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Title 3—The President

EXECUTIVE ORDER 11573

Excusing Federal Employees From Duty for One-Half Day on December 24, 1970

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Employees of the several executive departments, independent establishments, and other governmental agencies, including the General Accounting Office and the Government Printing Office, and their field services (except those employees of the Department of State, the Department of Defense, or other agencies who in the judgment of their agency heads should be at their posts of duty for national security or other public reasons, and those employees whose absence from duty would be inconsistent with the provisions of existing law) shall be excused from duty for one-half day on Thursday, December 24, 1970, the day preceding Christmas Day. Such one-half day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, as amended, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

SEC. 2. The heads of departments, agencies, and independent establishments shall, to the extent consistent with the needs of the service, adopt a liberal policy for the granting of annual leave to all employees who wish to take such leave over the holiday period.

Richard Nixon

THE WHITE HOUSE,
December 21, 1970.

[F.R. Doc. 70-17346; Filed, Dec. 21, 1970; 1:17 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

MISCELLANEOUS AMENDMENTS TO CHAPTER

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), the regulations governing the grading and inspection of egg products (7 CFR Part 55), the regulations governing the grading of shell eggs and U.S. standards, grades, and weight classes for shell eggs (7 CFR Part 56), and the regulations governing the grading and inspection of poultry and edible products thereof and U.S. classes, standards, and grades with respect thereto (7 CFR Part 70), as set forth below:

STATEMENTS OF CONSIDERATIONS

The amendments to the voluntary regulations will eliminate a disparity in billing for graders' or inspectors' salaries. Because of the factor of seniority, the cost of a grader's or inspector's base salary can vary due to the number of years worked. Obviously, plants with long-term graders or inspectors are billed for higher base salaries than plants with graders and inspectors with less time worked. The changes will eliminate this disparity by changing for salaries at the rate of the average base salary paid to each full-time grader or inspector assigned to plants with approximately equal volume and complexity of operations in the State where service is furnished. A separate average will be established for large metropolitan areas.

A number of other minor changes of an administrative nature are being made.

The amendments are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

1. In § 54.20, paragraphs (a), (b), and (d) are amended to read:

§ 54.20 Licensed or authorized graders and inspectors.

(a) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency, and who is to perform grading service under this part, may be licensed by the Secretary as a grader.

(b) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency, and who is to perform inspection service under this part, may be licensed or otherwise authorized by the Secretary as an inspector.

* * * * *

(d) Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator may be authorized to grade domestic rabbits on the basis of the U.S. classes, standards, and grades under the supervision of a grader. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all product graded by any such person shall thereafter be check graded by a grader.

2. Section 54.21 is amended to read:

§ 54.21 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform grading or inspection service may, whenever he deems such action necessary to assure that any grading or inspection services are properly performed, suspend any license to perform grading or inspection service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading or inspection service is revoked.

3. Section 54.25 is amended to read:

§ 54.25 Political activity.

All graders and inspectors are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 54.20 to 54.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

4. In paragraph (a) of § 54.108, subparagraph (7) is deleted and subparagraphs (1), (3), (4), (5), and (6) are amended to read:

§ 54.108 Continuous grading performed on a resident basis.

* * * * *

(a) *Charges.* * * *

(1) An inauguration charge of $200 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant except that no charge will be made when the assigned grader is temporarily reassigned by C&MS to perform grading service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader assigned to plants with approximately equal volume and complexity of operation in the State in which service is furnished, except that a separate average will be established for large metropolitan areas. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader works on a holiday.

(4) A charge for the actual cost to C&MS for any other expenses incurred by C&MS (including travel and per diem costs): (i) for each grader, other than a relief grader who performs work on a day with an established tour of duty;

(ii) for each grader normally assigned to the plant while performing grading service at the applicant's request outside his official plant.

(5) A charge at the hourly rate specified in § 54.101, plus actual travel expenses incurred by C&MS for intermediate surveys to firms without grading service in effect.

(6) A charge of 10 percent of: (i) The premium pay, (ii) the regular rate charge for each grader in excess of one regular grader, (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

* * * * *

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

1. In § 55.10, paragraph (a) is amended to read:

§ 55.10 Licensed graders and inspectors.

(a) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may be licensed by the Secretary as a grader or inspector.

* * * * *

2. Section 55.11 is amended to read:

§ 55.11 Authorization to perform limited grading or inspection services.

Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator, may be authorized to inspect liquid and frozen eggs that are produced under the supervision of an inspector. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all eggs (whether shell, liquid, or frozen) which are graded or inspected by any such person shall thereafter be check graded or check inspected by a grader or inspector.

3. Section 55.12 is amended to read:

§ 55.12 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform grading or inspection service may, whenever he deems such action necessary to assure that any grading or inspection services are properly performed, suspend any license to perform grading or inspection service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading or inspection service is revoked.

4. Section 55.67 is amended to read:

§ 55.67 Charges for continuous grading and inspection performed on a nonresident basis.

Fees to be charged and collected for grading service on a nonresident grading basis shall be those provided in this section. The fees to be charged for any appeal grading or inspection shall be as provided in § 55.62.

(a) *Charges.* The charges for the grading and inspection of egg products shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading and inspection service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated headquarters when service is inaugurated.

(2) A charge for the salary and other costs, as specified in this subparagraph, for each grader or inspector while assigned except that no charge will be made when the assigned grader or inspector is temporarily reassigned by C&MS to perform grading and inspection service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader or inspector assigned on a continuous nonresident basis in the State in which service is furnished. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading and inspection service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader or inspector works on a holiday.

(3) A charge of 110 percent of any expenses incurred (including travel and per diem costs) by each grader or inspector assigned while performing grading and inspection service at the applicant's request.

(4) An administrative service charge equal to 25 percent of the first grader's or inspector's salary costs and 15 percent of each additional assigned grader's or inspector's salary costs.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader or inspector with such information as may be necessary for the performance of the grading and inspection service.

(2) C&MS will provide, as available, an adequate number of graders or inspectors to perform the grading and inspection service. The number of graders or inspectors required will be determined by C&MS based on the expected demand for service.

(3) The grading and inspection service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading and inspection service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph;

(v) Grading and inspection service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders or inspectors will be required to confine their activities to those duties necessary in the rendering of grading and inspection service and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders or inspectors assume the duties of management.

(5) When similar nonresident grading and inspection services are furnished to the same applicant under Part 56 or Part 70 of this chapter, the charges listed in this section shall not be repeated.

5. In paragraph (a) of § 55.68, subparagraph (7) is deleted and subparagraphs (1), (3), (4), (5), and (6) are amended to read:

§ 55.68 Continuous inspection performed on a resident basis.

* * * * *

(a) *Charges.* * * *

(1) An inauguration charge of $200 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if

service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader or inspector while assigned to a plant except that no charge will be made when the assigned grader or inspector is temporarily reassigned by C&MS to perform grading and inspection service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader or inspector assigned to plants with approximately equal volume and complexity of operation in the State in which service is furnished, except that a separate average will be established for large metropolitan areas. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading and inspection service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader or inspector works on a holiday.

(4) A charge for the actual cost to C&MS for any other expenses incurred by C&MS (including travel and per diem costs): (i) for each grader or inspector, other than a relief grader who performs work on a day with an established tour of duty; (ii) for each grader or inspector normally assigned to the plant while performing grading and inspection service at the applicant's request outside his official plant.

(5) A charge at the hourly rates specified in § 55.61, plus actual travel expenses incurred by C&MS for intermediate surveys to firms without grading and inspection service in effect.

(6) A charge of 10 percent of: (i) The premium pay, (ii) the regular rate charge for each grader in excess of one regular grader, (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

* * * * *

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

1. In § 56.10, paragraph (a) is amended to read:

§ 56.10 Who may be licensed.

(a) Except as otherwise provided in paragraph (c) of this section, any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency, and who is to perform grading service, may be licensed by the Secretary as a grader.

* * * * *

2. Section 56.11 is amended to read:

§ 56.11 Authorization to perform limited grading services.

Any person who is employed by any official plant and possesses proper qualifications, as determined by the Administrator, may be authorized to candle and grade eggs on the basis of the "U.S. Standards for Quality of Individual Shell Eggs," with respect to eggs purchased from producers or eggs to be packaged with official identification. In addition, such authorization may be granted to any qualified person to act as a "supervisor of packing" in the packaging and grade labeling of products. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all eggs which are graded by any such person shall thereafter be check graded by a grader.

3. Section 56.12 is amended to read:

§ 56.12 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform grading service may, whenever he deems such action necessary to assure that any grading service is properly performed, suspend any license to perform grading service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading service is revoked.

4. In paragraph (a) of § 56.52, subparagraph (7) is deleted and subparagraphs (1), (3), (4), (5), and (6) are amended to read:

§ 56.52 Continuous grading performed on a resident basis.

* * * * *

(a) *Charges.* * * *

(1) An inauguration charge of $200 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated but a new application may be filed at any time. In addition there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant except that no charge will be made when the assigned grader is temporarily reassigned by C&MS to perform grading service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader assigned to plants with approximately equal volume and complexity of operation in the State in which service is furnished, except that a separate average will be established for large metropolitan areas. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader works on a holiday.

(4) A charge for the actual cost to C&MS for any other expenses incurred by C&MS (including travel and per diem costs): (i) For each grader, other than a relief grader who performs work on a day with an established tour of duty; (ii) for each grader normally assigned to the plant while performing grading service at the applicant's request outside his official plant.

(5) A charge at the hourly rates specified in § 56.46, plus actual travel expenses incurred by C&MS for intermediate surveys to firms without grading service in effect.

(6) A charge of 10 percent of: (i) The premium pay, (ii) the regular rate charge for each grader in excess of one regular grader, (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

* * * * *

5. Section 56.54 is amended to read:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

Fees to be charged and collected for grading service on a nonresident grading basis, shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 56.47.

(a) *Charges.* The charges for the grading of shell eggs shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated headquarters when service is inaugurated.

(2) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned except that no charge will be made when the assigned grader is temporarily reassigned by C&MS to perform grading service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader assigned on a continuous nonresident basis in the State in which service is furnished. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader works on a holiday.

(3) A charge of 110 percent of any expenses incurred (including travel and per diem costs) by each grader assigned while performing grading service at the applicant's request.

(4) An administrative service charge equal to 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary costs.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided,* That in no instance may the graders assume the duties of management.

(5) When similar nonresident grading services are furnished to the same applicant under Part 55 or Part 70 of this chapter, the charges listed in this section shall not be repeated.

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

1. In § 70.30 paragraphs (a), (b), and (d) are amended to read:

§ 70.30 Licensed or authorized graders and inspectors.

(a) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency, and who is to perform grading services under this part, may be licensed by the Secretary as a grader.

(b) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency, and who is to perform inspection services under this part, may be licensed or otherwise authorized by the Secretary as an inspector.

* * * * *

(d) Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator may be authorized to grade poultry on the basis of the U.S. classes, standards, and grades under the supervision of a grader. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all products graded by any such person shall thereafter be check graded by a grader.

2. Section 70.31 is amended to read:

§ 70.31 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform grading or inspection service may, whenever he deems such action necessary to assure that any grading or inspection services are properly performed, suspend any license to perform grading or inspection service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading or inspection service is revoked.

3. Section 70.35 is amended to read:

§ 70.35 Political activity.

All graders and inspectors are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 70.30 to 70.35 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

4. Section 70.137 is amended to read:

§ 70.137 Charges for continuous grading performed on a nonresident basis.

Fees to be charged and collected for grading service on a nonresident grading basis shall be those provided in this section. The fees to be charged for any appeal grading shall be as provided in § 70.132.

(a) *Charges.* The charges for the grading of poultry and edible products thereof shall be paid by the applicant for the service and shall include items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture (hereinafter referred to as "C&MS"). Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. A charge will be

made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated headquarters when service is inaugurated.

(2) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned except that no charge will be made when the assigned grader is temporarily reassigned by C&MS to perform grading service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader assigned on a continuous nonresident basis in the State in which service is furnished. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader works on a holiday.

(3) A charge of 110 percent of any expenses incurred (including travel and per diem costs) by each grader assigned while performing grading service at the applicant's request.

(4) An administrative service charge equal to 25 percent of the first grader's salary costs and 15 percent of each additional assigned grader's salary costs.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) C&MS will provide, as available, an adequate number of graders to perform the grading service. The number of graders required will be determined by C&MS based on the expected demand for service.

(3) The grading service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading service shall be terminated by C&MS at any time C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided*, That in no instance may the graders assume the duties of management.

(5) When similar nonresident grading services are furnished to the same applicant under Part 55 or Part 56 of this chapter, the charges listed in this section shall not be repeated.

4. In paragraph (a) of § 70.138, subparagraph (7) is deleted and subparagraphs (1), (3), (4), (5), and (6) are amended to read:

§ 70.138 Continuous grading performed on a resident basis.

* * * * *

(a) *Charges.* * * *

(1) An inauguration charge of $200 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader while assigned to a plant except that no charge will be made when the assigned grader is temporarily reassigned by C&MS to perform grading service for other than the applicant. The base salary rate will be determined by averaging the salary rate paid to each full-time grader assigned to plants with approximately equal volume and complexity of operation in the State in which service is furnished, except that a separate average will be established for large metropolitan areas. The regular rate charge is 127 percent of the base rate. The 27-percent factor charge added to the base rate is to cover the cost to C&MS for the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading service, and related servicing costs. The overtime rate charge is 150 percent of the base rate. The added holiday rate charge is the same as the base rate when the grader works on a holiday.

(4) A charge for the actual cost to C&MS for any other expenses incurred by C&MS (including travel and per diem cost): (i) for each grader, other than a relief grader who performs work on a day with an established tour of duty; (ii) for each grader normally assigned to the plant while performing grading service at the applicant's request outside his official plant.

(5) A charge at the hourly rates specified in § 70.131, plus actual travel expenses incurred by C&MS for intermediate surveys to firms without grading service in effect.

(6) A charge of 10 percent of: (i) The premium pay, (ii) the regular rate charge for each grader in excess of one regular grader, (iii) all charges made to the applicant for expenses which are paid by C&MS to graders assigned to the applicant.

* * * * *

The amendments adjust the procedure for computing base salary charges for graders and inspectors in plants using the voluntary services to provide for a more equitable distribution of charges for these services. Other changes pertain solely to agency management and procedures. It does not appear that public rule making would result in the Department receiving additional information on any of the changes. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure on the amendments are impracticable and unnecessary and good cause is found for making said amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of December 1970, to become effective January 10, 1971.

JOHN C. BLUM,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 70-17202; Filed, Dec. 21, 1970; 8:48 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on July 16, 1970 (35 F.R. 11368), which were designated for pea (canning and freezing) crop insurance for the 1971 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

IDAHO

Caribou.

