan. 29, 1970.

[4] By supplemental complaint filed July 24, 1970, Congressman John E. Moss et al. have requested that we institute such an investigation on the assumption that there have been overcharges by the carriers since Oct. 1, 1969. Answers to the complaint are not yet due and the matter is not ripe for determination.

[5] See § 302.505 of the Board's Procedural Regulations.

[6] Special Tariff Permission Nos. 26800, 26836, and 26843.

July 16. Since we are herein ordering the carriers' tariffs filed pursuant to the court decision to be marked for effectiveness October 15, we will also require the carriers to establish an expiration date of October 14, 1970, for the tariffs filed on July 16, 1970.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958 and the decision of the U.S. Court of Appeals for the District of Columbia Circuit, in Moss, et al. v. Civil Aeronautics Board, No. 23,627, dated July 9, 1970:

It is ordered, That:

1. Order 69–9–68, dated September 12, 1969, except for ordering paragraphs 4 and 5 thereof, be and it hereby is vacated, effective upon the issuance of the mandate of the court in the above-entitled proceeding.

2. The domestic trunkline and local-service carriers shall file new tariffs on or before August 14, 1970, for effectiveness October 15, 1970, setting forth fares for passenger transportation within the 48 contiguous States and the District of Columbia.

3. The domestic trunkline and local-service carriers shall establish an expiration date of October 14, 1970, for tariffs filed on July 16, 1970, setting forth fares for passenger transportation within the 48 contiguous States and the District of Columbia.

4. A copy of this order will be served upon each domestic trunkline and local-service carrier and upon the complainants in Docket 21322.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–10087; Filed, Aug. 3, 1970; 8:50 a.m.]

[Docket No. 22384]

LINEAS AEREAS COSTARRICENSES, S.A. (LACSA)

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on August 14, 1970 at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Louis W. Sorrson.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., July 30, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–10083; Filed, Aug. 3, 1970; 8:50 a.m.]

[7] Our order will provide for its service upon each domestic trunkline and local service carrier and upon the complainants in this docket. This includes all of the parties to the litigation before the Court of Appeals.

[Docket No. 22363; Order 70–7–131]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of July 1970.

By tariff filed July 2, 1970, and marked for effectiveness August 1, 1970, Pan American World Airways, Inc. (Pan American), proposes the introduction of container rates for a B–747 lower-deck pallet/igloo in the Los Angeles/Portland/San Francisco/Seattle-Honolulu markets.[1] The westbound rates would be $570 per unit, applicable up to 4,189 pounds,[2] with any poundage thereafter to be charged at the rate of 13.5 cents per pound. The eastbound unit charge would be $380 to 4,189 pounds, and 9 cents per pound for excess weight.[3]

In support of its filing, Pan American states that it wishes to extend its bulk unitization program to include the B–747 pallet/igloo in the Los Angeles/Portland/San Francisco/Seattle-Honolulu market, on the same basis as other B–747 lower-deck containers, that there is a shipper need for a larger unit of this size, and that cargo space is available on these sectors. Pan American also notes that the B–747 pallet/igloo can also be transported on other types of aircraft, thus facilitating interline movements of such container.

The Flying Tiger Line Inc. (Flying Tiger), has protested Pan American's filing and has requested suspension and investigation thereof. Although Flying Tiger does not serve the Honolulu market, they state that their interest in the matter arises from the relationship between container rates in the markets in question and container rates in domestic continental markets served by Flying Tiger. Accordingly, they oppose the introduction of Pan American's proposed rates on the grounds that if adopted the rationale will spread. Flying Tiger further states that Pan American has submitted no economic justification for its filing, and that the proposed B–747 pallet/igloo rates are lower than existing Type A pallet/igloo rates in the market.[4]

In its answer to the complaint, Pan American states, inter alia, that the domestic container program is geared to motor carrier competition in the domestic market, and not to the economics of ocean cargo in the mainland-Hawaii market, that the proposed rates are consistent with the international container rates which the Board has previously approved, and that the Board has previously rejected Flying Tiger's belief that the Board should limit container incentives in domestic markets to those specified in the domestic agreement.

No other person has supported or protested Pan American's filing.

Upon consideration of the complaint and other relevant matters, the Board does not find facts sufficient to warrant investigation and the request therefor, and consequently the request for suspension, will be denied and the complaint dismissed.

Pan American's filing would expand a containerization pricing concept in the mainland-Hawaii market by employing the bulk unitization concept developed by the International Air Transport Association (IATA) and earlier approved by the Board.[5] Expressed as a minimum charge based on the cubic capacity of the B–747 unit and a density of approximately 12 pounds per cubic foot (lb./cu. ft.), the bulk unitization formula creates a more substantial incentive for density than exists in current domestic container rates. Such differences will also affect rates at lesser densities. Thus, in the markets in question, the proposed B–747 pallet/igloo rates will be approximately equal to Type A container rates at 10 lb./cu. ft., but increasingly lower to the maximum payload for the B–747 unit at 5,000 pounds.[6]

It is evident to the Board that the proposal results in a greater incentive for density than is found in the domestic formula,[7] and that the public should not be deprived of the benefits thereof. As previously noted by the Board,[8] while the density discount may reduce the average rate per pound on containers loaded in excess of a particular minimum, such excess traffic poundage will be contained within the same cubic unit (the container). This additional weight without increasing the cube should improve the utilization of the carriers' containers and aircraft, and result in an improved load factor, reduced unit costs, and increased revenue. The realized return to the carrier does not appear to be unreasonably low.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

[1] The container consists of a palletized tapered box (or a pallet with the load conforming to such configuration), measuring 88" x 125" at the base, and 84" x 121" at the top, 63" high, with a cubic capacity of 350 cubic feet and a maximum payload of 5,000 pounds.

[2] 4,189 pounds equals a density of 11.97 pounds per cubic foot (lb./cu. ft.).

[3] The proposed westbound and eastbound rates are 71.1 and 69.2 percent of the 3,000-pound general commodity rates, respectively.

[4] The Type A pallet/igloo container has the same pallet base (88" x 125") as the B–747 unit, but a greater height (86"), and a greater cubic capacity (390 to 500 cu. ft.). These units can be accommodated on either the DC–8 or B–707 jet freighter aircraft, but not the B–747.

[5] Order 69–8–174 dated Aug. 29, 1969.

[6] For example, from Los Angeles to Honolulu:

Shipment density	B–747 pallet/igloo		Type A pallet/igloo	
	Payload (pounds)	Rate per lb.	Payload (pounds)	Rate per lb.
		cents		*cents*
10 lb./cu. ft.	3,500	16.29	4,450	16.60
11 lb./cu. ft.	3,850	14.81	4,895	16.27
12 lb./cu. ft.	4,200	13.61	5,340	16.00
13 lb./cu. ft.	4,550	13.60	5,785	15.77
14 lb./cu. ft.	4,900	13.59	6,230	15.57

[7] The domestic container agreement does not include Hawaii.

[8] Order 70–2–97 dated Feb. 24, 1970.

It is ordered, That:

The complaint of The Flying Tiger Line Inc., in Docket 22363 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10088; Filed, Aug. 3, 1970; 8:50 a.m.]

[Docket No. 22364]

U.S. MAINLAND-HAWAII FARES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on September 3, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Arthur S. Present.

Statements of proposed issues, proposed procedural dates, and requests for evidence should be filed by Bureau Counsel on or before August 24, 1970, and by the parties named in Order 70-7-69 on or before August 31, 1970.

Dated at Washington, D.C., July 28, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-10082; Filed, Aug. 3, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

ASSOCIATED CONTAINER TRANSPORTATION (AUSTRALIA), LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George F. Galland, Esq., Galland, Kharasch, Calkins and Brown, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.

Associated Container Transportation (Australia) Ltd., Rederiaktiebolaget Transatlantic and Pad Shipping Australia PTY. Ltd.

Agreement No. 9882 between the three captioned common carriers by water would permit the establishment of a three roll-on-roll-off vessel joint service in the trade between Australia and Canadian and U.S. Pacific coast ports in accordance with the terms and conditions of the agreement.

Dated: July 29, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10103; Filed, Aug. 3, 1970; 8:51 a.m.]

CIVIL SERVICE COMMISSION

LINOTYPE OPERATOR AND HAND COMPOSITOR (JOURNEYMEN)

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on July 6, 1970, for positions of Linotype Operator (Journeyman) and Hand Compositor (Journeyman), Washington, D.C.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 70-10076; Filed, Aug. 3, 1970; 8:49 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Community Development Division, Office of Program Development.

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

[F.R. Doc. 70-10090; Filed, Aug. 3, 1970; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

LEASING CONSULTANTS, INC.

Order Suspending Trading

JULY 28, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leasing Consultants Inc. and all other securities of Leasing Consultants Inc., a New York corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1970, through August 6, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-10049; Filed, Aug. 3, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-41 etc.]

ASHLAND OIL, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 24, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rates 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, unreasonalde, 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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 September 8, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate
RI71-41	Ashland Oil Inc	140	8	United Fuel Gas Co., W. Va	$96,000	6-26-70	7-27-70	12-27-70	30	[1] 32
RI71-42	Amerada Hess Corp	130	3	Baca Gas Gathering System, Inc., Baca Cty, Colo.	519	6-29 70	8- 1-70	[2] 8- 2-70	12	13
RI71-43	Tenneco Oil Co	179	7	El Paso Natural Gas Co., Texas RR. District No. 8.	35	6-29-70	7-30-70	12-30-70	12.858	16.276
RI71-44	Atlantic Richfield Co	286	6	Northern Natural Gas Co., Texas RR. District No. 8.	47,919	6-29-70	8- 1-70	1- 1-71	16.5	17.06375
RI71-45	Phillips Petroleum Co	437	2	Natural Gas Pipeline Co. of America, Eddy Cty, N. Mex.	1,288	6-29-70	9-20-70	2-20-71	16.096	17.102
RI71-46	Gulf Oil Corp	375	9	Transwestern Pipeline Co., Texas RR. District No. 8.	3,850	6-26-70	7-27-70	12-27-70	16.12	17.1748
RI71-47	Humble Oil & Refining Co	365	10	Northern Natural Gas Co., Texas RR. District No. 8.	456,401	6-29-70	8- 1-70	1- 1-71	16.5619	17.5656
RI71-48	Lee Brothers Oil Co	1	1	Transcontinental Gas Pipe Line Corp., Texas RR. District No. 1.	5,009	6-29-70	7-30-70	12-30-70	13.68225	18.31050
RI71-49	B. M. Britain	1	8	Panhandle Eastern Pipeline Co., Texas RR. District No. 10.	24,673	6-29-70	8- 1-70	1- 1-71	11	13.5702
	do	4	1	do	1,018	6-29-70	8- 1-70	1- 1-71	12	14.035
RI71-50	Harper Oil Co	9	3	El Paso Natural Gas Co., Oklahoma Panhandle Area.	1,392	6-29-70	9- 1-70	2- 1-71	17.015	25.015
	do	10	4	Panhandle Eastern Pipeline Co., Oklahoma Panhandle Area.	582	6-29-70	7-30-70	12-30-70	21.330	23.975
	do	15	3	Transwestern Pipeline Co., Oklahoma Panhandle Area.	17,640	6-29-79	7-30-70	12-30-70	17.0175	26.0175
		28	6		2,070	6-29-79	7-30-70	12-30-70	17.0175	26.0175
		17	5		2,088	6-29-79	7-30-70	12-30-70	17.0175	26.0175
	do	19	2	Panhandle Eastern Pipeline Co., Oklahoma Panhandle Area.	320	6-29-70	7-30-70	12-30-70	17.01	18.01
RI71-51	Humble Oil & Refining Co	379	6	Natural Gas Pipeline Co. of America, Oklahoma Other Area.	309	6-29-70	8-26-70	1-26-71	17.015	19.515
RI71-52	Anadarko Production Co	149	1	Panhandle Eastern Pipeline Co., Oklahoma Other Area.	354	6-29-70	7-30-70	12-30-70	15.9	18.02
RI71-53	Rimrock Exploration Co., Agent	1	2	Northern Natural Gas Co., Oklahoma Panhandle Area.	16,200	6-29-70	8- 1-70	1- 1-71	17	20
RI71-54	Shell Oil Co	380	2	Panhandle Eastern Pipeline Company, Texas RR. District No. 10.	279,000	6-29-70	7-30-70	12-30-70	17	22
RI71-55	Pecos Co	5	3	Cities Service Gas Co., Oklahoma Panhandle Area.	13,130	6-29-70	7-30-70	12-30-70	17	18
RI71-56	Mobil Oil Corp	34	6	Cities Service Gas Co., Oklahoma Other Area.	1,738	6-29-70	7-30-70	12-30-70	16	18
RI71-57	W. H. Hunt	10	2	Texas Gas Transmission Corp., Arkansas.	23,850	7- 1-70	8- 1-70	1- 1-71	17.35	20
RI71-58	Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn.	29	7	Panhandle Eastern Pipeline Co., Hugoton Field, Kans.	8,000	6-19-70	8- 1-70	1- 1-71	12	13
RI71-59	Amini Oil Corp			Northern Natural Gas Co., Texas RR. District No. 7c.	1,029	6-26-70	7-27-70	12-27-70	16.5	17.06375
RI71-60	Resler and Sheldon			El Paso Natural Gas Co., New Mexico (Permian).	1,293	6-29-70	7-30-70	12-30-70	13.5	17.5
RI71-61	Charm Oil Co			do	5,444	6-29-70	7-30-70	12-30-70	13.5	17.5

[1] Pressure base for sale by Ashland Oil, Inc., is at 15.325 p.s.i.a.; all other sales in Appendix A are at 14.65 p.s.i.a.