(Secs. 560, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

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

[F.R. Doc. 70-17163; Filed, Dec. 21, 1970; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1971 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Section 722.467 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1971 crop of upland cotton (referred to as "cotton"). The purpose of this section is to establish State reserves, allocate the State reserves to counties and establish county base acreage allotments (referred to as "county allotments"). Determinations with respect to the State reserves and county allotments were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 35 F.R. 5637, 6199).

In order that farmers may be informed as soon as possible of 1971 farm base acreage allotments so that they may make plans for their 1971 farming operations, it is essential that this section be made effective immediately. Accordingly, § 722.467 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.467 State reserve and county allotments for the 1971 crop of cotton.

(a) *State reserves.* The total State reserve for all uses established by the State committee shall not exceed 2 percent of the State allotment available for distribution to counties in the State. The allotment available for distribution shall be the State's share of the national allotment less the allotment in the State productivity pool attributable to history acreage pooled as a result of productivity adjustments under section 344a(f) of the act. The State committee may determine that no reserve for any one or more uses, or all uses, specified under section 350(e) of the act, shall be established. It is hereby determined that no State reserve for abnormal conditions is required, and the reserve for each State shall be established and allocated among uses as shown in the following table. The table also sets forth the allotment in the State productivity pool which shall not be allocated to counties and farms.

State	State productivity pool	Total State reserve	Allocations from State reserve for—			
			Trends	Small farms	Inequity and hardship cases	New farms and correction of errors
	Acres					
Alabama	7,230	75				75
Arizona	1,406	11				11
Arkansas	13,812	205	127			78
California	2,517	51				51
Florida	399	109				109
Georgia	13,570	116				116
Illinois	62					
Kansas						
Kentucky	29	98			78	20
Louisiana	10,965	7,766	7,585		181	
Mississippi	10,558	21,724	21,693			31
Missouri	277	21				21
Nevada	7					
New Mexico	255	25			2	23
North Carolina	1,054	355				355
Oklahoma	3,597	10,895	10,191			404
South Carolina	3,246	9,449	9,349			100
Tennessee	2,051	7,575	7,534			41
Texas	82,540	10,005	9,000			1,005
Virginia	12	210		100	100	10
U.S. total	153,587	68,381	65,479	100	361	2,441

(b) *Apportionment of State allotment to counties*—(1) *Computed county allotment.* The State allotment less the allotment in the State productivity pool and the State reserve is apportioned among counties in the State on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during the 5 calendar years 1965 through 1969 adjusted for abnormal weather conditions or other natural disaster. It is hereby determined that no adjustments for abnormal weather conditions or other natural disaster are required. The acreage apportioned under this paragraph is referred to as the computed county allotment.

(2) *County allotments.* The county allotment is the sum of the computed county allotment and allocation to the county from the State reserve for trends. The following table sets forth the county allotment and allocations from the State reserve.

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS FOR 1971 CROP OF UPLAND COTTON

ALABAMA

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Autauga	6,654	0	6,654	0	0
Baldwin	1,942	0	1,942	0	0
Barbour	9,890	0	9,890	0	0
Bibb	2,746	0	2,746	0	0
Blount	11,598	0	11,598	0	0
Bullock	5,833	0	5,833	0	0
Butler	6,510	0	6,510	0	0
Calhoun	4,685	0	4,685	0	0
Chambers	6,405	0	6,405	0	0
Cherokee	15,361	0	15,361	0	0
Chilton	6,501	0	6,501	0	0
Choctaw	4,432	0	4,432	0	0
Clarke	4,115	0	4,115	0	0
Clay	1,307	0	1,307	0	0
Cleburne	1,245	0	1,245	0	0
Coffee	12,325	0	12,325	0	0
Colbert	15,022	0	15,022	0	0
Conecuh	8,536	0	8,536	0	0
Coosa	712	0	712	0	0
Covington	11,013	0	11,013	0	0
Crenshaw	6,826	0	6,826	0	0
Cullman	22,879	0	22,879	0	0
Dale	5,524	0	5,524	0	0
Dallas	18,306	0	18,306	0	0
De Kalb	21,777	0	21,777	0	0
Elmore	10,365	0	10,365	0	0
Escambia	7,208	0	7,208	0	0
Etowah	8,210	0	8,210	0	0
Fayette	6,094	0	6,094	0	0
Franklin	9,134	0	9,134	0	0
Geneva	13,853	0	13,853	0	0
Greene	8,980	0	8,980	0	0
Hale	10,462	0	10,462	0	0
Henry	10,824	0	10,824	0	0
Houston	18,194	0	18,194	0	0
Jackson	16,700	0	16,700	0	0
Jefferson	2,404	0	2,404	0	0
Lamar	7,328	0	7,328	0	0
Lauderdale	19,045	0	19,045	0	0
Lawrence	26,936	0	26,936	0	0
Lee	6,232	0	6,232	0	0
Limestone	36,644	0	36,644	0	0
Lowndes	6,966	0	6,966	0	0

ALABAMA—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Macon	11,151	0	11,151	0	0
Madison	41,197	0	41,197	0	0
Marengo	11,040	0	11,040	0	0
Marion	8,878	0	8,878	0	0
Marshall	20,324	0	20,324	0	0
Mobile	2,252	0	2,252	0	0
Monroe	12,190	0	12,190	0	0
Montgomery	7,101	0	7,101	0	0
Morgan	19,271	0	19,271	0	0
Perry	7,434	0	7,434	0	0
Pickens	10,226	0	10,226	0	0
Pike	10,425	0	10,425	0	0
Randolph	4,217	0	4,217	0	0
Russell	6,724	0	6,724	0	0
Saint Clair	2,639	0	2,639	0	0
Shelby	4,233	0	4,233	0	0
Sumter	9,485	0	9,485	0	0
Talladega	8,401	0	8,401	0	0
Tallapoosa	4,732	0	4,732	0	0
Tuscaloosa	11,138	0	11,138	0	0
Walker	4,994	0	4,994	0	0
Washington	1,699	0	1,699	0	0
Wilcox	7,779	0	7,779	0	0
Winston	4,947	0	4,947	0	0
ARIZONA					
Cochise	10,294	0	10,294	0	0
Gila	27	0	27	0	0
Graham	6,305	0	6,305	0	0
Greenlee	1,289	0	1,289	0	0
Maricopa	88,923	0	88,923	0	0
Mohave	203	0	203	0	0
Pima	15,127	0	15,127	0	0
Pinal	91,988	0	91,988	0	0
Santa Cruz	309	0	309	0	0
Yavapai	9	0	9	0	0
Yuma	22,830	0	22,830	0	0
ARKANSAS					
Arkansas	6,846	0	6,846	0	0
Ashley	18,684	0	18,684	0	0
Baxter	5	2	7	0	0
Bradley	2,707	0	2,707	0	0
Calhoun	1,688	0	1,688	0	0
Chicot	22,977	0	22,977	0	0
Clark	2,517	0	2,517	0	0
Clay	28,283	0	28,283	0	0
Cleburne	695	20	695	0	0
Cleveland	1,152	0	1,152	0	0
Columbia	2,720	17	2,737	0	0
Conway	3,987	0	3,987	0	0
Craighead	56,252	0	56,252	0	0
Crawford	18	1	19	0	0
Crittenden	69,130	0	69,130	0	0
Cross	26,585	0	26,585	0	0
Dallas	1,299	0	1,299	0	0
Desha	30,991	0	30,991	0	0
Drew	9,599	0	9,599	0	0

ARKANSAS—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Faulkner	7,223	0	7,223	0	0
Franklin	280	3	283	0	0
Fulton	244	0	244	0	0
Grant	82	4	86	0	0
Greene	27,155	0	27,155	0	0
Hempstead	2,222	2	2,224	0	0
Hot Spring	59	0	59	0	0
Howard	832	0	832	0	0
Independence	3,724	0	3,724	0	0
Izard	437	1	438	0	0
Jackson	30,773	0	30,773	0	0
Jefferson	50,590	0	50,590	0	0
Johnson	560	0	560	0	0
Lafayette	9,932	0	9,932	0	0
Lawrence	14,178	0	14,178	0	0
Lee	41,486	0	41,486	0	0
Lincoln	22,785	0	22,785	0	0
Little River	3,327	0	3,327	0	0
Logan	935	0	935	0	0
Lonoke	33,677	0	33,677	0	0
Marion	2	0	2	0	0
Miller	6,290	0	6,290	0	0
Mississippi	129,494	0	129,494	0	0
Monroe	27,654	0	27,654	0	0
Nevada	566	39	605	0	0
Newton	24	0	24	0	0
Ouachita	1,614	0	1,614	0	0
Perry	899	0	899	0	0
Phillips	58,470	0	58,470	0	0
Pike	161	1	162	0	0
Poinsett	60,477	0	60,477	0	0
Pope	1,673	0	1,673	0	0
Prairie	6,082	0	6,082	0	0
Pulaski	12,089	0	12,089	0	0
Randolph	6,587	0	6,587	0	0
Saint Francis	46,945	0	46,945	0	0
Scott	19	0	19	0	0
Searcy	101	0	101	0	0
Sebastian	94	8	102	0	0
Sevier	197	0	197	0	0
Sharp	656	0	656	0	0
Union	48	16	64	0	0
Van Buren	124	11	135	0	0
Washington	1	2	3	0	0
White	12,665	0	12,665	0	0
Woodruff	26,146	0	26,146	0	0
Yell	3,966	0	3,966	0	0
CALIFORNIA					
Fresno	132,991	0	132,991	0	0
Imperial	34,145	0	34,145	0	0
Kern	127,641	0	127,641	0	0
Kings	70,458	0	70,458	0	0
Madera	82,543	0	82,543	0	0
Merced	18,792	0	18,792	0	0
Riverside	13,739	0	13,739	0	0
San Benito	101	0	101	0	0
San Bernardino	263	0	263	0	0
San Diego	46	0	46	0	0
Stanislaus	37	0	37	0	0
Tulare	97,783	0	97,783	0	0

FLORIDA

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Alachua	45	0	45	0	0
Baker	2	0	2	0	0
Bay	4	0	4	0	0
Calhoun	237	0	237	0	0
Columbia	170	0	170	0	0
Dixie	7	0	7	0	0
Escambia	975	0	975	0	0
Gadsden	59	0	59	0	0
Hamilton	798	0	798	0	0
Holmes	3,216	0	3,216	0	0
Jackson	5,192	0	5,192	0	0
Jefferson	954	0	954	0	0
Lafayette	169	0	169	0	0
Leon	167	0	167	0	0
Levy	4	0	4	0	0
Liberty	11	0	11	0	0
Madison	1,943	0	1,943	0	0
Okaloosa	744	0	744	0	0
Santa Rosa	4,420	0	4,420	0	0
Suwannee	477	0	477	0	0
Taylor	19	0	19	0	0
Union	14	0	14	0	0
Walton	1,520	0	1,520	0	0
Washington	595	0	595	0	0

GEORGIA

Appling	3,001	0	3,001	0	0
Atkinson	675	0	675	0	0
Bacon	1,539	0	1,539	0	0
Baker	2,180	0	2,180	0	0
Baldwin	1,563	0	1,563	0	0
Banks	1,604	0	1,604	0	0
Barrow	3,683	0	3,683	0	0
Bartow	12,072	0	12,072	0	0
Ben Hill	3,589	0	3,589	0	0
Berrien	2,447	0	2,447	0	0
Bibb	523	0	523	0	0
Bleckley	5,116	0	5,116	0	0
Brantley	30	0	30	0	0
Brooks	6,046	0	6,046	0	0
Bryan	138	0	138	0	0
Bulloch	9,938	0	9,938	0	0
Burke	24,590	0	24,590	0	0
Butts	2,799	0	2,799	0	0
Calhoun	3,909	0	3,909	0	0
Candler	4,545	0	4,545	0	0
Carroll	4,332	0	4,332	0	0
Catoosa	391	0	391	0	0
Charlton	9	0	9	0	0
Chatham	25	0	25	0	0
Chattahoochee	41	0	41	0	0
Chattooga	3,068	0	3,068	0	0
Cherokee	112	0	112	0	0
Clarke	1,046	0	1,046	0	0
Clay	2,440	0	2,440	0	0
Clayton	190	0	190	0	0
Clinch	92	0	92	0	0
Cobb	124	0	124	0	0
Coffee	4,845	0	4,845	0	0
Colquitt	15,326	0	15,326	0	0
Columbia	1,075	0	1,075	0	0
Cook	2,683	0	2,683	0	0
Coweta	4,035	0	4,035	0	0
Crawford	1,123	0	1,123	0	0
Crisp	7,403	0	7,403	0	0

GEORGIA—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Dade	178	0	178	0	0
Dawson	100	0	100	0	0
Decatur	2,749	0	2,749	0	0
De Kalb	32	0	32	0	0
Dodge	9,399	0	9,399	0	0
Dooly	18,713	0	18,713	0	0
Dougherty	1,398	0	1,398	0	0
Douglas	27	0	27	0	0
Early	9,480	0	9,480	0	0
Echols	35	0	35	0	0
Effingham	1,053	0	1,053	0	0
Elbert	5,881	0	5,881	0	0
Emanuel	11,486	0	11,486	0	0
Evans	1,774	0	1,774	0	0
Fayette	631	0	631	0	0
Floyd	5,308	0	5,308	0	0
Forsyth	498	0	498	0	0
Franklin	5,036	0	5,036	0	0
Fulton	377	0	377	0	0
Glascock	3,312	0	3,312	0	0
Gordon	6,597	0	6,597	0	0
Grady	2,486	0	2,486	0	0
Greene	1,588	0	1,588	0	0
Gwinnett	1,434	0	1,434	0	0
Habersham	30	0	30	0	0
Hall	921	0	921	0	0
Hancock	5,703	0	5,703	0	0
Haralson	458	0	458	0	0
Harris	1,010	0	1,010	0	0
Hart	7,765	0	7,765	0	0
Heard	605	0	605	0	0
Henry	5,158	0	5,158	0	0
Houston	4,087	0	4,087	0	0
Irwin	6,922	0	6,922	0	0
Jackson	3,988	0	3,988	0	0
Jasper	1,905	0	1,905	0	0
Jeff Davis	1,572	0	1,572	0	0
Jefferson	13,390	0	13,390	0	0
Jenkins	8,183	0	8,183	0	0
Johnson	10,787	0	10,787	0	0
Jones	35	0	35	0	0
Lamar	1,591	0	1,591	0	0
Lanier	466	0	466	0	0
Laurens	20,142	0	20,142	0	0
Lee	2,570	0	2,570	0	0
Liberty	87	0	87	0	0
Lincoln	1,188	0	1,188	0	0
Long	345	0	345	0	0
Lowndes	2,254	0	2,254	0	0
Lumpkin	29	0	29	0	0
McDuffie	4,099	0	4,099	0	0
Macon	8,495	0	8,495	0	0
Madison	6,759	0	6,759	0	0
Marion	2,573	0	2,573	0	0
Meriwether	7,680	0	7,680	0	0
Miller	4,116	0	4,116	0	0
Mitchell	8,691	0	8,691	0	0
Monroe	305	0	305	0	0
Montgomery	2,625	0	2,625	0	0
Morgan	9,806	0	9,806	0	0
Murray	1,779	0	1,779	0	0
Newton	3,976	0	3,976	0	0
Oconee	5,403	0	5,403	0	0
Oglethorpe	4,910	0	4,910	0	0
Paulding	380	0	380	0	0
Peach	1,624	0	1,624	0	0
Pickens	12	0	12	0	0
Pierce	1,485	0	1,485	0	0