[2] Amerada Hess has filed a general undertaking, as provided for in Order No. 377, 40 FPC 1449, which has been accepted. Consequently, its proposed increased rate will become effective as of the expiration of the 1-day suspension period without any further action by it or by the Commission.

All of the above listed proposed increased rates exceed the Commission's applicable increased rate ceiling set forth in the Commission's statement of general policy No. 61-1, as amended, except for the sale by W. H. Hunt to Texas Gas Transmission Corp. in the State of Arkansas. No increased rate ceiling has been determined for Arkansas.

However, the increased rate ceiling in the adjacent North Louisiana area is 14 cents, exclusive of tax reimbursement. On a comparable basis, including the full Arkansas Tax of 0.35 cent, the ceiling would be 14.35 cents. Hunt's proposed rate exceeds this ceiling.

Ashland, Gulf, Lee Brothers, and Hunt each requested effective dates for the proposed increased rates filed by each of them earlier than dates which would provide adequate statutory notice. Humble requests a suspension period of 1 day for its proposed rates. Good cause has not been shown for waiving the statutory 30-day notice period or for limiting the suspension period to 1 day. The requests are therefore denied.

The basic contract related to Amerada's proposed increase for its sale to Baca was dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, and the rate proposed by Amerada does not exceed the applicable area initial rate ceiling. In these circumstances we believe a suspension period of 1 day is appropriate.

[F.R. Doc. 70-9951; Filed, Aug. 3, 1970; 8:45 a.m.]

[Docket No. CI70-1021]

J. L. DAVIS & TIPPERARY RESOURCES CORP.

Findings and Order

JULY 28, 1970.

Findings and order after statutory hearing issuing certificate of public convenience and necessity, amending orders issuing certificates, terminating certificates, terminating proceedings, making successor co-respondent, redesignating proceeding, accepting agreements and undertakings for filing, and accepting FPC gas rate schedules and supplements to FPC gas rate schedules for filing.

On May 13, 1970, J. L. Davis & Tipperary Resources Corp. (applicants) filed in Docket No. CI70-1021 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sales of natural gas to El Paso Natural Gas Co. from the Denton Gasoline Plant, Lea County, N. Mex., all as more fully set forth in the application and in the appendix hereto.

Applicants propose to continue sales of residue gas heretofore made by others. The details of the present sales are set forth in the appendix hereto. All sales will be continued pursuant to the contract presently on file with the Commission as Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 10 at a rate in effect subject to refund in Docket No. RI70-94 and said rate schedule will be redesignated as that of applicants.

Applicants have submitted agreements and undertakings in Docket No. RI70-94 to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in

said proceeding. Therefore, they will be made correspondents in said proceeding; the proceeding will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

The certificates of public convenience and necessity heretofore issued to applicants' predecessors will be terminated or the orders issuing said certificates will be amended by deleting therefrom authorization to make the sales proposed to be continued by applicants. Each of the related FPC gas rate schedules will be canceled except for Atlantic Richfield's rate schedule which is being redesignated. Some of applicants' predecessors sold gas at rates in effect subject to refund and they shall continue to remain responsible for these refunds. In some instances applicants' predecessors filed increases in rate which are suspended or which were made effective subject to refund after the effective date of the assignments to applicants. All of these proceedings will be terminated.

The Commission's staff has reviewed the application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on July 23, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicants, J. L. Davis & Tipperary Resources Corp. (Operator), will be engaged in the sale of natural gas in interstate commerce for ultimate public consumption and each will be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of the service authorized herein.

(2) The sale of natural gas proposed in Docket No. CI70–1021, as hereinbefore described and as more fully described in the application, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to 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) The proposed sale of natural gas by applicants is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificates of public convenience and necessity issued to applicants' predecessors should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to make the sales proposed to be continued by applicants.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate filings submitted by applicants and their predecessors should be accepted.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that applicants should be made co-respondents in the proceeding pending in Docket No. RI70–94, that said proceeding should be redesignated accordingly, and that the agreements and undertakings submitted by applicants should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings in which increased rates of applicants' predecessors are suspended or in which increased rates were made effective subject to refund subsequent to the assignments to applicants should be terminated.

The Commission orders:

(A) A certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing the sale by applicants of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in Docket No. CI70–1021 and in the appendix hereto.

(B) The certificate issued herein is not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. The grant of the certificate herein 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 sale of natural gas subject to said certificate.

(D) The certificates of public convenience and necessity heretofore issued to applicants' predecessors in Dockets Nos. G–2914, G–2953, G–3358, G–5096, G–5366, G–7155, G–7875, G–11812, G–12080, G–19562, and G–19677 are terminated.

(E) The orders issuing certificates of public convenience and necessity to applicants' predecessors in Dockets Nos. G–3894 and G–5715 are amended by deleting therefrom authorization to make the sales proposed to be continued by applicants, and in all other respects said orders shall remain in full force and effect.

(F) Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 10 is redesignated as applicants' FPC Gas Rate Schedule No. 1 and the rate schedule and rate schedule supplements submitted by applicants and their predecessors are accepted for filing effective as of May 1, 1970, and are designated as set forth in the appendix hereto.

(G) Applicants are made co-respondents in the proceeding pending in Docket No. RI70–94, said proceeding is redesignated accordingly, and the agreements and undertakings submitted by applicants in said proceeding are accepted for filing. Applicants shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(H) The proceeding pending in Docket No. RI70–884 is terminated. The proceedings pending in Dockets Nos. RI70–779, RI70–835, RI70–1023, and RI70–1567 are terminated with respect to sales made pursuant to Forest Oil Corp. FPC Gas Rate Schedule No. 5, Warren Petroleum Corp. FPC Gas Rate Schedule No. 45, Mobil Oil Corp. FPC Gas Rate Schedule No. 76, and Skelly Oil Co. FPC Gas Rate Schedule No. 74, respectively.

(I) Applicants' predecessors shall continue to remain responsible for refunds of amounts collected subject to refund, in the proceedings set forth below, for sales made prior to May 1, 1970:

Respondent	*Docket No.*
Atlantic Richfield Co	RI68–530, RI69–183, RI70–67, RI70–94.
Phillips Petroleum Co	RI68–528, RI70–86.
Shell Oil Co	RI69–675, RI70–24.
Skelly Oil Co	RI70–288.
Cabot Corp	RI69–454.
Warren Petroleum Corp	RI69–323.
Mobil Oil Corp	RI68–415.

By the Commission.[1]

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Commissioner O'Connor not participating.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
C170-1021 F 5-13-70 [1] (G-3894) [2]	J. L. Davis & Tipperary Resources Corp. (Operator) (successor to Atlantic Richfield Co. (Operator)).	El Paso Natural Gas Co., Denton Gasoline Plant, Lea County, N. Mex.	Atlantic Richfield Co. (Operator) et al., FPC GRS No. 10.[3]	1	
			Supplement Nos. 1-11	1	1-11
			Notice of succession 5-1-70.		
			Assignment 4-28-70 [4]	1	12
			Letter agreement 5-1-70.[5]	1	13
			Effective date: 5-1-70		
G-2914 [6]	Atlantic Richfield Co. (successor to Sinclair Oil Corp.).	do	Assignment 4-29-70 [7]	[8] 344	10
			Letter agreement 5-1-70.[9]	344	11
			Effective date: 5-1-70		
G-2953 [6]	Forest Oil Corp.	do	Assignment 4-23-70 [7]	[10] 5	8
			Letter agreement 5-1-70.[9]	5	9
			Effective date: 5-1-70		
G-3358 [6]	Phillips Petroleum Co.	do	Assignment 4-24-70 [7]	[11] 66	12
			Letter agreement 5-1-70.[9]	66	13
			Effective date: 5-1-70		
G-5096 [6]	Shell Oil Co.	do	Assignment 4-27-70 [7]	[12] 108	11
			Letter agreement 5-1-70.[9]	108	12
			Effective date: 5-1-70		
G-5366 [6]	Skelly Oil Co.	do	Assignment 4-24-70 [7]	[13] 74	8
			Letter agreement 5-1-70.[9]	74	9
			Effective date: 5-1-70		
G-5715 [6] [14]	Cabot Corp.	do	Assignment 4-27-70 [7]	[15] 23	10
			Letter agreement 5-1-70.[9]	23	11
			Effective date: 5-1-70		
G-7155 [6]	Warren Petroleum Corp.	do	Assignment 4-24-70 [7]	[16] 45	10
			Letter agreement 5-1-70.[9]	45	11
			Effective date: 5-1-70		
G-7875 [6]	Herd Oil & Gas Co.	do	Assignment 4-20-70 [7]	1	7
			Letter agreement 5-1-70.[9]	1	8
			Effective date: 5-1-70		
G-11812 [6]	Marathon Oil Co.	do	Assignment 4-27-70 [7]	[17] 7	8
			Letter agreement 5-1-70.[9]	7	9
			Effective date: 5-1-70		
G-12080 [6]	Mobil Oil Corp.	do	Assignment 4-20-70 [7]	[18] 76	14
			Letter agreement 5-1-70.[9]	76	15
			Effective date: 5-1-70		
G-19562 [6]	Colorado Oil & Gas Corp.	do	Assignment 4-22-70 [7]	43	14
			Letter agreement 5-1-70.[9]	43	15
			Effective date: 5-1-70		
G-19677 [6]	Roy G. Barton	do	[19]		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Applicants propose to succeed to all of the sales presently being made to El Paso Natural Gas Co. from the Denton Plant and consolidate them under the present operator's contract, Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 10.

[2] Other sales covered by certificate issued in Docket No. G-3894 which are not being continued by applicants. Applicants also succeeding to sales authorized in certificates listed below and in small producer certificates issued in Dockets Nos. CS67-66, CS67-77, CS68-34, CS69-11, and CS70-5. Sales from the Denton Plant made without certificate authorization by H. L. Lowe pursuant to a contract of Feb. 16, 1954 and W. C. Partee pursuant to a contract of Mar. 8, 1954.

[3] Rate in effect subject to refund in Docket No. RI70-94. Prior increased rate collected subject to refund in Docket No. RI69-183.

[4] From Atlantic to applicants. Attached are 18 assignments from the coowners who do not have rate schedules, including those covered by small producer certificates.

[5] Between applicants and El Paso—Cancels all other contracts for the sale of gas from the Denton Plant and consolidates these sales under the Atlantic Richfield contract redesignated herein.

[6] By application in Docket No. C170-1021 applicants propose to succeed to the sale authorized herein.

[7] Assignment to applicants.

[8] Rate effective subject to refund in Docket No. RI70-67. Prior increased rate collected subject to refund in Docket No. RI68-530.

[9] Between applicants and El Paso—Provides for sale to be consolidated under contract on file as Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 10 and cancels this contract.

[10] Rate effective subject to refund in Docket No. RI70-770 as of May 11, 1970.

[11] Rate effective subject to refund in Docket No. RI70-86. Prior increased rate collected subject to refund in Docket No. RI68-528.

[12] Rate effective subject to refund in Docket No. RI70-24. Prior increased rate collected subject to refund in Docket No. RI69-675.

[13] Rate effective subject to refund in Docket No. RI70-288. A proposed increase is suspended in Docket No. RI70-1567.

[14] Certificate involves other sales not being continued by applicants.

[15] Rate effective subject to refund in Docket No. RI69-454.

[16] Rate effective subject to refund in Docket No. RI70-835 as of May 18, 1970. Prior increased rate collected subject to refund in Docket No. RI69-323.

[17] Rate effective subject to refund in Docket No. RI70-884 as of May 25, 1970.

[18] Rate effective subject to refund in Docket No. RI68-415. A proposed increase is suspended in Docket No. RI70-1023.

[19] No related rate schedule.

[F.R. Doc. 70-9997; Filed, Aug. 3, 1970; 8:45 a.m.]

[Docket No. CP71-17]

CONSOLIDATED GAS SUPPLY CORP. AND UNITED FUEL GAS CORP.

Notice of Application

JULY 29, 1970.

Take notice that on July 22, 1970, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26301, and United Fuel Gas Co. (United), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP71-17 a joint application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for an order of the Commission granting permission and approval to abandon certain natural gas facilities, and for a certificate of public convenience and necessity authorizing the construction, relocation, 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.

Consolidated proposes to abandon an existing exchange delivery point to United, and construct and operate a new exchange delivery point at a mutual point of interconnection to be made near Newton, W. Va. Consolidated states that the proposed abandonment and construction of the subject delivery points will result in a significant savings in operation and maintenance expense and United states that it can utilize the volumes of exchange gas involved better at the proposed point of delivery than at the delivery point proposed to be abandoned.

United requests authorization for the relocation and operation of certain measuring and regulating facilities. United states that it has relocated and is operating these facilities pursuant to § 157.22 of the regulations under the Natural Gas Act, the provisions of which were invoked by Consolidated's letter addressed to the Federal Power Commission and filed on May 26, 1970. Consolidated states that this relocation and operation of facilities was required in order to enable Consolidated to accept deliveries of up to 15,000 Mcf of natural gas from an independent producer and, at the same time, to continue delivering volumes of exchange gas to United.

The total estimated cost of the construction proposed by Consolidated is $2,850 and the total estimated cost of the relocation of facilities by United is $410, both of which are to be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 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 and permission and approval of the proposed abandonment are 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. 70-10056; Filed, Aug. 3, 1970; 8:47 a.m.]

[Project No. 1894]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Issuance of Annual License

JULY 28, 1970.

On June 19, 1969, South Carolina Electric and Gas Co., licensee for Parr Shoals Project No. 1894 located in the vicinity of Fairfield County, S.C., on the Broad River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1894 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to South Carolina Electric and Gas Co. for continued operation and maintenance of Project No. 1894.

Take notice that an annual license is issued to South Carolina Electric and Gas Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Parr Shoals Project No. 1894, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10059; Filed, Aug. 3, 1970; 8:48 a.m.]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Issuance of Annual License

JULY 28, 1970.

On June 19, 1969, South Carolina Electric and Gas Co., licensee for Columbia Project No. 1895 located in Richland County, S.C., on Broad River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1895 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue and annual license to South Carolina Electric and Gas Co. for continued operation and maintenance of Project No. 1895.

Take notice that an annual license is issued to South Carolina Electric and Gas Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Columbia Project No. 1895, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10060; Filed, Aug. 3, 1970; 8:48 a.m.]

[Docket No. CP70-93]

UNITED FUEL GAS CO.

Notice of Petition To Amend

JULY 29, 1970.

Take notice that on July 17, 1970, United Fuel Gas Co. (petitioner), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP70-93 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on February 24, 1970, to increase the volumetric limitations on petitioner's daily firm deliveries, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the aforementioned order, inter alia, to make maximum daily firm deliveries of 3,000,100 Mcf of natural gas to its jurisdictional customers, and states that an increase to 3,336,800 Mcf per day is necessary to meet the increased peak day requirements of its firm service customers for the 1970–71 heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10057; Filed, Aug. 3, 1970; 8:47 a.m.]

[Project No. 1989]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JULY 28, 1970.

On June 27, 1969, Wisconsin Public Service Corp., licensee for Merrill Project No. 1989 located in the city of Merrill, Lincoln County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 25, 1970.

The license for Project No. 1989 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corp. for continued operation and maintenance of Project No. 1989.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Merrill Project No. 1989, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10061; Filed, Aug. 3, 1970; 8:48 a.m.]

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JULY 28, 1970.

On June 27, 1969, Wisconsin Public Service Corp., licensee for Wausau Project No. 1999 located within the city of Wausau, Marathon County, Wis., on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1999 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corp. for continued operation and maintenance of Project No. 1999.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wausau Project No. 1999, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–10062; Filed, Aug. 3, 1970; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

M & S BANCORP

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by M & S Bancorp, Janesville, Wis., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Merchants and Savings Bank, and Bank of Janesville, both in Janesville, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

By order of the Board of Governors, July 28, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70–10033; Filed, Aug. 3, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–5278]

BROAD ARROW INVESTMENT CORP.

Notice of Issuance of Small Business Investment Company License

On June 26, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 10475) stating that Broad Arrow Investment Corporation, Route 5S, Fort Hunter Road, Amsterdam, N.Y. 12010, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business July 6, 1970, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02–5278 to Broad Arrow Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER,
Associate Administrator for Investment.

JULY 22, 1970.

[F.R. Doc. 70–10067; Filed, Aug. 3, 1970; 8:48 a.m.]

[Delegation of Authority No. 30–G (Region IV)]

REGIONAL DIVISION CHIEFS ET AL.

Delegation of Authority To Conduct Program Activities in Region IV

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30–G, 35 F.R. 9955, published in the FEDERAL REGISTER on June 17, 1970, the following authority is hereby redelegated to the positions as indicated herein:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per houeshold for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve displaced business loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, and displaced business loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

5. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief and Assistant Chief, Community Economic Development Division.* 1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $1 million, provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Chief, Community Economic Development Division.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By _____
(Name)
Chief, Community Economic Development Division.

8. To disburse approved EDA loans, as authorized.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

10. Size determinations for financing only: To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Economic Development Specialists (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreements with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief and Assistant Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division).* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans.

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Region Claims Review Committee.* To consist of the Chief, Loan Administration Division, acting as chairman; Regional Counsel; and Chief, Financing Division, who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendations of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

J. *Chief, Procurement and Management Assistance Division.* [Reserved]

K. *Regional Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Regional Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the regional counsel:

a. The assignment, endorsement, transfer, and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration of its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

M. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

N. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *District Directors—A. Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000

per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**3. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.* **1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $700,000, provided the district director concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By ----------
(Name)
District Director.
(City)

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program.* [Reserved]

E. *Administrative.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal services.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers,

rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. Size determinations for financing only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. Eligibility determinations for financing only: To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officer (Financing Division), if assigned.* 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

2. To execute sections 501 and 502 loan authorizations for Central Office, regional, and district approved loans, said execution to read, as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

4. To enter into section 502 loan participation agreements with banks.

5. To issue and modify commitment letters, said issuance to read, as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

6. To disburse approved EDA loans, as authorized.

E. *Economic Development Specialist (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreement with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefore, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division), if assigned.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon: (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans:

a. Use of such portions of the cash surrender value assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Chief, Procurement and Management Assistance Division.* [Reserved]

J. *District Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters, loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

K. *District Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the district counsel:

a. The assignment, endorsement transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate

Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

M. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. *Branch Manager.* [Reserved]

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: June 1, 1970.

WILEY S. MESSICK,
Regional Director, Region IV.

[F.R. Doc. 70-10077; Filed, Aug. 3, 1970; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

WORKER REQUEST FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on July 22, 1970, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers, AFL-CIO, and the Window Glass Cutters League of America, AFL-CIO, on behalf of workers of the Henryetta, Okla., sheet glass plant of P.P.G. Industries. The petition points out that the request for certification is made under Proclamation 3967 ("Adjustment of duties on certain Sheet Glass") of February 27, 1970. In that proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(2)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before August 14, 1970.

Signed at Washington, D.C., this 24th day of July 1970.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[F.R. Doc. 70-10046; Filed, Aug. 3, 1970; 8:47 a.m.]

WORKER REQUEST FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance was filed on July 27, 1970, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Retail, Wholesale and Department Store Union, AFL-CIO, on behalf of workers of the Estey Piano Corp., Bluffton, Ind. The petition points out that the request for certification is made under Proclamation 3964 (Modification of Trade Agreement Concessions and Adjustment of Duty on Certain Pianos) of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(2)(3) with respect to the piano industry that the workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before August 7, 1970.

Signed at Washington, D.C., this 27th day of July 1970.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[F.R. Doc. 70-10047; Filed, Aug. 3, 1970; 8:47 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Storm Lake, Iowa; 6-5-70 to 6-4-71; 10 learners (boys' jeans).

Altamont Shirt Corp., Altamont, Tenn.; 6-18-70 to 6-17-71 (men's and boys' dress shirts).

Amco Industries, Inc., Anderson, S.C.; 6-23-70 to 6-22-71; 10 learners (ladies' blouses and shifts).

The Arrow Co., Gilbert, Minn.; 6-24-70 to 6-23-71 (collars and cuffs for men's dress shirts).

The Arrow Co., Virginia, Minn.; 6-24-70 to 6-23-71 (men's dress shirts)

Baumel Dress Corp., Olyphant, Pa.; 6-17-70 to 6-16-71 (women's and children's dresses).

Carolina Girls Wear, Inc., St. George, S.C.; 6-18-70 to 6-17-71 (children's dresses).

Crane Manufacturing Co., Crane, Mo.; 6-5-70 to 6-4-71 (men's, boys', girls' and ladies' jeans).

Crane Manufacturing Co., Republic, Mo.; 6-5-70 to 6-4-71; 10 learners (men's and boys' trousers).

Devil Dog Manufacturing Co., Inc., Zebulon, N.C.; 6-25-70 to 6-24-71 (children's sportswear and dungarees).

E. & B. Dress Manufacturing Co., Inc., Simpson, Pa.; 6-18-70 to 6-17-71; 3 learners (women's dresses).

Eagle Pass Manufacturing Co., Eagle Pass, Tex.; 6-4-70 to 6-3-71 (men's and boys jeans).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6-25-70 to 6-24-71 (men's dress trousers).

Freeland Manufacturing Co., Freeland, Pa.; 6-19-70 to 6-18-71 (men's and boys' sport jackets and dungarees).

Garan Inc., Adamsville, Tenn.; 6-4-70 to 6-3-71 (men's and boys' knit sport shirts).

Hansley Industries, Inc., Hattiesburg, Miss.; 6-23-70 to 6-22-71 (men's pajamas).

Hy-Grade Pants Co., Inc., Taylor, Pa.; 6-12-70 to 6-11-71 (men's and boys' pants).

Imperial Reading Corp., LaFayette, Tenn.; 6-25-70 to 6-24-71 (men's shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; 6-24-70 to 6-23-71 (men's and boys' dress slacks).

Lance Garment Corp., Red Bay, Ala.; 6-24-70 to 6-23-71 (boys' and men's shirts).

Leco Manufacturing Corp., Mountain City, Tenn.; 6-4-70 to 6-3-71 (ladies' and children's nightgowns and pajamas).

Louisburg Sportswear Co., Louisburg, N.C.; 6-13-70 to 6-12-71 (men's and boys' shirts).

Louisiana Ind. Garment Manufacturing Co., Gonzales, La.; 6-12-70 to 6-11-71 (men's work pants).

Lynn Manufacturing Co., Johnston, S.C.; 6-16-70 to 6-15-71 (women's dresses).

Mode O'Day Co., Salt Lake City, Utah; 6-3-70 to 6-2-71 (women's and children's dresses).

Monroe Manufacturing Co., Newark, N.J.; 6-10-70 to 6-9-71; 10 learners (men's and boys' jackets).

Opp Textiles, Inc., Opp, Ala.; 6-16-70 to 6-15-71 (hunting clothing).

Paducah Shirt Co., Inc., Paducah, Ky.; 6-21-70 to 6-20-71 (boys' knit shirts).

Piedmont Shirt Co., Greenville, S.C.; 6-3-70 to 6-2-71 (men's and boys' shirts).

Roman's, Inc., Scranton, Pa.; 6-9-70 to 6-8-71; 10 learners (men's, ladies' and boys' casual jackets).

Henry I. Siegel Co., Inc., Gleason, Tenn.; 6-23-70 to 6-22-71 (men's and boys' pants).

Henry I. Siegel Co., Inc., Johnson City, Tenn.; 6-13-70 to 6-12-71 (men's and boys' pants).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; 6-25-70 to 6-24-71 (children's outerwear).

Trousdale Manufacturing Co., Hartsville, Tenn.; 6-8-70 to 6-7-71 (ladies' blouses and dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Michael Berkowitz Co., Confluence, Pa.; 6-18-70 to 12-17-70; 20 learners (women's robes and washable service apparel).

Nahunta Manufacturing Co., Nahunta, Ga.; 6-15-70 to 12-14-70; 40 learners (men's slacks).

Tri-County Shirt Co., Inc., Salem, Ark.; 6-11-70 to 12-10-70; 35 learners (men's dress shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6-23-70 to 6-22-71; 5 learners (work gloves).

Southern Glove Manufacturing Co., Inc., Canover, N.C.; 6-23-70 to 6-22-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., Eveleth, Minn.; 6-24-70 to 6-23-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

B.V.D. Knitwear, Inc., Mullins, S.C.; 6-17-70 to 6-16-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted polo shirts).

Reidler Knitting Mills, Inc., Hazleton, Pa.; 6-8-70 to 6-7-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 27th day of July 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-10065; Filed, Aug. 3, 1970; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Anton Alkek Grocery & Market, foodstore; 714 South Bridge Street, Victoria, Tex.; 4-25-71.

Alta Foodland, foodstore; Alta, Iowa; 4-13-70 to 2-25-71.

Amos Quality Market, foodstore; 116 East Eighth Avenue, Homestead, Pa.; 4-13-71.

Andys Model Market, foodstore; 1221 North Seventh, Harlingen, Tex.; 3-20-71.

Anthony's Supermarket, foodstore; Oak Street, Frackville, Pa.; 4-12-71.

Arne's Fairway, foodstore; 203 West Main, Ada, Minn.; 4-1-71.

Beaton Drug Co., drugstore; 15th and Farnam Street, Omaha, Nebr.; 3-24-71.

Vic Bernacchi & Sons, Inc., agriculture; 2429 Monroe, La Porte, Ind.; 3-25-71.

Bethel Lutheran Home for Aged, nursing home; Williston, N. Dak.; 4-3-70 to 2-25-71.

Better Living Market, foodstores, 3-21-71: No. 2, Hattiesburg, Miss.; No. 3, Petal, Miss.

Billups Plantation, Inc., agriculture; Indianola, Miss.; 4-24-71.

Black & White, Inc., variety-department store; 236 South Main, Yazoo City, Miss.; 3-22-71.

Bladenboro Cash Store, Inc., foodstore; Main Street, Bladenboro, N.C.; 3-27-71.

Bondurant Drugs, Inc., drugstore; 109 Main Street, Corbin, Ky.; 4-14-71.

Bone Superette, foodstore; 609 First Street, Bald Knob, Ark.; 4-10-71.

Buehler Market, foodstores, 4-26-71, except as otherwise indicated: 90 Broad Street SW., Atlanta, Ga.; 104 Georgia Avenue SE., Atlanta, Ga.; 1553 Gordon Street SW., Atlanta, Ga.; 409 East Main Street, Streator, Ill. (3-25-71).

Byrd's Supermarkets, Inc., foodstore; Mount Olive, Miss.; 4-27-71.

Carney's, variety-department store; 128 South Main Street, Marysville, Ohio; 4-6-71.

Carson Pirie Scott & Co., variety-department store; 111-113 North Tremont, Kewanee, Ill.; 4-27-71.

John Casemier Food Market, foodstore; 120 West Savidge Street, Spring Lake, Mich.; 4-23-71.

Central Market, Inc., foodstore; 83 East Main Street, McConnelsville, Ohio; 3-22-71.

Central Park Super Market, foodstore; 5728 Avenue O, Birmingham, Ala.; 3-22-71.