GEORGIA—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Pike	4,080	0	4,080	0	0
Polk	4,087	0	4,087	0	0
Pulaski	6,901	0	6,901	0	0
Putnam	563	0	563	0	0
Quitman	814	0	814	0	0
Randolph	4,233	0	4,233	0	0
Richmond	1,574	0	1,574	0	0
Rockdale	1,286	0	1,286	0	0
Schley	2,314	0	2,314	0	0
Screven	11,455	0	11,455	0	0
Seminole	3,212	0	3,212	0	0
Spalding	1,578	0	1,578	0	0
Stephens	355	0	355	0	0
Stewart	2,042	0	2,042	0	0
Sumter	7,713	0	7,713	0	0
Talbot	910	0	910	0	0
Taliaferro	457	0	457	0	0
Tattnall	3,524	0	3,524	0	0
Taylor	5,191	0	5,191	0	0
Telfair	3,300	0	3,300	0	0
Terrell	9,205	0	9,205	0	0
Thomas	4,171	0	4,171	0	0
Tift	4,620	0	4,620	0	0
Toombs	5,173	0	5,173	0	0
Treutlen	2,287	0	2,287	0	0
Troup	826	0	826	0	0
Turner	5,615	0	5,615	0	0
Twiggs	2,171	0	2,171	0	0
Upson	479	0	479	0	0
Walker	554	0	554	0	0
Walton	13,122	0	13,122	0	0
Ware	557	0	557	0	0
Warren	7,381	0	7,381	0	0
Washington	11,968	0	11,968	0	0
Wayne	1,456	0	1,456	0	0
Webster	1,182	0	1,182	0	0
Wheeler	2,334	0	2,334	0	0
White	226	0	226	0	0
Whitfield	435	0	435	0	0
Wilcox	7,765	0	7,765	0	0
Wilkes	2,078	0	2,078	0	0
Wilkinson	1,600	0	1,600	0	0
Worth	13,595	0	13,595	0	0
ILLINOIS					
Alexander	1,182	0	1,182	0	0
Massac	2	0	2	0	0
Pulaski	796	0	796	0	0
KANSAS					
Montgomery	8	0	8	0	0

KENTUCKY

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Ballard	4	0	4	0	0
Calloway	36	0	36	0	0
Carlisle	32	0	32	0	0
Fulton	4,047	0	4,047	0	65
Graves	95	0	95	0	0
Hickman	571	0	571	0	10
McCracken	4	0	4	0	0
Marshall	5	0	5	0	0

LOUISIANA

Parish	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2))	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Acadia	7,607	0	7,607	0	0
Allen	346	0	346	0	0
Ascension	4	0	4	0	0
Avoyelles	15,253	355	15,608	0	0
Beauregard	131	0	131	0	0
Bienville	658	0	658	0	8
Bossier	12,833	226	13,059	0	0
Caddo	28,183	444	28,627	0	0
Caldwell	5,889	150	6,039	0	0
Catahoula	8,573	219	9,092	0	0
Claiborne	1,129	0	1,129	0	3
Concordia	7,000	209	7,209	0	0
De Soto	4,927	0	4,927	0	0
E. Baton Rouge	126	0	126	0	0
E. Carroll	25,941	721	26,662	0	0
E. Feliciana	198	0	198	0	0
Evangeline	10,327	8	10,335	0	0
Franklin	41,661	933	42,594	0	0
Grant	3,233	81	3,314	0	0
Iberia	118	0	118	0	4
Iberville	170	0	170	0	0
Jackson	290	0	290	0	0
Jeff. Davis	29	0	29	0	16
Lafayette	7,866	0	7,866	0	0
La Salle	355	12	367	0	0
Lincoln	345	0	345	0	0
Livingston	7	0	7	0	0
Madison	16,382	383	16,765	0	0
Morehouse	26,532	650	27,182	0	0
Natchitoches	15,402	361	15,763	0	0
Ouachita	10,782	265	11,047	0	0
Pointe Coupee	5,457	0	5,457	0	0

LOUISIANA—Continued

Parish	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Rapides	14,202	314	14,516	0	0
Red River	7,206	240	7,446	0	0
Richland	36,731	889	37,620	0	0
Sabine	181	0	181	0	58
St. Helena	1,147	0	1,147	0	0
St. Landry	22,942	63	23,005	0	0
St. Martin	4,491	0	4,491	0	0
St. Tammany	38	0	38	0	0
Tangipahoa	88	0	88	0	11
Tensas	15,504	468	15,972	0	0
Union	1,212	0	1,212	0	0
Vermillion	2,450	0	2,450	0	0
Vernon	110	0	110	0	32
Washington	2,999	0	2,999	0	0
Webster	619	0	619	0	47
W. Baton Rouge	605	0	605	0	0
W. Carroll	20,013	594	20,607	0	0
W. Feliciana	558	0	558	0	0
Winn	323	0	323	0	0

MISSISSIPPI

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Adams	1,443	13	1,456	0	0
Alcorn	9,233	471	9,704	0	0
Amite	2,671	14	2,685	0	0
Attala	8,775	308	9,083	0	0
Benton	8,353	269	8,622	0	0
Bolivar	84,666	1,188	85,854	0	0
Calhoun	11,286	517	11,783	0	0
Carroll	10,266	345	10,611	0	0
Chickasaw	10,125	375	10,500	0	0
Choctaw	2,389	16	2,405	0	0
Claiborne	2,925	34	2,959	0	0
Clarke	2,691	0	2,691	0	0
Clay	5,154	332	5,486	0	0
Coahoma	62,349	819	63,168	0	0
Copiah	4,927	6	4,933	0	0
Covington	5,292	94	5,386	0	0
De Soto	22,647	491	23,138	0	0
Forrest	244	28	272	0	0
Franklin	401	55	456	0	0
George	135	41	176	0	0
Greene	682	1	683	0	0
Grenada	7,995	199	8,194	0	0
Hinds	15,151	108	15,259	0	0
Holmes	24,303	591	24,894	0	0
Humphreys	33,596	396	33,992	0	0
Issaquena	8,659	136	8,795	0	0
Itawamba	7,024	317	7,341	0	0
Jasper	3,943	0	3,943	0	0
Jefferson	2,429	0	2,429	0	0
Jeff Davis	9,111	287	9,398	0	0

MISSISSIPPI—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hard ship cases
	(1)	(2)	(3)	(4)	( )
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Jones	4,770	0	4,770	0	0
Kemper	6,166	233	6,399	0	0
Lafayette	10,639	294	10,933	0	0
Lamar	647	57	704	0	0
Lauderdale	2,056	8	2,064	0	0
Lawrence	4,339	0	4,339	0	0
Leake	10,139	415	10,554	0	0
Lee	17,846	486	18,332	0	0
Leflore	81,891	717	82,608	0	0
Lincoln	2,309	39	2,348	0	0
Lowndes	10,682	354	11,036	0	0
Madison	22,560	424	22,984	0	0
Marion	5,657	0	5,657	0	0
Marshall	24,271	554	24,825	0	0
Monroe	19,342	618	19,960	0	0
Montgomery	5,087	208	5,295	0	0
Neshoba	8,406	0	8,406	0	0
Newton	2,241	52	2,293	0	0
Noxubee	10,706	255	11,070	0	0
Oktibbeha	2,576	3	2,579	0	0
Panola	27,806	566	28,372	0	0
Pearl River	22	5	27	0	0
Perry	1,093	10	1,103	0	0
Pike	1,518	23	1,541	0	0
Pontotoc	13,357	758	14,115	0	0
Prentiss	11,667	536	12,203	0	0
Quitman	41,669	617	42,286	0	0
Rankin	8,252	82	8,334	0	0
Scott	6,296	0	6,296	0	0
Sharkey	19,36	296	19,655	0	0
Simpson	7,158	0	7,158	0	0
Smith	6,024	61	6,085	0	0
Sunflower	87,162	1,006	88,258	0	0
Tallahatchie	41,773	658	42,431	0	0
Tate	16,820	409	17,229	0	0
Tippah	10,739	577	11,316	0	0
Tishomingo	6,278	369	6,647	0	0
Tunica	33,796	384	34,180	0	0
Union	11,364	518	12,472	0	0
Walthall	7,222	48	7,270	0	0
Warren	4,189	110	4,299	0	0
Washington	58,940	738	59,678	0	0
Wayne	3,649	62	3,711	0	0
Webster	5,708	350	6,118	0	0
Wilkinson	620	111	731	0	0
Winston	7,458	313	7,771	0	0
Yalobusha	8,934	342	9,276	0	0
Yazoo	30,155	467	30,622	0	0

MISSOURI

Bollinger	86	0	86	0	0
Butler	13,115	0	13,115	0	0
Cape Girardeau	76	0	76	0	0
Dunklin	36,732	0	36,732	0	0
Howell	1	0	1	0	0
Mississippi	19,634	0	19,634	0	0
New Madrid	61,364	0	61,364	0	0
Pemiscot	65,328	0	65,328	0	0
Ripley	1,547	0	1,547	0	0
Scott	11,445	0	11,445	0	0
Stoddard	27,941	0	27,941	0	0
Vernon	3	0	3	0	0
Wayne	6	0	6	0	0

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
NEVADA					
Clark	10		10	0	0
Nye	2,523		2,523	0	0
NEW MEXICO					
Chaves	21,955	0	21,955	0	0
Curry	1,080	0	1,080	0	0
De Baca	357	0	357	0	0
Dona Ana	27,480	0	27,480	0	0
Eddy	19,161	0	19,161	0	0
Grant	138	0	138	0	0
Harding	5	0	5	0	0
Hidalgo	4,426	0	4,426	0	2
Lea	18,857	0	18,857	0	0
Luna	9,660	0	9,660	0	0
Otero	1,678	0	1,678	0	0
Quay	2,003	0	2,003	0	0
Roosevelt	13,475	0	13,475	0	0
Sierra	1,811	0	1,811	0	0
Socorro	1,414	0	1,414	0	0
NORTH CAROLINA					
Alamance	16	0	16	0	0
Alexander	310	0	310	0	0
Anson	8,514	0	8,514	0	0
Beaufort	703	0	703	0	0
Bertie	5,283	0	5,283	0	0
Bladen	2,323	0	2,323	0	0
Brunswick	163	0	163	0	0
Burke	37	0	37	0	0
Cabarrus	2,258	0	2,258	0	0
Caldwell	10	0	10	0	0
Camden	195	0	195	0	0
Carteret	26	0	26	0	0
Catawba	791	0	791	0	0
Chatham	230	0	230	0	0
Chowan	1,914	0	1,914	0	0
Cleveland	21,651	0	21,651	0	0
Columbus	1,804	0	1,804	0	0
Craven	263	0	263	0	0
Cumberland	8,670	0	8,670	0	0
Currituck	189	0	189	0	0
Davidson	497	0	497	0	0
Davie	958	0	958	0	0
Duplin	2,223	0	2,223	0	0
Durham	75	0	75	0	0
Edgecombe	9,867	0	9,867	0	0
Forsyth	50	0	50	0	0
Franklin	6,591	0	6,591	0	0
Gaston	1,724	0	1,724	0	0
Gates	1,553	0	1,553	0	0
Granville	276	0	276	0	0
Greene	2,812	0	2,812	0	0
Guilford	42	0	42	0	0
Halifax	18,498	0	18,498	0	0
Harnett	9,737	0	9,737	0	0
Hertford	3,881	0	3,881	0	0
Hoke	10,745	0	10,745	0	0
Hyde	125	0	125	0	0
Iredell	4,844	0	4,844	0	0
Johnston	14,107	0	14,107	0	0

NORTH CAROLINA—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Jones	174	0	174	0	0
Lee	703	0	703	0	0
Lenoir	1,418	0	1,418	0	0
Lincoln	4,450	0	4,450	0	0
Martin	2,194	0	2,194	0	0
Mecklenburg	3,457	0	3,457	0	0
Montgomery	2,200	0	2,200	0	0
Moore	1,974	0	1,974	0	0
Nash	10,799	0	10,799	0	0
Northampton	16,886	0	16,886	0	0
Onslow	150	0	150	0	0
Orange	45	0	45	0	0
Pamlico	125	0	125	0	0
Pasquotank	138	0	138	0	0
Pender	194	0	194	0	0
Perquimans	763	0	763	0	0
Person	2	0	2	0	0
Pitt	5,044	0	5,044	0	0
Polk	827	0	827	0	0
Randolph	16	0	16	0	0
Richmond	4,288	0	4,288	0	0
Robeson	36,247	0	36,247	0	0
Rowan	3,372	0	3,372	0	0
Rutherford	5,192	0	5,192	0	0
Sampson	18,522	0	18,522	0	0
Scotland	12,718	0	12,718	0	0
Stanly	404	0	404	0	0
Tyrrell	156	0	156	0	0
Union	9,263	0	9,263	0	0
Vance	2,809	0	2,809	0	0
Wake	3,290	0	3,290	0	0
Warren	5,697	0	5,697	0	0
Washington	384	0	384	0	0
Wayne	7,556	0	7,556	0	0
Wilkes	40	0	40	0	0
Wilson	6,082	0	6,082	0	0
Yadkin	20	0	20	0	0
OKLAHOMA					
Adair	19	6	25	0	0
Atoka	1,171	46	1,217	0	0
Beckham	42,943	515	43,458	0	0
Blaine	8,413	249	8,662	0	0
Bryan	11,439	527	11,966	0	0
Caddo	32,876	1,321	34,197	0	0
Canadian	8,868	121	8,989	0	0
Carter	1,080	0	1,080	0	0
Choctaw	961	13	974	0	0
Cimarron	46	0	46	0	0
Cleveland	1,927	39	1,966	0	0
Coal	2,298	22	2,320	0	0
Comanche	8,215	135	8,350	0	0
Cotton	12,849	333	13,153	0	0
Craig	44	0	44	0	0
Creek	1,307	25	1,332	0	0
Custer	16,486	329	17,015	0	0
Dewey	5,549	173	5,722	0	0
Ellis	470	30	500	0	0
Garfield	5	0	5	0	0
Garvin	3,918	155	4,073	0	0
Grady	12,110	546	12,656	0	0
Grant	32	1	33	0	0
Greer	28,333	259	28,592	0	0
Harmon	33,283	366	33,649	0	0

OKLAHOMA—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Harper	11	0	11	0	0
Haskell	1,233	48	1,279	0	0
Hughes	2,262	0	2,262	0	0
Jackson	20,871	440	46,311	0	0
Jefferson	12,063	63	12,126	0	0
Johnston	2,544	75	2,619	0	0
Kay	59	0	59	0	0
Kingfisher	753	0	735	0	0
Kiowa	28,616	634	29,250	0	0
Latimer	1,467	8	1,475	0	0
Leflore	606	14	619	0	0
Lincoln	1,903	121	2,024	0	0
Logan	5,849	47	5,887	0	0
Love	6,674	170	6,844	0	0
McClain	4,567	104	4,671	0	0
McCurtain	5,756	139	5,915	0	0
McIntosh	1,125	0	1,125	0	0
Major	3,106	103	3,209	0	0
Marshall	208	7	215	0	0
Mayes	213	5	218	0	0
Murray	12,212	281	12,493	0	0
Muskogee	326	2	328	0	0
Noble	330	0	330	0	0
Nowata	2,846	45	2,891	0	0
Okfuskee	326	6	332	0	0
Oklahoma	6,325	267	6,592	0	0
Okmulgee	1,804	0	1,804	0	0
Osage	2,229	65	2,294	0	0
Pawnee	1,502	68	1,570	0	0
Payne	1,900	23	1,923	0	0
Pittsburg	711	10	721	0	0
Pontotoc	303	12	315	0	0
Pottawatomie	169	2	171	0	0
Pushmataha	14,917	354	15,271	0	0
Roger Mills	205	9	214	0	0
Rogers	793	9	802	0	0
Seminole	699	30	729	0	0
Sequoyah	4,116	84	4,200	0	0
Stephens	6	0	6	0	0
Texas	49,001	605	49,606	0	0
Tillman	589	0	589	0	0
Tulsa	5,529	0	5,529	0	0
Wagoner	50,628	804	51,432	0	0
Washita	465	26	491	0	0
Woodward					

SOUTH CAROLINA

Abbeville	4,348	322	4,670	0	0
Aiken	13,161	35	13,196	0	0
Allendale	7,093	168	7,261	0	0
Anderson	15,222	0	15,222	0	0
Bamberg	8,982	346	9,328	0	0
Barnwell	9,676	295	9,971	0	0
Beaufort	49	0	49	0	0
Berkeley	4,844	0	4,844	0	0
Calhoun	11,698	287	11,323	0	0
Charleston	306	0	306	0	0
Cherokee	6,836	90	6,926	0	0
Chester	6,034	34	6,068	0	0
Chesterfield	18,125	438	19,563	0	0
Clarendon	24,829	178	25,007	0	0
Colleton	5,187	0	5,187	0	0
Darlington	21,721	540	22,261	0	0
Dillon	16,312	637	16,949	0	0
Dorchester	5,547	0	5,547	0	0

SOUTH CAROLINA—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Edgefield	6,421	60	6,481	0	0
Fairfield	2,295	0	2,295	0	0
Florence	22,378	104	22,482	0	0
Georgetown	1,481	0	1,481	0	0
Greenville	7,366	0	7,366	0	0
Greenwood	2,191	0	2,191	0	0
Hampton	5,093	189	5,282	0	0
Horry	4,540	0	4,540	0	0
Jasper	1,065	0	1,065	0	0
Kershaw	11,349	81	11,430	0	0
Lancaster	4,358	0	4,358	0	0
Laurens	9,861	28	9,889	0	0
Lee	26,972	957	27,029	0	0
Lexington	6,709	104	6,813	0	0
McCormick	1,862	55	1,917	0	0
Marion	8,128	212	8,337	0	0
Marlboro	28,216	619	28,835	0	0
Newberry	4,219	0	4,219	0	0
Oconee	3,687	0	3,687	0	0
Orangeburg	40,703	823	41,526	0	0
Pickens	1,999	62	2,061	0	0
Richland	3,578	218	3,796	0	0
Saluda	5,028	104	5,132	0	0
Spartanburg	11,571	0	11,571	0	0
Sumter	27,817	542	28,359	0	0
Union	2,895	0	2,895	0	0
Williamsburg	24,116	1,188	25,304	0	0
York	9,218	53	9,271	0	0

TENNESSEE

Bedford	410	0	410	0	0
Benton	1,520	0	1,520	0	0
Bradley	62	14	76	0	0
Cannon	6	0	6	0	0
Carroll	13,281	280	13,561	0	0
Chester	7,530	191	7,721	0	0
Coffee	271	9	280	0	0
Crockett	22,812	710	23,522	0	0
Decatur	2,014	0	2,014	0	0
Dickson	6	0	6	0	0
Dyer	22,152	575	22,727	0	0
Fayette	29,383	775	30,158	0	0
Franklin	3,026	0	3,026	0	0
Gibson	31,303	928	32,231	0	0
Giles	4,809	0	4,809	0	0
Grundy	52	5	57	0	0
Hamilton	39	0	39	0	0
Hardeman	14,149	257	14,406	0	0
Hardin	5,466	0	5,466	0	0
Haywood	29,437	814	30,251	0	0
Henderson	11,335	114	11,449	0	0
Henry	2,962	0	2,962	0	0
Humphreys	1	0	1	0	0
Lake	14,765	429	15,194	0	0
Lauderdale	24,358	680	25,038	0	0
Lawrence	12,142	2	12,144	0	0
Lewis	43	0	43	0	0
Lincoln	7,709	0	7,709	0	0
Loudon	3	0	3	0	0
McMinn	13	12	25	0	0
McNairy	12,594	114	12,708	0	0
Madison	22,445	526	22,981	0	0
Marion	44	14	58	0	0
Marshall	47	0	47	0	0

TENNESSEE—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Maury	44	0	44	0	0
Meigs	103	0	103	0	0
Moore	28	0	28	0	0
Obion	6,218	96	6,314	0	0
Perry	75	0	75	0	0
Polk	184	4	188	0	0
Rhea	2	1	3	0	0
Robertson	1	0	1	0	0
Rutherford	2,484	0	2,484	0	0
Shelby	26,356	0	26,356	0	0
Tipton	32,077	848	32,925	0	0
Warren	5	0	5	0	0
Wayne	1,696	0	1,696	0	0
Weakley	6,681	124	6,805	0	0
Williamson	14	2	16	0	0
Wilson	35	0	35	0	0
TEXAS					
Anderson	1,859	145	2,004	0	0
Andrews	3,986	0	3,986	0	0
Angelina	934	12	946	0	0
Aransas	853	0	853	0	0
Archer	1,319	0	1,319	0	0
Armstrong	1,491	18	1,509	0	0
Atascosa	6,302	0	6,302	0	0
Austin	13,161	0	13,161	0	0
Bailey	69,454	0	69,454	0	0
Bastrop	7,701	78	7,779	0	0
Baylor	12,593	0	12,593	0	0
Bee	10,022	0	10,022	0	0
Bell	47,835	0	47,835	0	0
Bexar	2,639	0	2,639	0	0
Blanco	45	0	45	0	0
Borden	13,495	0	13,495	0	0
Bosque	7,583	0	7,583	0	0
Bowie	7,339	240	7,579	0	0
Brazoria	5,473	279	5,752	0	0
Brazos	13,389	0	13,389	0	0
Brewster	43	3	46	0	0
Briscoe	18,518	0	18,518	0	0
Brooks	2,301	0	2,301	0	0
Brown	3,393	29	3,422	0	0
Burleson	19,100	10	19,110	0	0
Burnet	1,957	34	1,991	0	0
Caldwell	13,783	0	13,783	0	0
Calhoun	12,119	0	12,119	0	0
Callahan	5,327	92	5,419	0	0
Cameron	111,690	1,830	112,520	0	0
Camp	66	22	88	0	0
Carson	16	534	550	0	0
Cass	1,792	61	1,853	0	0
Castro	37,727	0	37,727	0	0
Cherokee	2,234	33	2,267	0	0
Childress	37,815	0	37,815	0	0
Clay	6,857	0	6,857	0	0
Cochran	53,316	0	53,316	0	0
Coke	4,607	0	4,607	0	0
Coleman	22,058	0	22,058	0	0

TEXAS—continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Collin	37,201	0	37,201	0	0
Collingsworth	45,595	0	45,595	0	0
Colorado	6,798	0	6,798	0	0
Comal	128	12	140	0	0
Comanche	4,973	6	4,979	0	0
Concho	17,737	0	17,737	0	0
Cooke	4,850	0	4,850	0	0
Coryell	13,003	0	13,003	0	0
Cottle	37,366	0	37,366	0	0
Crockett	42	0	42	0	0
Crosby	86,008	0	86,008	0	0
Culberson	3,605	15	3,620	0	0
Dallas	23,378	0	23,378	0	0
Dawson	146,415	0	146,415	0	0
Deaf Smith	6,307	0	6,307	0	0
Delta	25,910	0	25,910	0	0
Denton	14,862	0	14,862	0	0
De Witt	10,067	0	10,067	0	0
Dickens	36,175	0	36,175	0	0
Dimmit	1,193	21	1,214	0	0
Donley	20,492	0	20,492	0	0
Duval	7,545	78	7,623	0	0
Eastland	1,782	102	1,884	0	0
Ector	142	0	142	0	0
Ellis	89,357	0	89,357	0	0
El Paso	17,406	165	17,571	0	0
Erath	4,133	19	4,152	0	0
Falls	52,999	0	52,999	0	0
Fannin	47,539	0	47,539	0	0
Fayette	19,481	0	19,481	0	0
Fisher	58,021	0	58,021	0	0
Floyd	68,465	0	68,465	0	0
Foard	8,797	0	8,797	0	0
Fort Bend	45,517	40	45,557	0	0
Franklin	1,630	31	1,661	0	0
Freestone	3,528	966	4,494	0	0
Frio	3,382	0	3,382	0	0
Gaines	79,450	89	79,539	0	0
Garza	27,602	0	27,602	0	0
Gillespie	847	0	847	0	0
Glasscock	10,350	0	10,350	0	0
Goliad	2,794	0	2,794	0	0
Gonzales	7,815	79	7,894	0	0
Gray	2,548	11	2,559	0	0
Grayson	23,540	0	23,540	0	0
Gregg	291	0	291	0	0
Grimes	10,220	0	10,220	0	0
Guadalupe	13,361	0	13,361	0	0
Hale	113,750	0	113,750	0	0
Hall	65,941	0	65,941	0	0
Hamilton	7,336	0	7,336	0	0
Hansford	391	176	567	0	0
Hardeman	23,090	0	23,090	0	0
Harris	2,098	0	2,098	0	0
Harrison	1,225	207	1,432	0	0
Hartley	7	82	89	0	0
Haskell	82,687	0	82,687	0	0
Hays	5,363	0	5,363	0	0
Hemphill	1,160	0	1,160	0	0
Henderson	2,316	108	2,424	0	0
Hidalgo	130,680	230	130,913	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Hill	81,223	0	81,223	0	0
Hockley	129,709	0	129,709	0	0
Hood	1,906	0	1,906	0	0
Hopkins	5,129	274	5,403	0	0
Houston	16,007	217	16,224	0	0
Howard	51,370	0	51,370	0	0
Hudspeth	11,503	0	11,503	0	0
Hunt	62,291	0	62,291	0	0
Hutchinson	32	0	32	0	0
Irion	432	5	437	0	0
Jack	1,390	15	1,405	0	0
Jackson	12,459	0	12,459	0	0
Jasper	70	24	94	0	0
Jeff Davis	245	0	245	0	0
Jim Hogg	86	77	163	0	0
Jim Wells	15,491	0	15,491	0	0
Johnson	24,610	0	24,610	0	0
Jones	74,494	0	74,494	0	0
Karnes	20,507	0	20,507	0	0
Kaufman	39,164	0	39,164	0	0
Kendall	7	0	7	0	0
Kent	13,745	0	13,745	0	0
Kimble	35	0	35	0	0
King	7,224	0	7,224	0	0
Kinney	142	8	150	0	0
Kleberg	6,033	0	6,033	0	0
Knox	40,207	0	40,207	0	0
Lamar	38,577	0	38,577	0	0
Lamb	133,980	0	133,980	0	0
Lampasas	1,055	6	1,061	0	0
La Salle	1,601	62	1,663	0	0
Lavaca	16,604	0	16,604	0	0
Lee	3,184	0	3,184	0	0
Leon	7,400	0	7,400	0	0
Liberty	1,783	0	1,783	0	0
Limestone	34,805	0	34,805	0	0
Live Oak	13,175	0	13,175	0	0
Llano	146	48	194	0	0
Loving	293	0	293	0	0
Lubbock	157,157	0	157,157	0	0
Lynn	130,435	0	130,435	0	0
McCulloch	11,578	0	11,578	0	0
McLennan	59,215	0	59,215	0	0
McMullen	870	0	870	0	0
Madison	1,310	18	1,328	0	0
Marion	465	63	528	0	0
Martin	65,804	0	65,804	0	0
Mason	1,254	28	1,282	0	0
Matagorda	12,540	25	12,565	0	0
Maverick	2,467	3	2,470	0	0
Medina	1,148	0	1,148	0	0
Menard	506	0	506	0	0
Midland	18,996	0	18,996	0	0
Milam	35,954	0	35,954	0	0
Mills	1,890	0	1,890	0	0
Mitchell	48,446	0	48,446	0	0
Montague	2,808	2	2,810	0	0
Montgomery	152	25	177	0	0
Moore	64	92	156	0	0
Morris	13	0	13	0	0
Motley	23,947	0	23,947	0	0
Nacogdoches	715	231	946	0	0
Navarro	74,773	0	74,773	0	0
Newton	13	0	13	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for:	
				Small farms	Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	*Acres*	*Acres*	*Acres*	*Acres*
Nolan	30,058	0	30,058	0	0
Nueces	68,681	0	68,681	0	0
Ochiltree	280	0	280	0	0
Oldham	35	2	37	0	0
Palo Pinto	2,227	0	2,227	0	0
Panola	1,144	80	1,224	0	0
Parker	2,364	0	2,364	0	0
Parmer	31,716	0	31,716	0	0
Pecos	16,393	0	16,393	0	0
Polk	653	54	707	0	0
Potter	75	34	109	0	0
Presidio	2,211	0	2,211	0	0
Rains	5,546	0	5,546	0	0
Randall	1,170	742	1,912	0	0
Reagan	2,397	0	2,397	0	0
Red River	18,713	0	18,713	0	0
Reeves	38,393	0	38,393	0	0
Refugio	9,023	0	9,023	0	0
Roberts	199	77	196	0	0
Robertson	17,697	0	17,697	0	0
Rockwall	13,533	0	13,533	0	0
Runnels	58,344	0	58,344	0	0
Rusk	7,087	0	7,087	0	0
Sabine	265	53	318	0	0
San Augustine	1,188	64	1,252	0	0
San Jacinto	477	27	504	0	0
San Patricio	55,171	0	55,171	0	0
San Saba	3,548	0	3,548	0	0
Schleicher	6,220	0	6,220	0	0
Scurry	47,234	0	47,234	0	0
Shackelford	2,843	0	2,843	0	0
Shelby	2,842	158	3,000	0	0
Smith	478	177	655	0	0
Somervell	782	111	893	0	0
Starr	16,610	0	16,610	0	0
Stephens	750	0	750	0	0
Sterling	293	0	293	0	0
Stonewall	18,725	0	18,725	0	0
Swisher	37,121	0	37,121	0	0
Tarrant	6,890	0	6,890	0	0
Taylor	23,844	0	23,844	0	0
Terry	102,823	0	102,823	0	0
Throckmorton	8,076	0	8,076	0	0
Titus	152	37	189	0	0
Tom Green	38,820	0	38,820	0	0
Travis	24,622	0	24,622	0	0
Trinity	797	120	917	0	0
Tyler	34	6	40	0	0
Upshur	170	15	185	0	0
Upton	370	11	381	0	0
Uvalde	778	0	778	0	0
Val Verde	93	0	93	0	0
Van Zandt	15,468	0	15,468	0	0
Victoria	17,162	0	17,162	0	0
Walker	1,908	87	1,995	0	0
Waller	3,402	0	3,402	0	0
Ward	3,392	0	3,392	0	0
Washington	15,697	0	15,697	0	0
Webb	1,206	0	1,206	0	0
Wharton	50,494	0	50,494	0	0
Wheeler	19,431	0	19,431	0	0
Wichita	4,294	0	4,294	0	0
Wilbarger	35,071	0	35,071	0	0