Chamberlain Hospital & Home Association, hospital; Chamberlain, S. Dak.; 4-22-70 to 3-30-71.

Clark Nursing Home, Inc., nursing home; Clark, S. Dak.; 2-20-70 to 1-31-71.

Clinch Food Market, foodstore; Homerville, Ga.; 4-28-70 to 4-24-71.

Colby Super Market, Inc., foodstore; 200 North Franklin, Colby, Kans.; 4-9-70 to 3-23-71.

Cold's Supermarkets, Inc., foodstore; Traer, Iowa; 4-30-70 to 3-16-71.

Colorado Drumstick, Inc., restaurant; 6301 East Colfax Avenue, Denver, Colo.; 4-2-70 to 2-25-71.

Columbia Shopping Center, foodstore; 1200 West Columbia, Evansville, Ind.; 3-21-71.

Community Memorial Hospital, hospital; Postville, Iowa; 4-22-70 to 4-3-71.

Howard Counts Grocery, Inc., foodstore; 231 Bradford Drive, Charlotte, N.C.; 4-8-71.

Derryberry Drug Co., Inc., drugstore; 115 West Seventh Street, Columbia, Tenn.; 3-24-71.

The Drumstick, Inc., restaurant; 7835 State Line, Kansas City, Mo.; 4-26-71.

Duckwall Stores Co., variety-department stores, 4-9-70 to 3-30-71, except as otherwise indicated: No. 70, Boulder, Colo.; No. 62, Colorado Springs, Colo. (4-10-70 to 3-30-71); Nos. 64 and 74, Colorado Springs, Colo. (4-3-70 to 3-30-71); No. 66, Colorado Springs, Colo.; No. 73, Commerce City, Colo. (4-3-70 to 3-30-71); Nos. 71 and 75, Denver, Colo. (4-3-70 to 3-30-71); No. 15, Fort Morgan, Colo. (4-10-70 to 3-30-71); No. 30, Longmont, Colo.; No. 65, Pueblo, Colo.; No. 76, Pueblo, Colo. (4-3-70 to 3-30-71); No. 1, Abilene, Kans. (4-10-70 to 3-30-71); No. 32, Colby, Kans. (4-10-70 to 3-30-71); No. 5, Concordia, Kans. (4-10-70 to 3-30-71); No. 11 Dodge City, Kans.; No. 12, Garden City, Kans.; No. 21, Goodland, Kans.; No. 7, Great Bend, Kans.; No. 17, Hays, Kans. (4-3-70 to 3-30-71); No. 59, Hutchinson, Kans.; No. 6, Junction City, Kans.; No. 18, Larned, Kans. (4-10-70 to 3-30-71); No. 14, Liberal, Kans.; No. 19, Pratt, Kans. (4-10-70 to 3-30-71); No. 77, Salina, Kans. (4-3-70 to 3-30-71); No. 68, Topeka, Kans. (5-13-70 to 5-12-71); No. 52, Ulysses, Kans.; No. 33, Wichita, Kans. (4-3-70 to 3-30-71).

The Ellsworth County Veterans' Memorial Hospital, Inc., hospital; 300 Kingsley, Ellsworth, Kans.; 5-17-71.

Erspamer Super Market, foodstore; No. 521, Hurley, Wis.; 4-15-71.

Fant's Sunflower Food Store, foodstore; 100 West Claiborne Street, Greenwood, Miss.; 4-2-71.

Felsenthal's Department Store, variety-department store; Brownsville, Tenn.; 3-23-71.

E. H. Finlayson & Son, Inc., agriculture; Greenville, Fla.; 4-28-71.

Fleishman Co., variety-department store; 115 South Main Street, Anderson, S.C.; 3-31-71.

Food Giant Super Markets, Inc., foodstores, 3-26-71: Nos. 4 and 8, Tucson, Ariz.

J. H. Galley Florists, Inc., agriculture; 2244 Union Road, West Seneca, N.Y.; 4-17-70 to 3-31-71.

Georgiatown Farms, agriculture; Altheimer, Ark.; 4-2-71.

Gockel IGA, foodstore; St. Marys, Kans.; 4-15-70 to 1-31-71.

Goldblatt Bros., Inc., variety-department stores: 443 East 34th Street, Chicago, Ill., 4-2-71; 7975 South Cicero Avenue, Chicago, Ill., 3-17-71; 2430 North Harlem Avenue, Elmwood Park, Ill., 3-27-71.

Golden Drumstick, Inc., restaurant; 1490 South Colorado Boulevard, Denver, Colo.; 4-2-70 to 2-25-71.

Goudchaux's variety-department store; 1500 Main Street, Baton Rouge, La.; 4-2-71.

W. T. Grant Co., variety-department stores: No. 769, Augusta, Ga., 4-4-71; No. 522, Webster, Mass., 3-20-71.

Grebe's Bakeries, Inc., foodstore; 601 West Mitchell Street, Milwaukee, Wis.; 4-12-71.

H & J Farmers Market, foodstore; No. 18, Roswell, N. Mex.; 4-21-71.

Hack's, Inc., furniture-appliance stores, 3-31-71; 7713 West Greenfield Street, Milwaukee, Wis.; 1308 West Mitchell Street, Milwaukee, Wis.; 333 North Plankinton Avenue, Milwaukee, Wis.

Haffner's 5¢ to $1 Store, variety-department store; No. 23, Sandusky, Mich.; 4-23-71.

Handy-Andy, Inc., foodstore; No. 30, San Antonio, Tex.; 4-7-71.

Harmon Food Center, foodstore; 202 North Washington, Lake Mills, Iowa; 4-20-70 to 2-12-71.

Harrods Thrift Market & Bakery, foodstore; 320 North White Street, Athens, Tenn.; 2-24-71.

Headspring Farm, agriculture; Newberry, S.C.; 3-24-70 to 1-31-71.

Hekkema Brothers, agriculture; 1131 Cadillac Drive, Muskegon, Mich., 4-16-71.

Hellmans Inc., variety-department store; 2202 Central Avenue, Kearney, Nebr.; 4-20-70 to 3-31-71.

Hermanson's Food Market, foodstore; 1415 Mount Rushmore Road, Rapid City, S. Dak.; 4-22-70 to 4-16-71.

Holcomb Pharmacy, drugstore; 1209 Second Street, Perry, Iowa; 4-30-70 to 2-27-71.

Host International, Inc., restaurant; Beckley, W. Va.; 4-2-71.

T. D. Hubbard Co., foodstore; 111 Victoria Street, Kenedy, Tex.; 3-21-71.

Joe's Food Market, foodstore; Main Street, Springfield, Ky.; 3-26-71.

Josenhans Drug Store, drugstore; 1 North Whittaker Street, New Buffalo, Mich.; 4-22-71.

Kaufman's, apparel store; 1040 Main Street, Wheeling, W. Va.; 3-31-71.

Kilroy's, apparel store; 119 West Broadway, Farmington, N. Mex.; 4-14-71.

Knopf Poultry Farm, agriculture; Route 1, Pinson, Ala.; 4-24-71.

George F. Kramer Co., Inc., variety-department store; 323 First Avenue West, Grand Rapids, Minn.; 4-2-71.

Kramer's Department Store, variety-department store; 121 West Main Street, Wallace, N.C.; 3-22-71.

Kreher's Poultry Farm, agriculture; 11066 Main Street, Clarence, N.Y.; 4-23-71.

S. S. Kresge Co., variety-department stores: No. 732, Birmingham, Ala., 4-1-71; No. 713, Atlanta, Ga., 4-27-71.

Kuhn Bros. Co., Inc., variety-department stores, 4-18-71: 129 Main Street, Dickson, Tenn.; 109 South Elk Street, Fayetteville, Tenn.; Natchez Trace Drive, Lexington, Tenn.; 4816 Charlotte Road, Nashville, Tenn.; Public Square, Pulaski, Tenn.

Larkin Bros., variety-department store; Public Square, Loogootee, Ind.; 4-17-71.

League Ranch, agriculture; 906 Esperson Building, Houston, Tex.; 3-30-71.

Jenny Lee Bakery, foodstore; Ingram and Foster Avenues, Pittsburgh, Pa.; 3-26-71.

Lerner Shops, apparel stores: No. 41, Baltimore, Md., 4-18-71; No. 260, Fairview Park, Ohio, 3-20-71.

Liberty Super Market, foodstore; No. 99, Grenada, Miss.; 4-27-71.

Loupe's Red & White Store, foodstore; 135 North Jefferson, Port Allen, La.; 3-26-71.

Luce Pharmacy, drugstore; 218 West Main Street, Flushing, Mich.; 4-16-71.

Lynn Garden Hardware, hardware store; 1113 Lynn Garden Drive, Kingsport, Tenn.; 4-28-71.

MFA Exchange Division, foodstore; Morgan and Lafayette Streets, Marshall, Mo.; 4-22-70 to 4-6-71.

Madison Manor, nursing home; 411 East Lane, Winterset, Iowa; 4-8-70 to 3-9-71.

Martin's, apparel store; 658 Penn Street, Reading, Pa.; 4-7-70 to 3-31-71.

McMaken's Market, Inc., foodstore; Corner Route 311 and Arlington Road, Brookville, Ohio; 4-8-71.

Clifton L. Meador, agriculture; 400 Court Street, Dumas, Ark.; 4-26-71.

Mile-Hi Drumstick, Inc., restaurant; 7400 Federal Boulevard, Westminster, Colo.; 4-7-70 to 2-25-71.

Morgan & Lindsey, Inc., variety-department store; No. 3076, Greenville, Miss.; 4-20-71.

G. C. Murphy Co., variety-department stores, 3-31-71, except as otherwise indicated: No. 261, Huntsville, Ala. (4-24-71); No. 263, Tuscaloosa, Ala. (4-24-71); No. 255, Daytona Beach, Fla. (4-25-71); No. 276, Hialeah, Fla. (4-25-71); No. 279, Holly Hill, Fla. (4-25-71); No. 262, Jacksonville, Fla. (4-25-71); No. 264, Miami, Fla. (4-25-71); No. 253, Pensacola, Fla. (4-25-71); No. 272, St. Petersburg, Fla. (4-25-71); No. 274, West Palm Beach, Fla. (4-25-71); No. 243, Moultrie, Ga. (4-25-71); No. 251, Berwyn, Ill. (4-24-71); No. 439, Effingham, Ill. (4-24-71); No. 457, Flora, Ill. (4-25-71); No. 112, Pontiac, Ill. (4-24-71); No. 113, Streator, Ill. (4-26-71); No. 449, Vandalia, Ill. (4-24-71); No. 461, Aurora, Ind. (4-27-71); No. 401, Bluffton, Ind. (4-27-71); No. 101, Brazil, Ind. (4-27-71); No. 99, Clinton, Ind. (4-27-71); No. 81, Columbus, Ind. (4-27-71); No. 423, Crawfordsville, Ind. (4-26-71); No. 407, Decatur, Ind. (4-27-71); No. 404, Elwood, Ind. (4-27-71); No. 103, Fort Wayne, Ind. (4-26-71); No. 412, Franklin, Ind. (4-26-71); No. 223, Greensburg, Ind. (4-25-71); No. 408, Hartford City, Ind. (4-27-71); No. 425, Huntingsburg, Ind. (4-27-71); Nos. 123 and 244, Indianapolis, Ind. (4-26-71); No. 235, Indianapolis, Ind. (4-30-71); No. 260, Indianapolis, Ind. (4-27-71); No. 445, Kendallville, Ind. (4-26-71); No. 203, Linton, Ind. (4-27-71); No. 405, Portland, Ind. (4-30-71); No. 420, Princeton, Ind. (4-27-71); No. 100, Rockville, Ind. (4-27-71); No. 72, Seymour, Ind. (4-27-71); No. 105, Shelbyville, Ind. (4-27-71); No. 114, Washington, Ind. (4-27-71); No. 204, Paintsville, Ky.; No. 176, Pikeville, Ky.; No. 220, Hancock, Md. (4-16-71); No. 270, St. Paul, Minn. (4-24-71); No. 249, Hickory, N.C. (4-25-71); No. 210, Oakmont, Pa. (4-13-71); Nos. 198 and 241, Alexandria, Va.; No. 214, Arlington, Va.; No. 24, Newport News, Va.; Nos. 142, 208, and 245, Richmond, Va.; No. 132, Beckley, W. Va.; No. 50, Buckhannon, W. Va.; No. 171, Clarksburg, W. Va.; No. 15, Elkins, W. Va.; No. 22, Kayser, W. Va.; No. 42, Montgomery, W. Va.; No. 197, Morgantown, W. Va.; No. 18, Moundsville, W. Va.; No. 182, Mullens, W. Va.; No. 168, North Fork, W. Va.; No. 213, Oak Hill, W. Va.; No. 212, Parkersburg, W. Va.; No. 49, Piedmont, W. Va.; No. 62, Point Pleasant, W. Va.; No. 154, Princeton, W. Va.; No. 189, Shinnston, W. Va.; No. 207, South Charleston, W. Va.; No. 195, Spencer, W. Va.; Nos. 162 and 254, Weirton, W. Va.; No. 21, Weston, W. Va.; No. 33, Wheeling, W. Va.; 131, Williamson, W. Va.; No. 275, Milwaukee, Wis. (4-27-71).

Mutzabaugh's Market, Inc., foodstore; Main Street and Bloomfield Road, Duncannon, Pa.; 3-25-71.

Neisner Bros., variety-department stores: No. 35, Chicago, Ill., 4-17-71; No. 76, Chicago, Ill., 4-24-71.

Neumann Food Store, foodstore; 1507 East Juan Linn, Victoria, Tex.; 3-30-71.

J. J. Newberry Co., variety-department store; 146-48 East Liberty Street, Wooster, Ohio; 4-22-71.

Newman Park Pharmacy, Inc., drugstore; 401 East 103rd Street, Chicago, Ill.; 4-2-71.

Oakley's Department Store, variety-department store; 116 West Danville Street, South Hill, Va.; 4-27-71.

O'Brien Drugs, drugstore; 11856 South Western Avenue, Chicago, Ill.; 4-2-71.

John B. Peters, agriculture; Rural Delivery No. 1, Gardners, Pa.; 4-16-71.

Peterson Drug, Inc., drugstore; Moose Lake, Minn.; 4-1-71.

Piggly Wiggly, foodstores: Centre, Ala., 4–16–71; 501 West Main Street, Hartselle, Ala., 4–2–71; 200–204 Southwest Front Street, Walnut Ridge, Ark., 3–31–71; 110 North Pine, Vivian, La., 3–21–71; No. 37, Ridgeland, S.C., 3–24–71; No. 7, Jackson, Tenn., 3–20–71.

Pinecrest Medical Care Facility, nursing-home; Powers, Mich.; 4–21–71.

Pittston Hospital, hospital; Pittston, Pa.; 4–3–71.

Pleezing Food Store, Inc., foodstore; Pensacola, Fla.; 4–3–70 to 3–26–71.

Pleezing Variety Store, Inc., variety-department store; Pensacola, Fla.; 3–26–71.

The Poor Sisters of Nazareth, Inc., nursing home; 814 Jackson Street, Stoughton, Wis.; 4–27–71.

Price-Black Farms, Inc., agriculture; Arrey, N. Mex.; 3–30–71.

Quality Market, foodstore; Delta, Utah; 4–30–70 to 3–24–71.

R & G Market, foodstore; 523 South 17th, Manhattan, Kans.; 4–13–70 to 3–30–71.

Regan's Restaurant, restaurants, 4–13–70 to 3–30–71: 8031 Metcalf, Overland Park, Kans.; 95th and Nall, Nall Hills, Overland Park, Kans.

Richards Brothers, variety-department store; Mountain Grove, Mo.; 4–10–70 to 3–29–71.

The J. C. Robinson Seed Co., agriculture; Waterloo, Nebr.; 4–27–71.

Robinsons Co., variety-department store; Osceola, Iowa; 3–26–71.

Robinson's Hardware, hardware store; 221 Morley Avenue, Nogales, Ariz.; 4–22–71.

Rock County Hospital, hospital; Bassett, Nebr.; 4–8–70 to 2–10–71.

Rog & Scotty's Super Valu, foodstores, 3–23–70 to 3–21–71; Nos. 1, 2, and 3, Council Bluffs, Iowa.

Rogerson Restaurant, restaurant; 153 Main Avenue East, Twin Falls, Idaho; 3–27–70 to 2–28–71.

Royal's, Inc., variety-department store; 183 South Lake Avenue, Pahokee, Fla.; 3–27–71.

Sacred Heart Hospital, Inc., hospital; 626 N Street, Loup City, Nebr.; 4–2–70 to 3–10–71.

St. Anthony's Hospital, hospital; Seventh and Friedman Avenue, Las Vegas, N. Mex.; 4–3–71.

St. Joseph Community Hospital, hospital; 308 North Maple Avenue, New Hampton, Iowa; 4–15–70 to 4–3–71.

St. Joseph Hospital, hospital; 312 East Alta Vista, Ottumwa, Iowa; 3–26–70 to 3–20–71.

St. Joseph Hospital of the Plains, hospital; 602 West Sixth Street North, Cheyenne Wells, Colo.; 4–3–70 to 2–20–71.

St. Joseph's Hospital, hospital; 200–210 Michigan Street, Hancock, Mich.; 3–25–70 to 2–24–71.

St. Luke's Home & Center, nursing home; Route 1, Kearney, Nebr.; 4–29–70 to 4–23–71.

Russell Lee Sall, agriculture; 12227 68th Avenue, Allendale, Mich.; 4–9–71.

San Rosario Hospital, hospital; 110 Canfield Street, Cambridge Springs, Pa.; 3–31–71.

Santa Fe Drumstick, Inc., restaurant; 4095 South Santa Fe Drive, Englewood, Colo.; 4–7–70 to 2–25–71.

Schensul's Cafeteria, Inc., restaurant; 333 South Burdick Street, Kalamazoo, Mich.; 4–24–71.

Scott Store, variety-department stores: No. 9296, Sterling, Ill., 4–27–71; No. 9223, East Cleveland, Ohio, 4–6–71; No. 9133, Radford, Va., 4–9–71.

Seeley, Inc., apparel store; 617 St. Joseph Street, Rapid City, S. Dak.; 4–24–70 to 4–20–71.

Shaver's Food Mart, foodstores, 3–24–70 to 2–28–71: 7266 North 30th Street, Omaha, Nebr.; 4232 Redman Avenue, Omaha, Nebr.

Sheatzley's IGA Foodliner, foodstore; 198 Main Street, Amelia, Ohio; 4–3–71.

Shroat Market, foodstore; 216 South D Street, Marion, Ind.; 4–22–70 to 3–31–71.

Skagway Department Stores, Inc., variety-department store; 620 West State Street, Grand Island, Nebr.; 4–27–70 to 4–21–71.

Spies Supermarket, Inc., foodstores, 4–14–70 to 4–10–71: 521 Sixth Avenue, Brookings, S. Dak.; Watertown, S. Dak.

Spurgeon's, variety-department store; 128 East Main Street, Ottumwa, Iowa; 4–22–71.

Star Clothes, apparel store; 15th Street and Greenup Avenue, Ashland, Ky.; 3–31–71.

Sterling Stores Co., Inc., variety-department store; 417 Cherry Street, Helena, Ark.; 3–26–71.

Sterns, Inc., variety-department store; Corner Madison Avenue and Water Street, Skowhegan, Maine; 4–8–71.

Summit Mercantile Co., foodstore; Blackduck, Minn.; 4–20–71.

Sutton's Food Mart, foodstore; 1313 West 21st Street, Topeka, Kans.; 4–15–70 to 4–1–71.

T. G. & Y. Stores Co., variety-department stores: No. 183, Phoenix, Ariz., 4–28–71; No. 190, Scottsdale, Ariz., 4–16–71; No. 9260, Nashville, Ark., 4–5–71; No. 146, Raytown, Mo., 4–7–71; No. 73, Oklahoma City, Okla., 4–6–71; No. 41, Tulsa, Okla., 4–16–71; No. 67, Tulsa, Okla., 4–28–71; No. 251, Dallas, Tex., 4–16–71; No. 227, Port Arthur, Tex., 3–30–71; 107 West Lubbock, Slaton, Tex., 4–9–71.

Taylor Pharmacy, drugstore; 2044 South Richey, Pasadena, Tex.; 3–23–71.

The Thrift Store, foodstore; 12 Park Street, Headland, Ala.; 4–16–71.

Tradewell Supermarket, foodstore; 1215 16th Street, Huntington, W. Va.; 4–2–71.

Tyler Brothers, foodstore; Wagner, S.C.; 3–26–71.

Union Market, foodstore; 305 North Minden, Minden, Nebr.; 4–19–71.

United Super Save, United Market, foodstore; 422 East Ninth South, Salt Lake City, Utah; 4–5–71.

Valian's, Inc., restaurant; 6935 South Main, Houston, Tex.; 3–24–71.

Valley View Home, nursing home; Third and Sycamore, Valley Falls, Kans.; 3–31–71.

Walter Foods, Inc., foodstore; 2682 Westerville Road, Columbus, Ohio; 4–14–71.

P. E. Ward & Co., furniture store; Union Square, Dover-Foxcroft, Maine; 4–6–71.

Watercott's, variety-department store; 500 Edward Street, Henry, Ill.; 3–27–71.

Weesies Brothers Farms, Inc., agriculture; 10126 Walsh Road, Montague, Mich.; 3–26–71.

The Wishbone, Inc., restaurant; 4455 Main Street, Kansas City, Mo.; 4–26–71.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Laurinburg, N.C.; 3–31–71.

Woody's Super Market, foodstore; 104 Main Street, Wolfe City, Tex.; 3–28–71.

Wright's Food Service, Inc., foodstore; 731 Elm Street, Union City, Ind.; 4–24–71.

Zimmerman's Dept. Store, variety-department store; 110 North Main Street, Salisbury, N.C.; 4–8–71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Arnold's Food Market, Inc., foodstore; 14 North Baltimore Avenue, Mount Holly Springs, Pa.; bagger; 6 to 8 percent; 4–12–71.

Barrett Community Home, Inc., nursing home; Barrett, Minn.; waitress-waiter, kitchen help, nurse's aide; 4 to 18 percent; 4–30–71.

Kay Baum, Inc., apparel store; 22283–87 Michigan Avenue, Dearborn, Mich.; stock clerk; 4 to 21 percent; 4–16–71.

Beaton Drug Co., drugstore; 40th and Farnam Streets Omaha, Nebr.; fountain clerk, delivery clerk, salesclerk, dishwasher; 9 to 19 percent; 4–1–71.

Bel Air Convalescent Center, Inc., nursing home; 9350 West Fond du Lac Avenue, Milwaukee, Wis.; dietary aide; 6 to 11 percent; 3–22–71.

Bergemann's Market, foodstore; 804 North Spring Street, Beaver Dam, Wis.; carryout; 17 to 23 percent; 4–14–71.

Better Living Market, foodstores, for the occupations of service clerk, stock clerk, cleanup, 17 to 21 percent, 3–21–71, except as otherwise indicated: No. 1, Hattiesburg, Miss. (15 to 21 percent); No. 5, Hattiesburg, Miss.; No. 6, Picayune, Miss.

Big John, foodstores, for the occupations of sacker, stock clerk, 10 percent, 4–24–71: No. 8, Carmi, Ill.; No. 6, Effingham, Ill.

Big K Department Store, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 0 to 17 percent, 4–18–71, except as otherwise indicated: Athens Shopping Center, Athens, Ala. (4–14–71); Towne Plaza Shopping Center, Sheffield, Ala. (4–12–71); Fort Campbell Boulevard, Hopkinsville, Ky. (11 to 59 percent); Blair Shopping Center, Murray, Ky. (1 to 18 percent, 4–15–71); Charlotte Square Shopping Center, Nashville, Tenn. (11 to 21 percent); Big Springs Shopping Center, Shelbyville, Tenn. (11 to 21 percent).

Big Star, foodstores: Monticello, Ky., stock clerk, carryout, 23 to 41 percent, 4–12–71; No. 37, Memphis, Tenn., sacker, carryout, bottle sorter, 16 to 20 percent, 3–22–71.

Bryn Mawr Home, Inc., nursing home; 275 Penn Avenue North, Minneapolis, Minn.; nurse's aide, kitchen aide; 6 to 15 percent; 3–24–71.

C & L Markets, Inc., foodstore; 400 East Division, Rockford, Mich.; carryout, stock clerk; 15 to 27 percent; 4–15–71.

Carter's IGA Foodliner, foodstore; 138 South Washington, Charlotte, Mich.; carryout, bagger, shelf stocker, checker; 10 percent; 4–1–71.

John Casemier Food Market, foodstores, for the occupations of stock clerk, carryout, produce clerk, general clerk, cleanup, 25 to 35 percent, 4–23–71: 244 Randall Street, Coopersville, Mich.; 401 Beech Tree Street, Grand Haven, Mich.,

Casey Drug and Jewelry Co., drugstore; Chamberlain, S. Dak.; clerk, soda fountain help, janitorial; 10 to 73 percent; 4–16–71.

City Market, Inc., foodstore; No. 12, Rawlins, Wyo.; caddy clerk; 10 percent; 4–24–70 to 4–20–71.

Glenn W. Clay, agriculture; Carlisle, Ky.; plant pollination, seed packager, seed preparer, plant setting, plant preparation, plant cultivating; 0 to 90 percent; 4–14–71.

Cooper's, apparel stores: 79 Winrock Center, Albuquerque, N. Mex., salesclerk, gift wrapper, 5 to 15 percent, 3–23–71; 54 East San Francisco Street, Santa Fe, N. Mex., salesclerk, stock clerk, office clerk, gift wrapper, 5 to 18 percent, 4–13–71.

Debroeck's Big Star Market, foodstores, for the occupations of stock clerk, checker, 11 to 32 percent: 435 Clark Avenue, Jefferson City, Mo., 4–8–70 to 3–12–71; 400 Dix Road, Jefferson City, Mo., 4–8–70 to 2–28–71.

The Dillon Co., Inc., foodstores, for the occupations of checker, cashier, carryout, clerk, maintenance, wrapper: No. 40, El Dorado, Kans., 9 to 17 percent, 4–23–71; No. 48, Hutchinson, Kans., 11 to 32 percent, 4–24–70 to 4–17–71.

Doneckers, apparel store; 409 North State Street, Ephrata, Pa.; salesclerk, packer, wrapper, janitorial; 4 to 24 percent; 4–22–71.

Duckwall Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, 13 to 32 percent, 4–9–70 to 3–30–71, except as otherwise indicated: Nos. 98 and 100, Colorado Springs, Colo. (4–10–70 to 3–30–71); No. 101, Colorado Springs, Colo. (4–28–70 to 4–27–71); No. 84, Denver, Colo. (19 to 49 percent, 4–10–70 to 3–30–71); No. 88, Junction City, Kans.) 20 to 44 percent); No. 86, Leavenworth, Kans. (16 to 28 percent); No. 97, Newton, Kans. (24 to 55 percent, 4–3–70 to 3–30–71); No. 87, Tokepa, Kans. (16 to 28 percent); No. 93, Wichita, Kans. (24 to 55 percent); No. 79, Winfield, Kans. (24 to 55 percent, 4–3–70 to 3–30–71); No. 57 Albuquerque, N. Mex. (2 to 15 percent, 4–1–70 to 3–30–71); No. 89, Albuquerque, N. Mex. (2 to 48 percent, 4–1–70 to 3–30–71); No. 85, Clovis, N. Mex. (3 to 15 percent, 4–1–70 to 3–30–71).