TEXAS—Continued

County	Computed county allotment	Allocation from State reserves for trends	County allotment (sum of columns (1) and (2)	Allocation from State reserve for: Small farms	Allocation from State reserve for: Inequity and hardship cases
	(1)	(2)	(3)	(4)	(5)
	Acres	Acres	Acres	Acres	Acres
Willacy	63,160	0	63,160	0	0
Williamson	75,026	0	75,026	0	0
Wilson	2,641	30	2,671	0	0
Wise	1,494	0	1,494	0	0
Wood	66	0	66	0	0
Yoakum	28,601	32	28,633	0	0
Young	8,213	0	8,213	0	0
Zapata	719	0	719	0	0
Zavala	6,178	0	6,178	0	0
VIRGINIA					
Brunswick	1,282	0	1,282	12	12
Charlotte	3	0	3	0	0
Dinwiddie	129	0	129	2	2
Greensville	2,904	0	2,904	27	27
Isle of Wight	167	0	167	2	2
Lunenburg	121	0	121	2	2
Mecklenburg	1,216	0	1,216	10	10
Nansemond	966	0	966	8	8
Prince Edward	2	0	2	0	0
Prince George	23	0	23	0	0
Southampton	2,998	0	2,998	27	27
Surry	3	0	3	0	0
Sussex	1,045	0	1,045	10	10

(Secs. 301, 350, 375, 52 Stat. 38, as amended, 84 Stat. 1358, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1350, 1375)

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

Signed at Washington, D.C., on December 14, 1970.

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

[F.R. Doc. 70-16995; Filed, Dec. 15, 1970; 12:40 p.m.]

PART 722—COTTON

Subpart—1971 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.563 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1971 crop of extra long staple cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 35 F.R. 5637, 6199).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on September 15, 1970 (35 F.R. 14462), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.563 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.563 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.563 County reserves for the 1971 crop of extra long staple cotton.

The county reserves for the 1971 crop of extra long staple cotton are established in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 13530, 32 F.R. 5416, 33 F.R. 8427, 16066, 16435, 34 F.R. 5, 808). The following table sets forth the county reserves:

ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	5.1	Pima	0.9
Gila	0	Pinal	1.0
Graham	4.6	Yuma	2.2
Maricopa	8.6		

CALIFORNIA

Imperial	4.9	Riverside	0.3

FLORIDA

Alachua	0.1	Marion	0
Hamilton	0	Suwannee	0
Jefferson	0	Union	0
Madison	0		

GEORGIA

Berrien	6.0	Cook	0

NEW MEXICO

Chaves	2.4	Luna	13.3
Dona Ana	50.8	Otero	0.1
Eddy	1.3	Sierra	0.1
Hidalgo	1.0		

TEXAS

County	County reserve (acres)	County	County reserve (acres)
Brewster	0	Pecos	0.7
Culberson	0.9	Presidio	0
El Paso	3.2	Reeves	0.3
Hudspeth	4.0	Ward	0
Loving	0		

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

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

Signed at Washington, D.C., on December 14, 1970.

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

[F.R. Doc. 70-16994; Filed, Dec. 15, 1970; 12:40 p.m.]

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 795—PAYMENT LIMITATION

GENERAL

AUTHORITY: The provisions of this Part 795 issued under Public Law 91-524, approved November 30, 1970.

GENERAL

§ 795.1 Basis and purpose.

The Agricultural Act of 1970, Public Law 91-524, approved November 30, 1970, providec that the total amount of payments which a person shall be entitled

to receive under each of the annual programs for wheat, feed grains, and upland cotton for 1971, 1972, and 1973 under the Act shall not exceed $55,000. This limitation is hereinafter referred to as "the payment limitation" or "the limitation". The Act provides that the Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation.

§ 795.2 Applicability.

(a) The provisions of this part are applicable to price support payments, set-aside payments, diversion payments, public access payments and marketing certificates made pursuant to the regulations in this Chapter for the 1971, 1972, and 1973 programs for wheat (Part 728 of this chapter), feed grain (Part 775 of this chapter), and upland cotton (Part 722 of this chapter).

(b) The limitation shall be applied separately to wheat, feed grain, and upland cotton program payments.

(c) The limitation shall not be applicable to loans or purchases.

(d) The limitation shall not be applicable to payments made to States, political subdivisions, or agencies thereof for participation in the programs on lands owned by such States, political subdivisions, or agencies thereof so long as such lands are farmed primarily in the direct furtherance of a public function. The limitation is applicable to persons who rent or lease land owned by States, political subdivisions, or agencies thereof.

DEFINITIONS

§ 795.3 Definition of the term "person."

Subject to the provisions of this part, the term "person" shall mean an individual, joint stock company, corporation, association, trust, estate, or other legal entity. In order to be considered a separate person for the purpose of the payment limitation, in addition to the other conditions of this part, the individual or other legal entity must

(a) Have a separate and distinct interest in the land or the crop involved,

(b) Exercise separate responsibility for such interest, and

(c) Be responsible for the cost of farming related to such interest from a fund or account separate from that of any other individual or entity.

§ 795.4 Definitions of other terms.

In the regulations in this part and in all instructions, forms, and documents in connection therewith, all words and phrases, other than the term "person" shall have the meanings assigned to them in the regulations governing reconstitutions of farms, allotments, and bases, Part 719 of this chapter as amended.

DETERMINATION WHETHER MULTIPLE INDIVIDUALS OR OTHER ENTITIES CONSTITUTE ONE OR SEPARATE PERSONS

§ 795.5 Multiple individuals or other entities.

The rules in §§ 795.5 through 795.12 shall be used to determine whether certain multiple individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the limitation. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of persons shall apply.

§ 795.6 Entities or joint operations not considered as a person.

A partnership, joint venture, tenants-in-common, or joint tenants shall not be considered as a person but, notwithstanding the provisions of § 795.3, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall be considered a separate person except as otherwise provided in this part and shall be listed as a producer for payment purposes on program documents. The payment shares listed on the program documents for each individual or other legal entity shall be the same as each individual or other legal entity shares the proceeds derived from farming by such joint operation.

§ 795.7 Corporations and stockholders.

A corporation (including a limited partnership) shall be considered as one person, and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3, except that a corporation in which more than 50 percent of the stock is owned by an individual (including the stock owned by the individual's spouse and minor children), or by a legal entity, shall not be considered as a separate person from such individual or legal entity. Where the same two or more individuals or other legal entities own more than 50 percent of the stock in each of two or more corporations, all such corporations shall be considered as one person.

§ 795.8 Estate or trust.

An estate or irrevocable trust shall be considered as one person except that an estate or irrevocable trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary. A revocable trust shall not be considered as a separate person from the grantor.

§ 795.9 Club, society, fraternal, or religious organization.

A club, society, fraternal, or religious organization or any other similar organization shall be considered as one person.

§ 795.10 Husband and wife.

A husband and wife shall be considered as one person.

§ 795.11 Minor children.

A minor child and his parents or guardian (or other person responsible for him) shall be considered as one person except that the minor child may be considered as a separate person if such minor child is a producer on a farm in which the parents or guardian or other person responsible for him (including any entity in which the parents or guardian or other person responsible for him has a substantial interest, i.e., more than a 20 percent interest) takes no part in the operation of the farm (including as custom farmer) and owns no interest in the farm or in any portion of the production on the farm, and if such minor child:

(a) Is represented by a court appointed guardian who is required by law to make a separate accounting for the minor and ownership of the farm is vested in the minor, or

(b) Has established and maintains a different household from his parents or guardian and personally carries out the actual farming operations on the farm for which there is a separate accounting, or

(c) The farming operation results from his being the beneficiary of an irrevocable trust and ownership of the property is vested in the trust or the minor.

§ 795.12 Other cases.

Where the county committee is unable to determine whether certain individuals or legal entities involved in the production of a commodity are to be treated as one person or separate persons, all the facts regarding the arrangement under which the commodity is produced shall be submitted to the State committee for decision. Where the State committee is unable to determine whether such individuals or legal entities are to be treated as one person or separate persons, all the facts regarding the arrangement under which the commodity is produced shall be submitted to the Deputy Administrator for decision.

FARMING OPERATIONS

§ 795.13 Changes in farming operations.

Subject to the provisions of this part, a person may exercise his or her right heretofore existing under law, to divide, sell, transfer, rent, or lease his property if such division, sale, transfer, rental arrangement, or lease is legally binding as between the parties thereto. However, any document representing a division, sale, transfer, rental arrangement or lease which is fictitious or not legally binding as between the parties thereto shall be considered to be for the purpose of evading the payment limitation and shall be disregarded for the purpose of applying the payment limitation.

§ 795.14 Determination whether agreement is a share lease or a cash lease.

(a) *Cash lease.* In any case where a cash rental agreement contains provisions that call for an increase or decrease in the cash rent on the basis of the amount of the crop produced or the proceeds derived from the crop, such agreement shall be regarded as a share rental agreement for the purposes of this part if treating it as a cash rental agreement would result in a smaller reduction in program payments under this part.

(b) *Share lease.* In any case of a share rental agreement which contains provisions for a guaranteed minimum rental or a limitation on the amount of rent to be paid to the landlord by the tenant, such agreement shall be regarded as a cash rental agreement for the purposes of this part if treating it as a share rental agreement would result in a smaller reduction in program payments under the regulations in this part.

§ 795.15 Custom farming.

(a) Custom farming is the performance of services on a farm such as land preparation, seeding, cultivating, applying pesticides, and harvesting for hire with remuneration on a unit of work basis. A person performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (a) The compensation for the custom farming service is paid at a per-acre or per-hour rate customary in the area and is in no way dependent upon the amount of the crop produced, and (b) the person performing the custom farming (and any other entity in which such person has a substantial interest, i.e., more than a twenty percent interest) has no interest, directly or indirectly, (1) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, or (2) in the farm as landowner, landlord, mortgage holder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

(b) A person having a substantial interest, i.e., more than a 20 percent interest, in any legal entity performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (a) The compensation for the custom farming service is paid at a per-acre or per-hour rate customary in the area and is in no way dependent on the amount of the crop produced, and (b) the person having such interest in the legal entity performing the custom farming has no interest, directly or indirectly, (1) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, or (2) in the farm as landowner, landlord, mortgage holder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

SCHEME OR DEVICE

§ 795.16 Scheme or device.

All or any part of the payments otherwise due a person under the upland cotton, wheat, and feed grain programs on all farms in which he has an interest may be withheld or required to be refunded if he adopts or participates in adopting any scheme or device designed to evade or which has the effect of evading the rules of this part. Such acts shall include but are not limited to concealing from the county committee any information having a bearing on the application of the rules in this part or submitting false information to the county committee (for example, if side agreements are entered into which differ from information furnished to the county committee concerning the manner in which program payments are actually shared or the actual facts of a sale or other transfer of property) or creating fictitious entities for the purpose of concealing the interest of a person in a farming operation.

ADJUSTMENT IN SET-ASIDE REQUIREMENT

§ 795.17 Request for downward adjustment in set-aside requirement.

A producer whose payments under the upland cotton, wheat, or feed grain program are reduced because of the limitation, may request a downward adjustment in his set-aside requirement under that program. The request shall be in writing and shall be filed with the county committee by a date prescribed by the Deputy Administrator. If such a producer is participating in the same program in two or more counties, it shall be the producer's responsibility to furnish information concerning his participation in the other counties to the county committee for the county in which the application for downward adjustment is filed.

§ 795.18 Computation of reduction in set-aside acreage requirement.

In accordance with instructions issued by the Deputy Administrator, the reduction in the set-aside acreage requirement shall be computed by determining the percentage by which the producer's payment is reduced because of the application of the payment limitation, and multiplying the number of acres in the producer's portion of the set-aside requirement for the farm or farms participating in the program by this percentage. If the producer is participating in the program on two or more farms he may elect to have the reduction divided among the farms in such proportion as he may designate.

MISCELLANEOUS

§ 795.19 Joint and several liability.

Where two or more individuals or legal entities, who are treated as one person thereunder, receive payments which in the aggregate exceed the limitation, such individuals or legal entities shall be liable, jointly and severally, for any liability arising therefrom.

§ 795.20 Appeals.

Any person may obtain reconsideration and review of determinations made under this part in accordance with the appeal regulations, Part 780 of this chapter, as amended.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 18, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-17296; Filed, Dec. 18, 1970; 4:33 p.m.]

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

[Navel Orange Reg. 216, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1), (i), (ii), and (iii) of § 907.516 (Navel Orange Reg. 216, 35 F.R. 18743) are hereby amended to read as follows:

§ 907.516 Navel Orange Regulation 216.

* * * * *

(b) * * *

(i) District 1: 990,000 cartons;
(ii) District 2: 120,000 cartons;
(iii) District 3: 110,000 cartons.

* * * * *

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

Dated: December 17, 1970.

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

[F.R. Doc. 70-17162; Filed, Dec. 21, 1970; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Corn Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Corn Loan and Purchase Program

ELIGIBLE CORN AND WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 F.R. 13969, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of corn are amended as follows:

1. In § 1421.91, paragraph (c)(1) is amended to make corn of the 1970 crop which grades No. 5 on the factor of test weight only but otherwise grades No. 3 or better eligible for a warehouse-storage loan. The amended subparagraph reads as follows:

§ 1421.91 Eligible corn.