Durand IGA, foodstore; 219 North Saginaw, Durand, Mich.; carryout, bagger, checker, stock clerk; 10 percent; 4–1–71.

Easter Super Valu, foodstore; 209 North E Street, Oskaloosa, Iowa; stock clerk, bagger, carryout, cashier; 11 to 24 percent; 4–22–70 to 3–31–71.

Eaton Rapids IGA, foodstore; 121 West Hamlin, Eaton Rapids, Mich.; carryout, bagger, stock clerk, office clerk, checker; 10 percent; 4–1–71.

Edge of the Ledge IGA Foodliner, foodstore; 512 South Clinton, Grand Ledge, Mich.; carryout, bagger, checker, stock clerk; 10 percent; 4–1–71.

El Rancho Markets, foodstores, for the occupations of box clerk, courtesy clerk, 21 to 25 percent, 3–31–71, except as otherwise indicated: 1760 East Santa Fe Avenue, Flagstaff, Ariz.; 5121 West Glendale Boulevard, Glendale, Ariz. (18 to 28 percent); 1422 East Main, Mesa, Ariz. (25 to 32 percent); 1018 West Main, Mesa, Ariz. (25 to 32 percent); 3217 East Camelback Road, Phoenix, Ariz.; 3921 East Indian School Road, Phoenix, Ariz.; 2321 East McDowell Road, Phoenix, Ariz.; 4430 East McDowell Road, Phoenix, Ariz.; 3717 East Thomas Road, Phoenix, Ariz.; 5017 North Central Avenue, Phoenix, Ariz.; 3115 North Third Avenue, Phoenix, Ariz.; 7830 North 12th Street, Phoenix, Ariz.; 5718 North 15th Avenue, Phoenix, Ariz.; 6018 South Central Avenue, Phoenix, Ariz.; 5326 West Indian School Road, Phoenix, Ariz.; 3442 West Van Buren, Phoenix, Ariz.; 326 West Indian School Road, Scottsdale, Ariz. (31 to 41 percent); 929 Mill Avenue, Tempe, Ariz. (22 to 28 percent); 3607 East Broadway, Tucson, Ariz. (14 to 27 percent); 1930 East Grant Road, Tucson, Ariz. (14 to 27 percent); 3360 East Speedway, Tucson, Ariz. (14 to 27 percent); 6321 East 22d Street, Tucson, Ariz. (14 to 27 percent); 367 West 16th Street, Yuma, Ariz. (12 to 25 percent).

Escambia Drug Store, Inc., drugstore; 108 South Main Street, Atmore, Ala.; salesclerk, stock clerk, fountain clerk, delivery clerk, janitorial; 16 to 19 percent; 3–30–71.

Farmers Discount Center, Inc., foodstore; 615 West Cherry, Chanute, Kans.; carryout, bottle clerk, sacker; 15 to 26 percent; 4–13–70 to 3–31–71.

Food Giant Super Markets, Inc., foodstores, for the occupation of carryout, 16 to 24 percent, 3–26–71: No. 9, Sierra Vista, Ariz.; Nos. 6 and 7, Tucson, Ariz.

Foodland Supermarket, foodstores, for the occupations of stock clerk, produce clerk, carryout, 32 to 33 percent, 4–16–71: 407 West Huron, Missouri Valley, Iowa; Fifth and Lincoln, Woodbine, Iowa.

Ben Franklin Store, variety-department stores: 2311 Gratiot Avenue, Marysville, Mich., salesclerk, stock clerk, cashier, janitorial, 9 to 40 percent, 3–31–71; Peachtree Plaza Shopping Center, Greer, S.C., salesclerk, stock clerk, 10 to 45 percent, 3–31–71.

Garrison Nursing Home, nursing home; Garrison, N. Dak.; nurse's aide, kitchen helper; 5 to 10 percent; 4–8–71.

Gee Bee, variety-department stores, for the occupations of salesclerk, stock clerk, cashier, wrapper, 2 to 3 percent, 3–26–71, except as otherwise indicated: Greensburg, Pa.; Johnstown, Pa.; Washington, Pa. (2 to 4 percent, 1–31–71).

Gerbes Super Markets, Inc., foodstores, for the occupations of checker, cashier, carryout, wrapper, clerk, maintenance, 11 to 32 percent, 3–25–70 to 3–21–71: No. 309, Camdenton, Mo.; No. 311, Columbia, Mo.; No. 304, Eldon, Mo.; No. 308, Holden, Mo.; No. 312, Jefferson City, Mo.; No. 310, Pleasant Hill, Mo.; No. 301, Tipton, Mo.; No. 302, Versailles, Mo.; No. 303, Windsor, Mo.

Giant Food Markets, foodstores, for the occupations of cashier, stock clerk, carryout, 20 to 22 percent, 4–16–71: No. 14, Johnson City, Tenn.; No. 13, Morristown, Tenn.

Goldblatt Bros., Inc., variety-department store; McArthur and Outer Park Drive, Springfield, Ill.; salesclerk, stock clerk, office clerk, porter; 2 to 5 percent; 4–2–71.

Golden Drumstick Restaurant, Inc., restaurant; 3932 Market Street, Youngstown, Ohio; bus boy (girl); 10 percent; 3–22–71.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, cashier, office clerk, stock clerk, 3–31–71, except as otherwise indicated: No. 1042, Rockford, Ill., 6 to 18 percent (salesclerk, 4–21–71); No. 307, Salisbury, Md., 11 to 16 percent; No. 175, Kalamazoo, Mich., 3 to 22 percent (4–10–71); No. 1218, Medina, Ohio, 2 to 15 percent; No. 1022, Bloomsburg, Pa., 11 to 36 percent (salesclerk, stock clerk).

Autry Greer and Sons, Inc., foodstore; 911 South Wilson Avenue, Prichard, Ala.; bagger; 11 to 13 percent; 4–2–71.

H. E. B. Food Store, foodstore; No. 98, Brenham, Tex.; bottler, packager, sacker; 10 percent; 4–8–71.

Haffner's 5¢ to $1.00 Store, variety-department store; No. 52, Kendallville, Ind.; salesclerk, stock clerk; 9 to 20 percent; 3–30–71.

Hardwick & Magee Co., carpet store; 650 West Lehigh Avenue, Philadelphia, Pa.; salesclerk; 3 to 9 percent; 3–27–71.

Kim Rexall Pharmacy, Inc., drugstores, for the occupations of stock clerk, office clerk, delivery clerk, 13 to 26 percent, 4–27–71: 1900 East 87th Street, Chicago, Ill.; 15401 South Cottage Grove Avenue, Dolton, Ill.

Kings Drug, Inc., drugstore; 101 Lewisville Center, Lewisville, Tex.; salesclerk; 10 to 23 percent; 3–24–71.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, maintenance, office clerk, food preparation, cashier, customer service, except as otherwise indicated: No. 4164, Birmingham, Ala., 3 to 11 percent, 4–3–71 (salesclerk); 2770 West Evans, Denver, Colo., 3 to 32 percent, 4–15–70 to 3–24–71 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4292, Hialeah, Fla.; 7 to 10 percent, 4–28–71 (checker-cashier, salesclerk, stock clerk, office clerk, customer service, maintenance); No. 4343, West Palm Beach, Fla., 7 to 24 percent, 3–22–71 (salesclerk); No. 4198, Columbus, Ga., 11 to 21 percent, 4–2–71 (salesclerk, cashier); No. 4154, North Aurora, Ill., 5 to 10 percent, 3–27–71 (salesclerk, stock clerk, checker-cashier, office clerk); No. 4226, Evansville, Ind., 3 to 7 percent, 4–14–71 (salesclerk, checker-cashier, stock clerk); No. 4294, Marion, Ind., 4 to 10 percent, 4–23–71 (salesclerk, checker-cashier, stock clerk, maintenance, customer service); No. 4077, Lexington, Ky., 5 percent, 4–22–71 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service); No. 4126, Omaha, Nebr., 3 to 10 percent, 4–23–70 to 4–3–71 (salesclerk, stock clerk, office clerk, checker-cashier); No. 4258, Akron, Ohio, 2 to 7 percent, 4–14–71; No. 4229, Austintown, Ohio, 10 percent, 3–31–71; No. 307, Ironton, Ohio, 1 to 12 percent, 4–9–71 (salesclerk, stock clerk, office clerk, maintenance, checker-cashier, customer service); No. 4257, Middleburg Heights, Ohio, 10 percent, 4–19–71; No. 4264, Stow, Ohio, 4 to 10 percent, 3–23–71; No. 4333, Anderson, S.C., 11 to 22 percent, 4–28–71 (salesclerk, checker).

Kuhn's Variety Store, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 4–18–71: Main and Third Street, Russellville, Ky., 0 to 19 percent; 522 Main Street, Shelbyville, Ky., 11 to 59 percent; Gallatin Plaza Shopping Center, Gallatin, Tenn., 11 to 21 percent; North Side Public Square, Huntingdon, Tenn., 5 to 16 percent; 110 West Broadway, Lenoir City, Tenn., 4 to 20 percent; Harding Road, Nashville, Tenn., 11 to 21 percent; 210–214 Cedar Avenue, South Pittsburg, Tenn., 4 to 20 percent.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 4–11–71, except as otherwise indicated: No. 35, Birmingham, Ala., 2 to 16 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); No. 335, Birmingham, Ala., 2 to 16 percent (3–29–71); No. 189, Huntsville, Ala., 2 to 21 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); Nos. 93 and 112, Montgomery, Ala., 10 to 17 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); No. 333, Montgomery, Ala., 10 to 17 percent (3–29–71); No. 487, Englewood, Colo., 0 to 29 percent (4–22–70 to 4–16–71); No. 65, Clearwater, Fla., 1 to 32 percent; No. 139, Daytona Beach, Fla., 4 to 17 percent; Nos. 143 and 185, Fort Lauderdale, Fla., 13 to 27 percent; No. 184, Hollywood, Fla., 9 to 19 percent; No. 90, Jacksonville, Fla., 9 to 16 percent; Nos. 97 and 194, Jacksonville, Fla., 9 to 14 percent (4–18–71); No. 144, Jacksonville, Fla., 9 to 14 percent; No. 142, Lakeland, Fla., 8 to 28 percent (4–18–71); Nos. 60, 91, and 102, Miami, Fla., 3 to 14 percent (4–18–71); No. 66, Miami Beach, Fla., 3 to 14 percent (4–18–71); No. 147, Ocala, Fla., 3 to 25 percent (4–18–71); Nos. 122 and 181, Orlando, Fla., 10 to 24 percent (4–18–71); No. 71, Panama City, Fla., 2 to 19 percent; No. 136, Pensacola, Fla., 2 to 19 percent; Nos. 45 and 108, St. Petersburg, Fla., 4 to 18 percent; No. 198, St. Petersburg, Fla., 4 to 18 percent (4–23–71); No. 44, Tallahassee, Fla., 7 to 24 percent; Nos. 95 and 141, West Palm Beach, Fla., 9 to 19 percent; No. 88, Augusta, Ga., 8 to 20 percent (4–18–71); No. 135, Columbus, Ga., 7 to 23 percent (3–27–71); No. 338, Decatur, Ga., 2 to 18 percent (4–15–71); No. 128, Macon, Ga., 8 to 19 percent (4–18–71); No. 114, Savannah, Ga., 1 to 23 percent (4–18–71); Nos. 218, 271, and 273, Indianapolis, Ind., 6 to 17 percent; No. 242, Lexington, Ky., 2 to 12 percent (4–18–71); No. 149, Alexandria, La., 2 to 19 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–24–71); Nos. 38 and 133, Baton Rouge, La., 2 to 20 percent (4–18–71); No. 49, Gretna, La., 2 to 19 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); No. 126, Lake Charles, La., 2 to 19 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); No. 119, Metairie, La., 2 to 19 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); No. 109, New Orleans, La., 2 to 19 percent (salesclerk, stock clerk, office clerk, credit clerk, cashier, 4–18–71); Nos. 55 and 57, Baltimore, Md., 27 to 38 percent (4–18–71); No. 313, Bethesda, Md., 10 to 34 percent (4–23–71); No. 43, Glen Burnie, Md., 27 to 38 percent (salesclerk, stock clerk, office clerk, 4–18–71); No. 232, St. Paul, Minn., 17 to 42 percent; No. 67, Gulfport, Miss., 5 to 21 percent (salesclerk, stock clerk, office clerk, cashier, credit clerk, 4–18–71); No. 145, Jackson, Miss., 1 to 12 percent (4–18–71); No. 334, Jackson, Miss., 1 to 12 percent (3–29–71); Nos. 420, 451, and

468, Albuquerque, N. Mex., 4 to 27 percent (4–18–71); No. 110, Durham, N.C., 4 to 19 percent; No. 351, High Point, N.C., 5 to 17 percent (4–15–71); No. 92, Raleigh, N.C., 5 to 17 percent (4–18–71); No. 303, Columbus, Ohio, 3 to 10 percent (3–20–71); No. 292, Dayton, Ohio, 4 to 11 percent (3–29–71); No. 312, Dayton, Ohio, 4 to 11 percent (3–20–71); No. 258, Hamilton, Ohio, 6 to 20 percent (3–20–71); No. 207, Maple Heights, Ohio, 7 to 12 percent; No. 259, Marion, Ohio, 20 percent (3–20–71); No. 214, Willowick, Ohio, 7 to 12 percent; No. 250, Youngstown, Ohio, 2 to 11 percent (4–18–71); No. 64, Enid, Okla., 1 to 12 percent (4–24–71); Nos. 36 and 127, Oklahoma City, Okla., 1 to 12 percent; No. 301, Tulsa, Okla., 1 to 12 percent (4–24–71); No. 216, East Liberty, Pa., 8 to 20 percent (4–18–71); No. 206, Erie, Pa., 7 to 12 percent (4–24–71); No. 205, Harrisburg, Pa., 2 to 15 percent; No. 251, Levittown, Pa., 3 to 9 percent (salesclerk, stock clerk, office clerk, 4–24–71); No. 290, Monroeville, Pa., 0 to 20 percent (3–31–71); Nos. 222, 274, and 308, Pittsburgh, Pa., 8 to 20 percent (4–18–71); No. 85, Reading, Pa., 4 to 24 percent; No. 118, Scranton, Pa., 2 to 16 percent; No. 79, Wilkes-Barre, Pa., 2 to 15 percent (4–24–71); No. 116, Charleston, S.C., 2 to 20 percent; No. 137, Columbia, S.C., 14 to 38 percent; No. 96, Greenville, S.C., 6 to 20 percent; No. 78, Spartansburg, S.C., 7 to 26 percent; No. 186, Chattanooga, Tenn., 1 to 16 percent; No. 211, Knoxville, Tenn., 1 to 16 percent (4–24–71); No. 113, Memphis, Tenn., 3 to 19 percent (4–26–71); No. 213, Memphis, Tenn., 4 to 19 percent; No. 187, Pasadena, Tex., 3 to 4 percent; No. 34, San Antonio, Tex., 4 to 11 percent; No. 123, San Antonio, Tex., 4 to 19 percent; (4–2–71); No. 68, Alexandria, Va., 6 to 15 percent; No. 87, Arlington, Va., 7 to 21 percent; No. 120, Newport News, Va., 11 to 20 percent; No. 317, Norfolk, Va., 11 to 20 percent (3–29–71); No. 32, Portsmouth, Va., 0 to 6 percent; No. 105, Roanoke, Va., 2 to 18 percent; No. 310, Virginia Beach, Va., 0 to 6 percent; No. 86, Charleston, W. Va., 3 to 12 percent; No. 81, Clarksburg, W. Va., 5 to 22 percent; No. 94, Huntington, W. Va., 0 to 26 percent.

Li'l General Stores, foodstore; 9120 Perry Highway, Pittsburgh, Pa.; stock clerk, clerk; 11 to 25 percent; 3–31–71.

Low Cost Discount Mart, foodstores, for the occupations of box clerk, courtesy clerk, 3–31–71: 6025 North 27th Avenue, Phoenix, Ariz., 21 to 25 percent; 5560 East Broadway, Tucson, Ariz., 14 to 27 percent.

Duane K. Luce & Co., Inc., agriculture; Stuart, Fla.; general farm labor; 9 to 29 percent; 4–13–71.

Lynn & Al's G. W. Foods, Inc., foodstores, 19 to 33 percent: 316 Braasch, Norfolk, Nebr., cashier, stock clerk, carryout, 4–28–71; 2602 Norfolk Avenue, Norfolk, Nebr., cashier, stock clerk, 3–31–71.

May's Drug Store, drugstore; No. 202, Cedar Rapids, Iowa; salesclerk, stock clerk; 5 to 11 percent; 4–28–70 to 4–15–71.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 385, Albertville, Ala., 10 to 17 percent, 4–23–71; No. 368, Ormond Beach, Fla., 4 to 17 percent, 3–23–71; No. 384, Sanford, Fla., 6 to 30 percent, 3–23–71; No. 266, West Palm Beach, Fla., 0 to 19 percent, 3–20–71 (salesclerk, stock clerk, office clerk, porter); No. 383, Jacksonville, Ill., 10 to 27 percent, 4–23–71; No. 242, Springfield, Mass., 7 to 15 percent, 4–8–71; No. 352, Toms River, N.J., 14 to 29 percent, 3–31–71; No. 248, Albuquerque, N. Mex., 4 to 27 percent, 4–9–71 (salesclerk, stock clerk, office clerk, porter); No. 294, Albuquerque, N. Mex., 4 to 20 percent, 4–24–71 (salesclerk, stock clerk, office clerk, porter); No. 268, Kinston, N.C., 3 to 24 percent, 3–23–71; No. 399, Lima, Ohio, 6 to 20 percent, 4–9–71; No. 99, Homestead, Pa., 12 to 33 percent, 4–17–71; No. 110, Huntingdon, Pa., 2 to 16 percent, 4–10–71; No. 206, Westerly, R.I., 7 to 28 percent, 4–8–71.

McDonalds Hamburgers, restaurant; 737 Scalp Avenue, Johnstown, Pa.; general restaurant worker; 1 to 16 percent; 4–27–71.

Morgan & Lindsey, Inc., variety-department store; No. 3002, Oakdale, La.; salesclerk, stock clerk, Office clerk; 8 to 27 percent; 4–24–71.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, janitorial, 9 to 16 percent, 3–31–71, except as otherwise indicated: No. 96, Jasper, Ala. (10 to 22 percent, 4–14–71); No. 289, Gainesville, Fla. (9 to 27 percent, 4–25–71); No. 284, Orlando, Fla. (3 to 24 percent, 4–25–71); No. 287, Panama City, Fla. (12 to 25 percent, 4–25–71); No. 292, Pensacola, Fla. (12 to 25 percent, 4–25–71); No. 290, West Hollywood, Fla. (10 to 17 percent, 4–25–71); No. 277, Mount Prospect, Ill. (14 to 30 percent, 4–24–71); No. 300, Kokomo, Ind. (11 to 26 percent, 4–27–71); No. 161, Minneapolis, Minn. (13 to 22 percent, 4–24–71); No. 303, Aliquippa, Pa. (3 to 18 percent, 3–20–71); No. 311, Altoona, Pa. (4 to 23 percent, 3–21–71); No. 321, Belle Vernon, Pa. (3 to 23 percent, 4–14–71); No. 174, Monroeville, Pa. (9 to 25 percent, 4–28–71); No. 295, Chattanooga, Tenn. (5 to 13 percent); No. 299, Nashville, Tenn. (5 to 13 percent); No. 316, San Antonio, Tex. (10 to 28 percent, 4–14–71); No. 308, Culpeper, Va.; No. 107, Danville, Va.; No. 278, Lynchburg, Va.; No. 63, Manassas, Va.; No. 240, Roanoke, Va.; No. 156, Woodbridge, Va. (13 to 23 percent).

Nathan's Jewelers, jewelry store; 309 Center Avenue, Brownwood, Tex.; salesclerk, gift wrapper; 7 to 27 percent; 4–7–71.

Neisner Brothers, Inc., variety-department stores: No. 44, Miramar, Fla., salesclerk, stock clerk, office clerk, 24 to 48 percent, 4–23–71; No. 203, Tampa, Fla., salesclerk, stock clerk, office clerk, maintenance, 10 to 29 percent, 4–22–71.

Newman Pharmacy, Inc., drugstore; 14201 Chicago Road, Dolton, Ill.; stock clerk, clerk cashier, delivery and records; 19 to 25 percent; 4–2–71.

North Plaza Shop Rite, foodstore; 1307 North Center Street, Beaver Dam, Wis.; carryout; 17 to 23 percent; 4–15–71.

Palace Drug, Inc., drugstore; 650 Bonham, Paris, Tex.; salesclerk; 7 to 27 percent; 4–5–71.

Par Drugs, Inc., drugstore; 1204 East 53d Street, Chicago, Ill.; stock clerk, office clerk, delivery clerk; 13 to 26 percent; 4–27–71.

The Paris, apparel stores, for the occupations of salesclerk, office clerk, stock clerk, delivery clerk, gift wrapper, 10 to 17 percent, 4–19–71: Pittsburg, Kans.; 100 North Santa Fe, Salina, Kans.; East Hills Center, St. Joseph, Mo.; 618 Felix Street, St. Joseph, Mo.; 308 St. Louis Street, Springfield, Mo.

Parkway Super Market, Inc., foodstore; 111 Pfaff Street, St. Albans, W. Va.; carryout, stock clerk; 0 to 19 percent; 3–22–71.

Paul's IGA, foodstores, for the occupations of stock clerk, carryout: Benkelman, Nebr., 30 to 32 percent, 4–6–71; Stratton, Nebr., 13 to 20 percent, 4–28–71.

Payne's Furniture & Appliances, Inc., furniture store; Caddo Mills, Tex.; stock clerk, delivery helper; 5 to 21 percent; 4–15–71.

Piggly Wiggly, foodstores, for the occupations of sacker, clerk, stock clerk, checker, 10 percent, 3–21–71, except as otherwise indicated: Guntersville, Ala. (sacker, stock clerk, 9 to 27 percent, 4–22–71); No. 24, Arkadelphia, Ark.; Nos. 15 and 16, Hot Springs, Ark.; No. 3, Columbus, Ga. (sacker, bottler, janitorial, 10 to 13 percent, 3–31–71); Nos. 1 and 2, Minden, La.; No. 38, Barnwell, S.C. (package clerk, checker, market clerk, 3–23–71); 100–108 Richardson Avenue, Summerville, S.C. (stock clerk, bagger, checker, produce helper, 11 to 28 percent, 4–7–71); Sixth and Jefferson Streets, Sturgeon Bay, Wis. (carryout, sacker, 36 to 56 percent, 3–29–71).

Portland IGA Foodliner, foodstore; 228 Bridge Street, Portland, Mich.; carryout, bagger, checker, shelf stocker; 10 percent; 4–1–71.

Randalls Food Market, Inc., foodstores, for the occupations of stock clerk, carryout, 28 percent, 3–22–71, except as otherwise indicated: No. 1, Houston, Tex.; No. 3, Houston, Tex. (3–26–71); 5550 North Freeway, Houston, Tex.

Regan's Restaurant, restaurants, for the occupation of bus boy (girl), 12 to 22 percent, 4–13–70 to 3–30–71: 6425 North Oak Trafficway, Gladstone, Mo.; 11124 Holmes, Kansas City, Mo.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, checker, except as otherwise indicated; No. 182, Gainesville, Ga., 13 to 31 percent, 4–6–71 (salesclerk, stock clerk, checker, window trimmer, merchandise marker, order writer); No. 180, Fayetteville, N.C., 10 to 25 percent, 4–6–71; No. 5003, Gastonia, N.C., 11 to 27 percent, 3–31–71; No. 5005, Greensboro, N.C., 11 to 27 percent, 3–31–71; Nos. 6001 and 6002, Norfolk, Va., 13 to 27 percent, 4–21–71 (salesclerk).

Schensul's Cafeteria, Inc., restaurant; Eastland Mall, Flint, Mich.; bus boy (girl), coffee girl (boy), counter helper, dishwasher, food preparation, short-order cook; 49 to 77 percent; 3–31–71.

Scott Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, check out, 11 to 23 percent, 4–27–71, except as otherwise indicated; No. 9108, Bensenville, Ill. (salesclerk, stock clerk, office clerk, 23 to 30 percent); No. 9123, Chicago, Ill. (salesclerk, stock clerk, office clerk, 11 to 27 percent); No. 9312, Freeport, Ill. (16 to 37 percent, 4–17–71); No. 9104, Wheaton, Ill. (salesclerk, stock clerk, office clerk, 24 to 37 percent); No. 9222, Akron, Ohio (4–7–71); No. 9322, Warren, Ohio (4–9–71); No. 9327, Westerville, Ohio (salesclerk, stock clerk, office clerk); No. 9135, Zanesville, Ohio (4–7–71); No. 9277, Blacksburg, Va. (2 to 23 percent, 4–19–71).

Shaver's Food Mart, foodstores, for the occupation of carryout, 10 to 27 percent, 3–24–70 to 2–28–71: 169 Bennett Avenue, Council Bluffs, Iowa; 133 West Broadway, Council Bluffs, Iowa; 3813 South 27 Street, Lincoln, Nebr.; 101 South Poplar, Millard, Nebr.; 8005 Blondo Street, Omaha, Nebr.; 7820 Dodge Street, Omaha, Nebr.; 4110 Grover Street, Omaha, Nebr.; 4001 Harrison Street, Omaha, Nebr.; 7803 Military Avenue, Omaha, Nebr.; 5739 North 60th Street, Omaha, Nebr.; 139 South 40th Street, Omaha, Nebr.; 1937 South 42d Street, Omaha, Nebr.; 1420 South 60th Street, Omaha, Nebr.; 2615 South 90th Street, Omaha, Nebr.; 7591 Main Street, Ralston, Nebr.

Sinbro's, department store; 105 South Center Street, Thomaston, Ga.; salesclerk; 5 to 7 percent; 3–26–71.

Spies Super Valu, foodstores, for the occupations of checker, cleanup, stock clerk, carryout, wrapper: Sixth Street and Breckenridge, Breckenridge, Minn., 18 to 22 percent, 4–10–71; Ninth and Dakota Avenue, Wahpeton, N. Dak., 18 to 26 percent, 4–14–70 to 4–10–71; 205–09 North Van Epps, Madison, S. Dak., 18 to 26 percent, 4–14–70 to 4–10–71.

Spurgeon's, variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, marking clerk, receiving clerk: 124 South Banker Street, Effingham, Ill., 8 to 15 percent, 4–14–71; Market Place Shopping Center, McHenry, Ill., 12 to 20 percent, 4–13–71.

Stafford's Shopping Center, Inc., foodstore; 1509 Chatsworth Road, Dalton, Ga.; bagger, carryout; 35 percent; 4–21–71.