* * * * *

(c) *Warehouse stored loan grade requirements.* * * *

(1) The corn must, except for moisture, grade No. 3 or better, or No. 4 or better on the factor of test weight only but otherwise No. 3 or better, except that, for the 1970 crop corn may grade No. 5 or better on the factor of test weight only but otherwise No. 3 or better.

* * * * *

2. Section 1421.96 is revised to delete all references in paragraph (a) relating to approved warehouses operated by eastern common carriers under tariffs approved by the Interstate Commission and by deleting paragraph (c). The revised section reads as follows:

§ 1421.96 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the corn represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the corn is deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of corn stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on corn stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the corn was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 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 December 15, 1970.

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

[F.R. Doc. 70-17201; Filed, Dec. 21, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9193; Amdt. 37-28]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Aircraft Wheels and Brakes

The purpose of this amendment to Part 37 of the Federal Aviation Regulations is to update the standards for aircraft wheels and brakes and to establish standards for small aircraft landing wheel brakes.

This amendment was proposed in Notice 68-24, issued on October 8, 1968 (33 F.R. 15344). Numerous comments were received in response to the notice. Based upon these comments and upon further review within the FAA, a number of changes have been made to the proposed rule. These changes and the FAA's disposition of the public comments are discussed hereinafter.

The marking requirements have been changed to require that the aircraft wheels and brakes be marked with the "part number" rather than the "drawing number". The part number is more meaningful with respect to the identification of a wheel or brake.

In response to comments, the design landing kinetic energy is now identified as "KE_{DL}" rather than "KE_{RT}". The proposal has also been changed to require only one copy of the manufacturers' equipment limitations. In addition, the proposed revision to the current TSO deleting the requirements that manufacturers must furnish the "maximum static load rating" and the "maximum limit load rating" has been withdrawn in response to various comments. The FAA agrees that the manufacturer should continue to furnish this information.

Various comments objected to the requirement in proposed § 37.172(c)(1) that the manufacturer submit to the FAA operating instructions and installation procedures for wheels and brakes. They indicate that such data would serve no useful purpose in approving wheels and brakes under the TSO system. Moreover, it was stated that operating instructions and installation procedures cannot be finalized until the equipment has been tested on the aircraft. It was not the intent of the proposal to require the manufacturer to submit procedures and instructions for installing and operating the wheels and brakes on a particular aircraft. The integration of the wheels and brakes in the aircraft is approved under the type certificate or supplement type certificate. The proposal has been changed to make it clear that the information required to be submitted is only the applicable limitations pertaining to the installation of the wheels and brakes on any aircraft.

One commentator recommended that a general statement be added to the design requirements of the FAA standard for wheels and brakes (herein referred to as Standard) requiring that each wheel/brake unit and its individual components be so designed as to prevent, to the maximum extent possible, an incorrect assembly or installation. While this recommendation goes beyond the scope of the notice, the FAA considers that it has merit and it will be given consideration in future rulemaking actions.

There was also a recommendation that a requirement should be added to the standard for a means to bleed the brake unless proven unnecessary. The FAA does not agree. While most existing brake system designs incorporate provisions for bleeding the system, such provisions are only for convenience in servicing the system. Bleeding provisions are not considered to be a part of the minimum performance standards for brakes.

One of the comments pointed out that, as proposed, the requirement concerning lubricant retainers should be revised to also require that lubricant retainers be suitable under specified normal operation and maximum temperature KE_{RT} conditions. The commentator stated that failure of the retainers could result in grease, thinned by hot temperature, running on to a hot brake assembly and starting a fire. The FAA agrees and this was the intention of the proposal. Therefore, to make this clear, the requirement has been changed to require that lubricant retainers retain the lubricant under all design maximum operating conditions.

A recommendation was made to delete the proposed requirement that water seals must be furnished unless the exposed materials in the wheels are corrosion resistant. The commentator indicated that other acceptable designs could maintain the necessery level of safety. The FAA agrees and proposed section 2(a)(4) has been changed accordingly.

Several comments maintain that explosion of wheel and tires can be prevented through the utilization of a regulator or thermal fuse. These comments

recommended that the Standard be changed to require explosion prevention rather than requiring a means to minimize the probability of wheel and tire explosions. The FAA disagrees with these comments, since to its knowledge, there is no means presently available to prevent wheel and tire explosions. Another comment suggested limiting the applicability of the explosion requirement to wheels equipped with brakes that are retracted within the confines of the wings or fuselage. The FAA does not agree with this suggestion since wheel and tire explosions caused by elevated braking temperatures have occurred in both retracted and extended gear positions.

The rating requirements in proposed section 3 of the Standard have been changed to reference Parts 23, 27, and 23 as well as Part 25 of the Federal Aviation Regulations.

Comments were also received recommending that the Standard require the airframe manufacturer to supply the wheel manufacturer with the radial load limits for wheels. The FAA does not agree with this recommendation. While the manufacturer is not prohibited from securing information from the airframe manufacturer, there is no reason to require him to do so. However, the proposal has been changed to make it clear that the radial limit load must be determined under the regulations applicable to the aircraft.

One commentator recommended that the rating requirements in the Standard be revised to also specify the kinetic energy capacity rating, KE_{RT}, for Part 23 airplanes. The FAA disagrees. The rating is needed for Part 25 airplanes to permit compliance with § 121.177(a)(1). There is no similar requirement in the General Operating and Flight Rules of Part 91. Therefore, there is no need to require KE_{RT} to be specified for Part 23 airplanes.

In response to comments, a provision has been added to the Qualification Tests provisions of the Standard permitting the maximum radial load tests to be omitted if the radial limit in the combined radial and side load test is equal to or greater than the maximum radial limit load.

The test method provisions for the maximum radial load test and the combined radial and side load test have been corrected to require that the tire must be inflated to the pressure recommended for the "*S*" load rather than the "*L*" load. The proposals have also been revised, in response to a comment, to require that for the radial component, the axle must be loaded perpendicular to the nondeflecting surface with the tire restrained and for the side load component, the axle must be loaded parallel to the nondeflecting surface.

There was also a comment to the effect that the method of loading described in proposed paragraphs 4.1(a)(2) and 4.1(b)(2) is confusing. The FAA agrees and the statements in those paragraphs that: "The loadings must not cause permanent set increments of increasing magnitude." and "The permanent set increment caused by the last loading may not exceed 5% of the deflection caused by that loading." have been changed to read "The successive loadings at the 0° position may not cause permanent set increments of increasing magnitude. The permanent set increment caused by the last loading at the 0° position may not exceed 5 percent of the deflection caused by that loading."

In response to a comment received, the ultimate load provisions of the wheel tests in proposed paragraphs 4.1(a)(3) and 4.1(b)(3) have been clarified to require application of a radial load "2 times the maximum radial limit load for castings and 1.5 times the maximum radial limit load for forgings." The proposed requirement of a radial load 2 times larger than the *L* load for castings and 1.5 times larger than the *L* load for forgings, if taken literally could result in factors of 3 and 2.5, respectively, and this was not the intent of the proposal.

One commentator questioned the procedure in paragraph 4.1 which would permit the use of a tube in a tubeless tire for the qualification tests. The commentator indicated that unless a tubeless tire can be shown to be superior in all considerations of load and use, a tube should be required at all times in service. The FAA, however, considers that it is reasonable and appropriate to permit the use of either a tube or tubeless tire in the qualification tests. These tests are concerned with the yield and ultimate loading of wheels, not tires.

As proposed, the test methods proposed in paragraphs 4.1(a)(1) and 4.1(b)(1) contain the statement that "Use of strain gauges or special coatings to show regions of high stress is desirable. "One comment recommended that this statement be changed to require a determination of the regions of high stress. The FAA does not agree. The purpose of the tests is to determine the yield and ultimate strength of the wheel. While locating regions of high stress is desirable, it is not essential for the qualification tests. To avoid any confusion, the proposed statement has been deleted from the final standard.

Another comment questioned the use of a 1.15 load factor in the combined yield load tests proposed in paragraph 4.1(b)(2). It was maintained that this load factor is normally used only with the wheel limit load and that the ground loads are determined from the critical load environment of a particular aircraft and are not necessarily limit loads. The FAA does not agree that the use of a 1.15 load factor with ground loads is incorrect. While it is true that the magnitude of these limit loads vary depending on the critical loading condition specified, the load factor is still applicable in demonstrating wheel yield load. In the current Standard this load factor is used with respect to both radial limit load and side load tests and is retained in the combined load test to ensure continued integrity of the wheel.

In response to a comment that it is unreasonable and unrealistic to apply the same combined yield load in both the inboard and outboard direction, the FAA has clarified that provision of proposed paragraph 4.1(b)(2) to now require that the wheel be tested for the most critical inboard and outboard loads.

One commentator questioned the basis and use in proposed paragraph 4.1(b) of "limit radial" and "limit side" loads in conjunction with the combined load limits. The commentator contends that L_R and L_S as used in past radial and side load tests where L_S=40% I_R, were based on strut limit loads. This is not the case, however, the "limit radial" and "limit side" loads are based on the design ground loads specified in the regulations.

Several comments were received indicating the need for a roll test. It was pointed out that paragraph 4.1 does not contain the roll test needed to establish the static load rating "*S*" as required by the Standard. The FAA agrees that a roll test is necessary in order to establish the required "*S*" rating and a new paragraph 4.1(c) has been added which contains the same roll test that is required by the current TSO.

One comment stated that the wheel-brake system test should include the emergency brake fluid if it is different from the normal brake fluid. The FAA agrees. If a backup or emergency brake system utilizes an operating medium that is different from that used in the normal brake system, then the backup or emergency system should be tested with that medium. The Standard has been revised accordingly.

A comment was received recommending that proposed paragraph 4.2(a)(1)(i) be changed to require, for rotorcraft, that the most critical combination of takeoff weight and speed or landing weight and speed, whichever is the most critical, be used in calculating the kinetic energy level. The FAA considers that the takeoff weight will in all cases be the most critical weight. However, since rotorcraft do not have a V_1 speed, the requirement has been clarified by changing the word "speed" to "brake" application speed". This speed is the maximum speed at which the brakes can be applied and more appropriately defines the requirement.

One commentator questioned the use of KE_{RT} in proposed paragraph 4.2(a)(2). The commentator indicates that problems have been continually experienced in rejected takeoff approximating KE_{RT} in failing to stop the aircraft in the published distances. However, the FAA service records do not indicate a need for a higher KE_{RT} value and the commentator did not submit any data to support the statement.

One commentator contends that the brake requirements in the proposed Standard for Parts 23 and 25 airplanes are out-dated and do not represent the current state-of-the-art practice. Moreover, the commentator states that aircraft brakes certificated under Part 23 should meet the same requirements as those under Part 25. The FAA disagrees. The brake requirements proposed in Notice 68-24 are based on current industry standards for wheels and brakes. In addition, the performance characteristics

and mode of operation of Parts 23 and 25 airplanes differ considerably, consequently their brake needs are different.

It was recommended that a provision be added to the proposed Standard stating that "The brakes need not be reusable after the accelerate-stop test to KE_{RT}. The FAA does not agree. Brakes must be usable upon completion of the accelerate-stop test to provide the capability of taxiing off the runway and this is required in the current TSO. Accordingly, the proposal is revised to make it consistent with the current Standard and to make it clear that brakes must be usable to taxi the aircraft off the runway after the accelerate-stop test to KE_{RT}.

Another comment contained a recommendation that the accelerate-stop (KE_{RT}) brake test be conducted on the same brakes that were used for the design landing stop (KE_{DL}) tests. The FAA does not agree with this recommendation. Service experience has not disclosed any problems concerning the inability of aircraft to meet published stopping distances because of noneffective braking on dry runways.

Two comments recommended that the leakage allowed during the endurance tests for the hydraulic brake-wheel assembly be changed to one drop of fluid per each 3 inches of peripheral seal length for each 25 cycles rather than 5 cc. The FAA does not agree. Although several methods of leakage measurements are available, the volumetric approach is the most consistent.

One commentator suggested that the proposed life cycle tests for hydraulic brakes are unnecessarily complicated and that 100,000 cycles of maximum brake operating pressure would adequately test the brake structure. The FAA does not agree. The proposed requirements have been accepted by the industry and effectively demonstrate the capacity of the brake/wheel assembly.

A suggestion was also made that a requirement should be added for parking with rated parking pressure for some definite period of time such as 30 minutes. While the FAA sees merit in this suggestion, it is beyond the scope of the notice. However, the FAA plans to consider this in future rulemaking.

A comment was also received stating that consideration must be given to uneven braking in an abort or loading (KE_{DL} or KE_{RT}) caused by maximum crosswind. Uneven braking use to keep the aircraft aligned on the runway will add considerably to the energy absorbed by the downwind gear, which also has added weight on it due to the heeling of the aircraft. In addition, the comment states that consideration must be taken during KE_{DL} or KE_{RT} testing for uneven braking on individual wheels due to malfunction or uneven antiskid operation on other wheels on dry pavement, to better simulate operation of the brake/wheel assembly in line operations. While the FAA agrees with the intent of the foregoing comment, it is of the opinion that the recommendation is more appropriate for an amendment to the airworthiness requirements for aircraft. The problem presented in this comment is one reason why the current airworthiness standards for aircraft require actual maximum KE acceleration and stop flight tests rather than relying on dynamometer test results for new or replacement brakes. With regard to uneven antiskid operation, the FAA considers that since certain operating rules provide a 1.66 factor on landing distance it adequately accounts for such operations.

In view of the vibration problems encountered on some of the newer airplanes, one comment suggested that the TSO Standard should incorporate a requirement for dynamic testing of the complete wheel/brake, strut/landing gear system. Also note should be taken of the amount of return pressure or back pressure in the hydraulic system that the brake will tolerate for a complete release of the brake when brakes are not applied. The FAA does not agree. Dynamic testing of a complete wheel/brake, strut/landing gear system, and the determination of the hydraulic system back pressure that the brake will tolerate for a complete release of the brake involve aircraft systems and parts other than the wheels and brakes. Thus, the tests are necessarily part of the installation of the wheel and brake assembly on an aircraft to be covered under the aircraft type certificate or supplemental type certificate.

Several comments pointed out that the proposed TSO Standard deletes certain requirements found in the current TSO concerning material, workmanship and construction, and requirements for castings. The FAA agrees that there is a need to retain the requirements concerning construction which includes requirements concerning castings and also protective treatment. This change merely makes TSO C–26b consistent with existing TSO C–26a. However, the FAA does not consider that special requirements concerning materials and workmanship as contained in current TSO C–26a are any longer necessary. Compliance with the proposed requirements will show suitability of materials and quality of workmanship.

Finally, the nomenclature for "*S*" and "*L*" loads in the rating requirements has been changed to agree with the nomenclature used for those loads in the Federal Aviation Regulations.

Other minor changes of an editorial or clarifying nature have been made. They are not substantive and do not impose an additional burden on any person.

In consideration of the foregoing, § 37.172 of the Federal Aviation Regulations is amended to read as hereinafter set forth, effective January 21, 1971.

§ 37.172 Aircraft wheels and brakes—TSO–C26b.

(a) *Applicability.* The TSO prescribes the minimum performance standards that aircraft landing wheels and brakes must meet in order to be identified with the applicable TSO marking. New models of such equipment which are to be so identified and which are manufactured on or after the effective date of this standard must meet the requirement of the Federal Aviation Administration Standard for Aircraft Wheels and Brakes set forth at the end of this section.

(b) *Marking.* In lieu of the marking requirements of § 37.7, the aircraft wheels and brakes must be legibly and permanently marked with the following information:

(1) Name of the manufacturer responsible for compliance.

(2) Serial number and part number.

(3) Applicable technical standard order (TSO) number.

(4) Size (this marking applies to wheels only).

All stamped, etched, or embossed markings must be located in noncritical areas.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Division, Federal Aviation Administration, in the region in which the manufacturer is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division), the following technical data:

(1) One copy of the applicable limitations pertaining to installation of wheels and brakes on aircraft, including the weight of the brake assembly, maximum static load rating, maximum limit load rating, maximum rejected takeoff kinetic energy in foot-pounds (KE_{RT}), design landing kinetic energy in foot-pounds (KE_{DL}), applicable speed as specified in paragraph 4.1(a)(1) of the FAA Standard for Aircraft Wheels and Brakes, type of hydraulic fluid used, and the weight of the wheel.

(2) One copy of the manufacturer's test report.

(3) One copy of the manufacturer's maintenance instructions.

(d) *Previously approved equipment.* Wheels and brakes approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION ADMINISTRATION STANDARD FOR AIRCRAFT WHEELS AND BRAKES

1. *Purpose.* This document contains minimum performance standards for aircraft landing wheels and brakes.

2. *Design and Construction*—(a) *Design*—(1) *Lubricant retainers.* Lubricant retainers must retain lubricant under all maximum operating conditions, prevent lubricant from reaching braking surfaces, and prevent foreign matter from entering the bearings.

(2) *Removable flanges.* All removable flanges must be assembled onto the wheel in a manner that will prevent the removable flange and its retaining device from leaving the wheel if a tire should deflate while the wheel is rolling.

(3) *Adjustment.* When necessary to insure safe performance, the brake mechanism must be equipped with suitable adjustment devices.

(4) *Water seal.* Wheels intended for use on amphibious aircraft must be sealed to prevent entrance of water into the wheel bearings or other portions of the wheel or brake, unless the design is such that brake action and service life will not be impaired by the presence of sea water or fresh water.

(5) *Explosion prevention.* Unless determined to be unnecessary, means must be provided to minimize the probability of

wheel and tire explosions which result from elevated brake temperatures.

(b) *Construction*—(1) *Castings.* Castings must be of high quality, clean, sound, and free from blowholes, porosity, or surface defects caused by inclusions, except that loose sand or entrapped gasses may be allowed when the serviceability of the casting has not been impaired.

(2) *Forgings.* Forgings must be of uniform condition, free from blisters, fins, folds, seams, laps, cracks, segregation, and other defects. If strength and serviceability are not impaired, imperfections may be removed.

(3) *Rim surfaces.* The surface of the rim between bead seats must be free from defects which will be injurious to the inner tube. Holes which extend through a rim must be drilled out and filled with a flush plug. Other depressions in rim or bead seats which might injure the tube or casing must be filled with a hard surface permanent filler before applying the primer coat.

(4) *Rim joints.* Joints in the rim surface and joints between rim surfaces and demountable flanges must be smooth, close-fitting, and noninjurious to the inner tube while mounting the tire, or while in service.

(5) *Rivets and bolts.* When rivets are used, they must be well headed over, and rivets or bolts coming in contact with the casing or tube must be smooth enough not to damage the tube or casing during normal operation.

(6) *Bolts and studs.* When bolts and studs are used for fastening together sections of a wheel, the length of the threads for the nut extending into and bearing against the sections must be held to a minimum; and there must be sufficient unthreaded bearing area to carry the required load.

(7) *Steel parts.* Wherever possible all steel parts, except braking surfaces and those parts fabricated from corrosion resistant steel, must be cadmium plated or zinc plated. Where cadmium or zinc plating cannot be applied, the surface must be thoroughly cleaned and suitably protected from corrosion.

(8) *Aluminum parts.* All aluminum alloy parts must be anodized or have equivalent protection from corrosion.

(9) *Magnesium parts.* All magnesium alloy parts must receive a suitable dichromate treatment or have equivalent protection from corrosion.

(10) *Bearing and braking surfaces.* The bearings and braking surfaces must be protected during the application of finish to the wheels and brakes.

3. *Rating.* (a) Each wheel design and wheel-brake system design must be rated for the following:

(1) S=Maximum static load in pounds (ref. §§ 23.731(b), 25.731(b), 27.731(b), and 29.731(b) of this chapter).

(2) L=Maximum limit load in pounds (ref. §§ 23.731(c), 25.731(c), 27.731(c), and 29.731(c) of this chapter).

(b) Each wheel-brake system design must also be rated for the following:

(1) KE_{DL}=Kinetic energy capacity in foot-pounds per wheel-brake system at the design landing rate of absorption.

(2) KE_{RT}-Kinetic energy capacity in foot-pound per wheel-brake system at the rejected takeoff rate of absorption for wheel-brake systems of airplanes certificated under Part 25 of this chapter only.

4. *Qualification tests*—4.1. *Wheel tests.* To establish the S and L ratings for a wheel, test a standard sample in accordance with the following radial, combined and static load test:

(a) *Maximum radial load test.* Test the wheel for the yield and ultimate loads as follows:

(1) *Test method.* Mount the wheel with tire installed on its axle, and position it against a flat nondeflecting surface. The wheel axle must have the same angular orientation to the nondeflecting surface that it will have to the runway when it is mounted on the aircraft and is under the maximum limit load. Inflate the tire to the pressure recommended for the S load with air or water. If water inflation is used, the water must be bled off during loading to approximate the same tire deflection that would result if air inflation were used. Water pressure may not exceed the pressure which would develop if air inflation were used and the tire was deflected to its maximum extent. Load the wheel through its axle perpendicular to the flat nondeflecting surface. Deflection readings must be taken at suitable points to indicate deflection and permanent set of the wheel rim at the bead seat.

(2) *Yield load.* Apply to the wheel a load, not less than 1.15 times the maximum radial limit load, determined under §§ 23.471 through 23.511, or §§ 25.471 through 25.511, or §§ 27.471 through 27.505, or §§ 29.471 through 29.511 of this chapter, as appropriate. Apply the load with the wheel positioned against the nondeflecting surface, and the valve hole positioned at 0° with respect to the line between the center of the wheel and the point of contact, then with the valve hole positioned 90°, 180°, and 270° from the nondeflecting surface, and finally twice again with the valve hole positioned at 0°. The 90° increments must be altered to other positions if the other positions are more critical. The successive loadings at the 0° position must not cause permanent set increments of increasing magnitude. The permanent set increment caused by the last loading at the 0° position may not exceed 5 percent of the deflection caused by that loading. The bearing cups, cones, and rollers used in operation must be used for these loadings. There must be no yielding of the wheel such as would result in loose bearing cups, air leakage through the wheel or past the wheel seal, or interference in any critical areas.

(3) *Ultimate load.* Apply to the wheel a load, not less than 2 times the maximum radial limit load, for castings and 1.5 times the maximum radial limit load for forgings, determined under §§ 23.471 through 23.511, or §§ 25.471 through 25.511, or §§ 27.471 through 27.505, or §§ 39.471 through 39.511 of this chapter, as appropriate. Apply the load with the same wheel positioned against the nondeflecting surface and the valve hole positioned at 0° with respect to the line between the center of the wheel and the point of contact. The load must be sustained for 10 seconds. The bearing cones may be replaced with conical bushings, but the cups used in operation must be used for this loading. A tubeless tire may be replaced with a tire and tube.

(4) If the radial limit load in subparagraph (b) is equal to or greater than the maximum radial limit in subparagraphs (a) (2) and (3), the tests specified in subparagraphs (a) (2) and (3) may be omitted.

(b) *Combined radial and side load test.* Test the wheel for the yield and ultimate loads as follows:

(1) *Test method.* Mount the wheel with tire installed on its axle, and position it against a flat nondeflecting surface. The wheel axle must have the same angular orientation to the nondeflecting surface that it will have to the runway when it is mounted on the aircraft and is under the limit radial load. Inflate the tire to the pressure recommended for the maximum static load with air or water. If water inflation is used, the water must be bled off during loading to approximate the same tire deflection that would result if air inflation were used. Water pressure may not exceed the pressure which would develop if air inflation were used and the tire were deflected to its maximum extent. For the radial load component, load the wheel through its axle perpendicular to the flat nondeflecting surface. For the side load component, load the wheel through its axle parallel to the flat nondeflecting surface. The side load reaction must arise from the friction of the tire on the nondeflecting surface. Apply the two loads simultaneously, increasing them either continuously or in increments no larger than 10 percent of the loads to be applied. Alternatively a resultant load equivalent to the radial and side loads may be applied to the axle. Deflection readings must be taken at suitable points to indicate deflection and permanent set of the wheel rim at the bead seat.

(2) *Yield load.* Apply to the wheel radial and side loads not less than 1.15 times the respective ground loads determined under § 23.485, or § 25.485, or § 27.485, or § 29.485 of this chapter, as appropriate. Apply these loads with wheel positioned against the nondeflecting surface and the valve hole positioned at 0° with respect to the center of the wheel and the point of contact, then with the valve hole positioned 90°, 180°, and 270° from the nondeflecting surface, and finally twice again with the valve hole positioned at 0°. The 90° increments must be altered to other positions if the other positions are more critical. The successive loadings at the 0° position must not cause permanent set increments of increasing magnitude. The permanent set increment caused by the last loading at the 0° position may not exceed 5 percent of the deflection caused by that loading. The bearing cups, cones, and rollers used in operation must be used in this test. There must be no yielding of the wheel such as would result in loose bearing cups, air leakage through the wheel or past the wheel seal, or interference in any critical areas. A tire and tube may be used when testing a tubeless wheel only when it has been demonstrated that pressure will be lost due to the inability of a tire bead to remain properly positioned under the load. The wheel must be tested for the most critical inboard and outboard side loads.

(3) *Ultimate load.* Apply to the wheel radial and side loads not less than 2 times for castings and 1.5 times for forgings the respective ground loads determined under § 23.485, or § 25.485, or § 27.485, or § 29.485 of this chapter, as appropriate. Apply these loads with the same wheel positioned against the nondeflecting surface and the valve hole positioned at 0° with respect to the center of the wheel and the point of contact. The load must be sustained for 10 seconds. The bearing cones may be replaced with conical bushings, but the cups used in operation must be used for this loading. A tubeless tire may be replaced with a tire and tube. The wheel must be tested for the most critical inboard and outboard side loads.

(c) *Maximum static load test.* Test the wheel for the maximum static load test as follows:

(1) *Test method.* Mount the wheel with the tire installed on its axle, and position it against a flat nondeflecting surface. The wheel axle must have the same angular orientation to the nondeflecting surface that it will have to the runway when it is mounted on the aircraft and is under the maximum limit load. Inflate the tire to the pressure recommended for the maximum limit load "S" with air. Load the wheel through its axle perpendicular to the flat nondeflecting surface.

(2) *Roll test.* Apply to the wheel a load not less than the maximum static load determined under §§ 23.471 through 23.511, or §§ 25.471 through 25.511, or §§ 27.471 through 27.505, or §§ 29.471 through 29.511 of this chapter, as appropriate. While loaded, roll

the wheel 1,000 miles for airplanes and 250 miles for rotorcraft. At the end of the test the wheel shall be free of cracks and other types of failures.

(d) *Pressure test.* Pressure test the wheel in accordance with the following:

(1) *Burst test.* The wheel shall be hydrostatically tested, without failure, to a burst pressure that is not less than the inflation pressure at rated load "*S*" times a factor of 3.5 for airplanes and 3 for rotorcraft.

(2) *Static test.* The wheel and tubeless tire assembly shall be inflated to a pressure of 1.5 times the inflation pressure at rated load "*S*" and, when immersed in water, must show no signs of leakage as evidenced by bubbles.

(3) *Diffusion test.* The tubeless tire and wheel assembly must hold the normal deflection pressure for 24 hours with no greater pressure drop than 5 percent. This test must be performed after the tire growth has stabilized.

4.2 *Wheel brake system test.* A sample of a wheel-brake system design must meet the following tests to qualify the design for its kinetic energy ratings. The wheel of a wheel-brake assembly must be separately tested under paragraph 4.1. The wheel-brake system must be tested with the recommended operating medium (e.g., air, or an oil meeting recommended specifications).

(a) *Dynamic torque tests.* Test the wheel-brake system on a suitable inertia brake testing machine in accordance with the following:

(1) *Speed and weight values.* For airplanes, select either Method I or Method II below to calculate the kinetic energy level which a single wheel and brake system will be required to absorb. For rotorcraft, use Method I. Do not consider the decelerating effects of propeller reverse pitch, drag parachutes, and engine thrust reversers.

(i) *Method I.* Calculate the kinetic energy level to be used in the brake testing machine by using the equation:

$$KE = 0.0444WV^2$$

Where:

KE = Kinetic energy per wheel-brake system in ft.-lbs. For the design landing test, KE will be subdesignated KE_{DL}, and for the rejected takeoff test, KE_{RT}.

W = Airplane weight per wheel-brake system in pounds. For the design landing test the design landing weight will be used.

V = Airplane speed in knots. For the design landing test the speed will be V_{SO}, the power-off stalling speed of the airplane at sea level at the design landing weight and in the landing configuration.

For the rejected takeoff test, applicable only to airplanes certificated under Part 25 of this Chapter, the manufacturer must determine the most critical combination of takeoff weight and V_1 speed.

For rotorcraft, the manufacturer must calculate the most critical combination of takeoff weight and brake application speed to be used in the above equation.

(ii) *Method II.* The speed and weight values may be determined by other equations based on a rational analysis of the sequence of events expected to occur during operational landing at maximum landing weight. The analysis must include rational or conservative values for braking coefficients of friction between tire and runway, aerodynamic drag, propeller drag, powerplant forward thrust, and, if critical, loss of drag credit for the most adverse single engine or propeller due to malfunction.