Sterling's Stores Co., variety-department store; 225 Yazoo Avenue, Clarksdale, Miss.; salesclerk, stock clerk, janitorial; 11 to 38 percent; 4–27–71.

Steve's Shoes, Inc., shoestore; 1340 East Meyer, Kansas City, Mo.; cashier; 14 to 24 percent; 3–26–70 to 3–15–71.

Super Drive Ins, foodstores, for the occupations of sacker, bottle clerk: No. 4, Clarksville, Tenn., 8 to 20 percent, 3–31–71; No. 6, Hermitage, Tenn., 21 to 32 percent, 4–14–71.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, 30 percent, 4–12–71, except as otherwise indicated: No. 241, Mobile, Ala. (salesclerk, stock clerk, 19 to 30 percent, 3–28–71); Nos. 193, 194, and 195, Phoenix, Ariz. (26 to 30 percent, 4–16–71); No. 189, Yuma, Ariz. (26 to 30 percent, 4–28–71); No. 2102, Russellville, Ark. (11 to 30 percent); No. 712, Texarkana, Ark. (11 to 34 percent); No. 516, Colton, Calif. (16 to 30 percent, 4–16–71); No. 579, Huntington Beach, Calif. (16 to 30 percent, 4–16–71); No. 551, Long Beach, Calif. (16 to 30 percent, 4–16–71); No. 509, Sepulveda, Calif. (21 to 30 percent, 4–8–71); No. 1801, Boulder, Colo. (19 to 30 percent); No. 98, Derby, Kans. (19 to 30 percent, 4–22–70 to 3–31–71); No. 92, El Dorado, Kans. (19 to 30 percent); No. 313, Great Bend, Kans. (19 to 30 percent, 3–25–71); No. 133, Olathe, Kans. (21 to 30 percent, 4–15–70 to 4–1–71); No. 325, Overland Park, Kans. (15 to 29 percent, 4–15–70 to 4–1–71); No. 154, Shawnee Mission, Kans. (15 to 29 percent, 4–15–70 to 4–9–71); No. 97, Wichita, Kans. (19 to 30 percent, 3–31–71); No. 795, Gonzales, La. (6 to 22 percent); No. 327, New Roads, La. (3 to 30 percent, 4–21–71); No. 745, Sulphur, La. (6 to 22 percent, 3–24–71); No. 463, Belton, Mo. (17 to 30 percent, 4–16–71); No. 9313, Flat River, Mo. (salesclerk, stock clerk, 6 to 16 percent, 4–7–71); No. 198, Albuquerque, N. Mex. (13 to 24 percent, 4–5–71); Nos. 283 and 285, Albuquerque, N. Mex. (13 to 24 percent, 4–29–71); No. 86, Nicoma Park, Okla. (22 to 30 percent, 4–23–71); No. 409, Norman, Okla. (8 to 22 percent, 4–16–71); No. 431, Oklahoma City, Okla. (18 to 30 percent, 3–23–71); No. 441, Oklahoma City, Okla. (22 to 30 percent, 3–22–71); No. 442, Oklahoma City, Okla. (18 to 30 percent, 3–22–71); No. 51, Tulsa, Okla. (24 to 30 percent); No. 1006, Tulsa, Okla. (24 to 30 percent, 4–1–71); No. 1700, Charleston, S.C. (18 to 30 percent, 4–8–71); No. 276, Amarillo, Tex. (13 to 30 percent); No. 244, Baytown, Tex.; No. 394, Baytown, Tex. (4–11–71); No. 772, Galveston, Tex. (4–27–71); No. 837, Garland, Tex. (3–31–71); Nos. 343, 382, and 383, Houston, Tex. (4–11–71); No. 232, Orange, Tex. (7 to 20 percent, 4–28–71).

Thriftway Super Market, foodstore; Shallotte, N.C.; stock clerk, bagger; 10 to 20 percent; 4–23–71.

Tower Super Markets, Inc., foodstore; 167 Main Street, Eldred, Pa.; checker, stock clerk, carryout, office clerk, meat and produce wrapper; 14 to 33 percent; 4–5–71.

U.S. Northline Car Care Center, carwash; 1336 Crosstimbers, Houston, Tex.; carwash attendant, service station attendant; 14 to 37 percent; 4–5–71.

Vonada's Store, foodstore; Aaronsburg, Pa.; stock clerk, carryout, unloader, maintenance; 9 to 15 percent; 4–23–71.

Wiest's, Inc., variety-department store; North Mall Shopping Center, York, Pa.; salesclerk, stock clerk; 2 to 13 percent; 4–28–71.

Willard's IGA, foodstore; Sixth and Pacific, Osawatomie, Kans.; stock clerk, sacker, carryout; 4 to 14 percent; 4–20–70 to 1–31–71.

Winks Super Valu, foodstore; Ninth and Jefferson Streets, Quincy, Ill.; carryout; 8 to 18 percent; 4–21–71.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Siler City, N.C.; salesclerk cashier, stock clerk; 9 to 34 percent; 4–15–70 to 4–13–71.

Younker Brothers, Inc., department store; Fairway Shopping Center, Burlington, Iowa; stock clerk, marker, office clerk, delivery clerk, salesclerk, cleanup, messenger, porter, wrapper; 9 to 16 percent; 4–13–70 to 3–31–71.

Zarda Bros. Dairy, Inc., foodstores, for the occupation of soda fountain clerk, 54 to 78 percent, 3–31–71: No. 8, Olathe, Kans.; No. 1, Shawnee, Kans.; No. 6, Gladstone, Mo.; No. 5, Independence, Mo.

Each certificate has been issued upon the representations of the employer, which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 24th day of July.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70–10066; Filed, Aug. 3, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 39, Amdt. 2]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 39 (The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 39 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 30, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70–10069; Filed, Aug. 3, 1970; 8:48 a.m.]

[S.O. 994; ICC Order 47, Amdt. 1]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 47 (The Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 47 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 30, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70–10070; Filed, Aug. 3, 1970; 8:48 a.m.]

[Notice 124]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 29, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and

must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41960 (Sub-No. 6 TA), filed July 9, 1970. Applicant: JUNG TRANSPORTATION CO., INC., 8901 West Flagg Avenue, Milwaukee, Wis. 53225. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business; and (2) *such merchandise* as is dealt in by wholesale and retail hardware stores, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Milwaukee, Wis., to points in Wisconsin, for 150 days. Supporting shipper: American Warehouse Co., 525 East Chicago Street, Milwaukee, Wis. 53202 (Harold M. Willenson, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 110988 (Sub-No. 255 TA), filed July 23, 1970. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank or hopper-type vehicles, from Rothschild, Wis., to points in Minnesota, North Dakota, South Dakota, for 180 days. Supporting shipper: American Can Co., Neenah, Wis. 54956 (W. H. Falk, Assistant Manager, Services Procurement and Transportation Department). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111710 (Sub-No. 8 TA), filed July 23, 1970. Applicant: ARKANSAS TRANSIT CO., INC., Post Office Box 287, Springdale, Ark. 72764. Applicant's representatives: Crouch, Blair, Cypert and Waters, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans and covers*, from the plantsite of Heekin Can Co., Springdale, Ark., to plantsite of Ralston Purina, Davenport, Iowa, for 180 days. Supporting shipper: The Heekin Can Co., a subsidiary of Diamond International Corp., 429 New Street, Cincinnati, Ohio 45202. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117644 (Sub-No. 18 TA), filed July 13, 1970. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, New Brighton, Minn. 55112. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report and description in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commoditoes in bulk), from the plantsite and/or storage facilities utilized by Armour & Co. at or near Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Armour & Co., Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 117676 (Sub-No. 3 TA), filed July 9, 1970. Applicant: HERMS TRUCKING INC., 58–64 Ward Avenue, Trenton, N.J. 08609. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, pressed fireplace logs, and lighter fluid*, from Trenton, N.J. to points in Delaware, Maryland, Pennsylvania and New York; (2) *bananas*, from Wilmington, Del., Baltimore, Md., New York, N.Y., and Port Newark, and Weehawken, N.J., to Harrisburg, Pa., and Rosenhayn, N.J.; and (3) *bananas*, from Wilmington, Del., to Philadelphia, Pa., for 150 days. Supporting shippers: (1) Hutchinson-Hawk Co., 100 Hamilton Avenue, Trenton, N.J. 08609; (2) M. Levin & Co., Inc., 326 Pattison Avenue, Philadelphia, Pa. 19148; (3) Paul Levin, Inc., 12th and Herr Streets, Harrisburg, Pa. 17103. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 119880 (Sub. No. 40 TA), filed July 23, 1970. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, 616 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Mobile, Ala., New Orleans, La., and Houston, Tex., to St. Louis, Mo., for 180 days. Supporting shipper: David Sherman Corp., 5050 A Kemper Avenue, St. Louis, Mo. 63139. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 123497 (Sub-No. 2 TA), filed July 23, 1970. Applicant: WOODLAND TRANSPORT, INC., Post Office Box 72, Siren, Wis. 54872. Applicant's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing* (wood and wire combined), from Siren, Wis., to points in Minnesota, Iowa, Indiana, Illinois, Michigan, Nebraska, North Dakota, and South Dakota with return movements of *rejected or returned product allowed*, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shipper: North States Wood Products Inc., Minneapolis, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124158 (Sub-No. 5 TA), filed July 23, 1970. Applicant: BORNHOFT TRUCK SERVICE, INC., Post Office Box 94, Waldenburg, Ark. 72475. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from points in Lea and Eddy Counties, N. Mex., to points in Garland County, Ark., for 180 days. Supporting shipper: Vulcan Materials Co., Post Office Box 1120, Hot Springs, Ark. 71901. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Interstate Commerce Commission, Bureau of Operations, Little Rock, Ark. 72201.

No. MC 129188 (Sub-No. 2 TA), filed July 23, 1970. Applicant: COLORADO AIR CARGO, INC., 3042 North Hancock, Colorado Springs, Colo. 80907. Applicant's representative: John J. Tucci (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, and household goods as defined by the Commission, between Colorado City, Colo., and Stapleton International Airport, Denver, Colo., from Colorado City over Colorado Highway 165 to junction Interstate Highway 25, thence over Interstate Highway 25 to Denver, and thence over Denver city streets and highways to Stapleton International Airport, and return over the same route, serving Pueblo, Colorado Springs, Fort Carson, Peterson Field, and the U.S. Air Force Academy as intermediate points, and serving the Pueblo Ordnance Depot near Avondale, Colo., as an off-route point; all service restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately (115) statements of support attached to the application, which may be

examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129747 (Sub-No. 2 TA), filed July 9, 1970. Applicant: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, N.J. 07023. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the TOFC terminal facilities of the Reading Railroad, Port Reading, Woodbridge Township, N.J., to Bayonne, Elizabeth, Elizabethport, Englewood, Hackensack, Hawthorne, Hoboken, Irvington, Jersey City, Linden, Little Ferry, Newark, New Brunswick, North Arlington, North Bergen, Paramus, Passaic, Paterson, Perth Amboy, Plamfield, Union City, N.J.; Brentwood, Brooklyn, Bronx, Elmsford, Garden City, Goshen, Huntington, Kingston, Manhattan, Maspeth, Mount Kisco, New Rochelle, Peekskill, Queens, Staten Island, Westbury, White Plains, and Yonkers, N.Y., for 150 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 134784 TA, filed July 23, 1970. Applicant: TRANSPORTES HISPANOS, INC., 2246 West Taylor, Chicago, Ill. 60612. Applicant's representative: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in 12 passenger (including driver) buses, between Chicago, Ill., and Laredo, Tex., for 180 days. Supporting shippers: There are approximately 31 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-10071; Filed, Aug. 3, 1970; 8:49 a.m.]

[Notice 566]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72229. By order of July 29, 1970, the Motor Carrier Board approved the transfer to Daleo Trucking Co., Inc., Paterson, N.J., of the operating rights in certificate No. MC-129737 issued December 12, 1968, to Diamond Transfer & Cartage Co., Inc., Paterson, N.J., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, Paterson and Passaic, N.J. James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719, and Mario Ruggiero, 12 Hickory Road, West Orange, N.J. 07052; representatives for applicants.

No. MC-FC-72269. By order of July 27, 1970, the Motor Carrier Board approved the transfer to Auza-Hoffman, Inc., Flagstaff, Ariz., of the operating rights in certificate No. MC-125787 (Sub-No. 1) authorizing the transportation of general commodities, with the usual exceptions, between specified points in Arizona. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012; attorney for applicants.

No. MC-FC-72273. By order of July 27, 1970, the Motor Carrier Board approved the transfer to Tacey Trans. Corp., Nashua, N.H., of the operating rights in certificate No. MC-128260 issued April 3, 1967, to James W. Benotti, Wilton, N.H., authorizing the transportation of crushed stone, from Lyndeboro, N.H., to points in Connecticut, Maine, Massachusetts, New Jersey, New York, Rhode Island, and Vermont; and crude rock, from North Berwick, Maine, and Malden, Mass., to Lyndeboro, N.H. Arthur A. Wentzell, Registered Practitioner, Post Office Box 764, Worcester, Mass. 01613; representative for applicants.

No. MC-FC-72275. By order of July 27, 1970, the Motor Carrier Board approved the transfer to Interstate Towing, Inc., Phoenix, Ariz., of the operating rights in certificate No. MC-124857 issued August 16, 1963, to John A. Burns, doing business as John Burns Towing, Flagstaff, Ariz., authorizing the transportation of disabled, wrecked, abandoned, seized, repossessed, or stolen motor vehicles, in wrecker service, between points in New Mexico, Arizona, and California. A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012; attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-10073; Filed, Aug. 3, 1970; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.