(2) The wheel-brake assembly must bring the inertia testing machine to a stop at the average deceleration rate, and for the number of repetitions, specified in the following table without failure, impairment of operation or replacement of parts except as permitted in subparagraph (3) below:

Category of the aircraft on which wheel-brake assembly will be used—

	Tests
Federal Aviation Regulations Part 25.	KE_{DL}: 100 design landing stops at 10 ft./sec.[2] KE_{RT}: 1 rejected takeoff stop at 6 ft./sec.[2]
Federal Aviation Regulations Part 23.	KE_{DL}: 35 design landing stops at 10 ft./sec.[2]
Federal Aviation Regulations Parts 27 and 29.	KE_{DL}: 20 design landing stops at 6 ft./sec.[2]

(3) *General conditions.* (i) During landing stop tests (KE_{DL}), one change of brake lining and attached discs is permissible. The remainder of the brake assembly parts must withstand the 100 KE_{DL} stops without failure or impairment of operation.

(ii) During the accelerate-stop tests (KE_{RT}) brake lining and bare discs may be new or used. No less than two landing stop tests must have been completed on the brake prior to this test. The brakes must be usable to taxi the aircraft off the runway after the accelerate-stop test to KE_{RT}.

(iii) As used in this subparagraph, "brake lining" is either individual blocks of wearing material or discs which have wearing material integrally bonded to them. "Bare discs" are plates or drums which do not have wearing material integrally bonded to them.

(b) *Brake structural torque test.* Apply the radial load S and a torque load specified in subparagraph (1) of (2) of this paragraph, as applicable, for at least 3 seconds. Rotation of the wheel must be resisted by a reaction force transmitted through the brake or brakes by an application of at least maximum brake line pressure or brake cable tension in the case of a nonhydraulic brake. If such pressure or tension is insufficient to prevent rotation, the friction surfaces may be clamped, bolted, or otherwise restrained, while applying the above pressure or tension.

(1) For landing gears with only one wheel per landing gear strut, the torque load is 1.2 SR where R is the normal rolling radius of the tire under load S.

(2) For landing gears with multiple wheels per landing gear strut, the torque load is 1.44 SR where R is the normal rolling radius of the tire under load S.

NOTE: The 1.44 factor contains an additional factor of 1.2 to account for occasions when the load of a wheel truck is distributed as much as 10 percent above its design distribution.

(c) *Burst pressure-hydraulic brakes.* The brake with actuator piston extended to simulate a maximum worn condition must withstand hydraulic pressure equal to the greatest of the following:

(1) For brake systems capable of developing only a limited pressure as in power operated brake systems, 2 times the maximum brake line pressure available to the brakes.

(2) Two times the highest pressure used in the tests required by paragraph 4.2(a)(2).

(3) For airplanes, 2 times the pressure required to resist a static torque of 0.55 SR with the brake at 70° where S is defined in paragraph (b) above.

(4) For rotorcraft, 2 times the pressure required to hold the rotorcraft on a 20° slope at design takeoff weight.

(d) *Endurance tests—hydraulic brakes.* The hydraulic brake-wheel assembly must be subjected to an endurance test during which the total leakage may not exceed 5 cc. and no malfunction may occur during or upon completion of the test. Minimum piston travel during the test may not be less than the maximum allowable piston travel in operation. The tests must be conducted by subjecting the hydraulic brake-wheel assembly to—

(1) 100,000 cycles for airplanes, and 50,000 cycles for rotorcraft, of application and release of the average hydraulic pressure needed in the KE_{DL} tests specified in section 4.2(a)(2) except that manufacturers using Method II in conducting the tests specified in paragraph 4.2(a)(2) must subject the wheelbrake assembly to the average of the maximum pressures needed in those tests. The piston may be adjusted so that 25,000 cycles for airplanes, and 12,500 cycles for rotorcraft, are performed at each of the four positions where the piston would be at rest when adjusted for 25 percent, 50 percent, 75 percent, and 100 percent wear in the friction pads; and

(2) 5,000 cycles for airplanes, and 2,500 cycles for rotorcraft, of application and release of the greater of the following:

(i) The hydraulic pressure that is required to hold a static torque of 0.55 SR at 70° F. where R is the normal rolling radius;

(ii) The maximum hydraulic pressure used in conducting the dynamic brake tests of paragraph 4.2(a)(2); or

(iii) For brake systems capable of developing only a limited pressure, the maximum brake line pressure available to the brakes.

(NOTE that subparagraphs (c) and (d) of this paragraph require fluid pressure observations to be made during the dynamic torque tests.)

4.3 *Taxi and parking test.* Simulate on the inertia brake testing machine a landing at the maximum weight followed by a realistic roll, taxi stop and park, in accordance with the taxi speed and distance specified by the manufacturer.

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

Issued in Washington, D.C., on December 15, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-17156; Filed, Dec. 21, 1970; 8:45 a.m.]

[Docket No. 10587; Amdt. 39-1133]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the flap gearbox drive motor clutch assembly with a solid drive spline adaptor and replacement of certain clutch drive shafts with improved shafts which are compatible with the solid drive spline adapter on British Aircraft Corp. (Vickers) Viscount Models 741, 745D, and 810 series airplanes was published in the FEDERAL REGISTER, 35 F.R. 14785.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D, and 810 series airplanes.

Compliance is required as indicated.

To prevent failure of the flap gearbox drive motor assembly due to break-up of the steel inner clutch plate, accomplish the following:

(a) Within the next 25 landings after the effective date of this AD, or within the next 700 landings after the clutch plate was replaced in accordance with AD 68-23-7, whichever occurs later, unless already accomplished, accomplish the following:

(1) Replace the flap gearbox drive motor clutch assembly with a solid spline adaptor by incorporating Rotax Modification No. 4603c Part A in accordance with Rotax Service Bulletin 24-337, Revision 2, dated November 24, 1969, or later ARB-approved issue or an PAA-approved equivalent.

(2) Replace obsolete clutch driving shafts, clutch shafts, and brake drum assemblies of the flap gearbox drive motor assembly having obsolete part numbers, with serviceable replacement components having replacement part numbers, in accordance with the following table:

Component	Obsolete part Nos.	Replacement part Nos.
Clutch driving shaft.	N117500 and N145421.	N149327, N187295, or N196101.
Clutch shaft	N98825	N149328.
Brake drum assembly.	N117504 and N117504/1.	N149329.

(3) Replace clutch driving shafts P/Ns N149327 or N187295, having a total of 5,000 or more landings on the shaft with a serviceable shaft, P/N N149327, N187295, or N196101.

(b) Replace clutch driving shafts P/Ns N149327 and N187295 at intervals not to exceed 5,000 landings on the shaft, and replace clutch driving shafts P/N N196101 at intervals not to exceed 10,000 landings on the shaft.

(c) Within the next 500 landings after the effective date of this AD, unless already accomplished within the last 4,500 landings, and thereafter at intervals not to exceed 5,000 landings since the last inspection, visually inspect the brake drum assembly P/N 149329 for cracks in accordance with Rotax Service Bulletin No. 24-142 dated February 11, 1966, or later ARB-approved issue or an PAA-approved equivalent, and replace drums found to be cracked with serviceable drums of the same part number.

(d) Upon completion of the replacements required by paragraph (a), remove the placard and the temporary in flight procedures in the Airplane Flight Manual required by AD 68-23-7.

(e) For the purpose of complying with this AD, subject to acceptance by the assigned maintenance inspector the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from take-off to landing for the BAC Viscount airplane.

(British Aircraft Corp. Preliminary Technical Leaflets No. 148 and No. 283 cover this same subject.)

This supersedes Amendment 39-263 (31 F.R. 10022), AD 66-19-5, and Amendment 39-695 (33 F.R. 16493), AD 68-23-7.

This amendment becomes effective January 21, 1971.

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

Issued in Washington, D.C., on December 15, 1970.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-17178; Filed, Dec. 21, 1970; 8:46 a.m.]

[Docket No. 70-CE-22-AD; Amdt. 39-1129]

PART 39—AIRWORTHINESS DIRECTIVES

Woodward Propeller Governors

There have been reports of Woodward propeller governor control lever arms becoming loose on their shafts resulting in increase of propeller pitch and reduction in engine power. Since this situation can exist or develop in aircraft which have these governors installed, an airworthiness directive is being issued requiring inspection of the lever arms for proper security and engagement on the speed control shafts and corrective action where necessary.

Since immediate adoption of this AD is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

WOODWARD. Applies to Woodward propeller governors of the following listed models having serial numbers below 992601 which were manufactured prior to 1970 used on single, reciprocating engine aircraft: Woodward Governor Models 210452, A210452, B210452, C210452, D210452, E210452, F210452, G210452, H210452, J210452, K210452, L210452, M210452, P210452, 210453, 210458, 210460, B210460, 210462, A210462, 210472, and C210472. Date of manufacture can be determined from a decal attached to the governor body which shows the quarter and the year. Example: "1Q70" indicates first quarter 1970.

Compliance: Required within the next 50 hours' time in service after the effective date of this AD, unless previously accomplished.

To prevent loss of propeller control accomplish the following or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

A. Inspect the propeller governor lever arm for security and engagement on the speed control shaft as follows:

1. Inspect axial security by applying, alternately, in both directions, a manual force of 5 to 10 pounds to the lever arm directly in line with the axis of the shaft. Do not mistake end play of the shaft in the governor cover for a loose lever.

2. Inspect rotational security by observing the arm and shaft while the cockpit propeller control is moved from full increase to full decrease and back to full increase RPM positions.

3. Inspect axial location of lever arm and offset lever arm extension on the shaft. On those installations which use an offset extension which bolts to the outboard face of the lever arm and has an alignment hole for locating on the shaft, the shaft must protrude through the full thickness of the extension. When no extension is used the shaft must protrude beyond the lever arm by at least 0.050 inch.

B. If the inspections in accordance with Paragraphs A1 and A2 disclose movement of the lever arm relative to the shaft or if the location of the arm or extension do not meet the limits defined in Paragraph A3 proceed as follows:

1. Remove arm from shaft and inspect serrations on both parts for wear and damage. Before removing arm, provisions, such as match-marking, should be made to assure reinstallation in the same circumferential location on the shaft. Later design shafts have a retaining ring and groove at the end of the shaft serrations to provide positive retention of the lever arm. To remove the arm from these shafts move the arm toward the governor cover until the retainer is exposed, then remove retainer.

2. If the serrations are damaged or excessively worn, replace the governor with a serviceable unit.

3. If the serrations are in satisfactory condition replace the lever arm on the shaft in its original circumferential location. If retainer ring was removed pursuant to Paragraph B1 reinstall it. Position axially on shaft to maintain 0.020- to 0.045-inch clearance between bottom side of lever arm and the top of governor cover at the maximum RPM setting. Torque the clamping screw in the lever arm to 33- to 38-inch pounds. (This value is specified in Woodward Overhaul Bulletin 33017A.) Recheck security per Paragraph A and if tight, safety the clamping screw with AMS 5685 0.024-0.026 wire or equivalent, taking care that the wire will not interfere with the aircraft manufacturer's lever arm extension.

4. Assure security of aircraft linkage to governor. If any aircraft linkage settings were changed as a result of work performed above, check rigging in accordance with the aircraft manufacturer's instructions.

Woodward FAA-approved Service Bulletin No. 33534 or later FAA-approved revisions pertain to this subject.

NOTE. The above listed governors may be installed on the following single, reciprocating engine aircraft but this listing is not all inclusive:

BEECH Models E33, F33, E33A, E33C, F33A, F33C, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, and A36 airplanes.

BELLANCA Models 14-19-3A, 17-30, 17-30A, 17-31, 17-31A, 17-31TC, 17-31ATC airplanes.

CESSNA Models 180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 180H, 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 185, 185A, 185B, 185C, 185D, 185E, A185E, 188, A188, 188A, A188A, 206, U206, P206, U206A, P206A, P206B, TU206A, TU206B, TP206A, TP206B, U206B, P206C, TP206C, P206D, TP206D, P206E, TP206E, U206C, TU206C, U206D, TU206D, U206E, TU206E, 207, T207, 210B, 210C, 210-5 (205), 210-5A 205A), 210D, 210E, T210F, 210F, T210G, T210H, 210G, 210H, T210J, 210J, 210K, and T210K airplanes.

MAULE MODELS M-4-210, M-4-210C, M-4-210S, M-4-210T, M-4-220, M-4-220C, M-4-220S, M-4-220T, and M-4-180 airplanes, MOONEY Models M20C and M20D airplanes, NAVION H Model airplanes.

This amendment becomes effective December 27, 1970.

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

Issued in Kansas City, Mo., on December 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-17179; Filed, Dec. 21, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-75]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Dallas, Tex. (Redbird Airport), control zone.

The present control zone includes specific reference to the Duncanville RBN; however, this radio beacon has been relocated and the name has now been changed to the Redbird RBN.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (35 F.R. 2054, 14448), the Dallas, Tex. (Redbird Airport), control zone is amended by deleting "Duncanville RBN" and substituting "Redbird RBN" therefor wherever it appears.

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

Issued in Fort Worth, Tex., on December 11, 1970.

WILLIAM E. MORGAN,
Acting Director, Southwest Region.

[F.R. Doc. 70-17177; Filed, Dec. 21, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-91]

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

Part 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations are to lower the designated altitudes of the Vernalis, Calif., Restricted Area R-2525 and to delete this area from the continental control area.

The Department of the Navy has advised the Federal Aviation Administration that the airspace above 14,000 feet is no longer required to accommodate the hazardous activity. Accordingly, action is taken herein to change the vertical limits of the area from 17,000 feet MSL to 14,000 feet MSL and to delete this area from the continental control area.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30-day notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

1. In § 73.25 (35 F.R. 2316) the Vernalis, Calif., Restricted Area R-2525 is amended by changing the designated altitudes from "Surface to 17,000 feet MSL" to "Surface to 14,000 feet MSL."

2. In § 71.151 (35 F.R. 2043) "R-2525 Vernalis, Calif.," is deleted.

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

Issued in Washington, D.C. on December 9, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-17170; Filed, Dec. 21, 1970; 8:46 a.m.]

[Airspace Docket No. 70-CE-80]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route Segment

On October 10, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16005) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate the U.S. portion of Jet Route No. 522 segment from Green Bay, Wis., via Traverse City, Mich., to Kleinburg, Ontario, Canada.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 4, 1971, as hereinafter set forth.

In §75.100 (35 F.R. 2359) Jet Route No. 522 is amended to read:

Jet Route No. 522 (Green Bay, Wis., to Huguenot, N.Y.) (Joins Canadian High Level airway No. 522). From Green Bay, Wis., via Traverse City, Mich.; Kleinburg, Ontario, Canada; Hancock, N.Y.; to Huguenot, N.Y., excluding the airspace within Canada.

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

Issued in Washington, D.C., on December 9, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-17169; Filed, Dec. 21, 1970; 8:46 a.m.]

[Docket No. 10737; Amdt. No. 734]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5, and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective January 14, 1971.

Pueblo, Colo., Pueblo Memorial Airport; VOR Runway 25R, Amdt. 14; Revised.

2. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective January 14, 1971.

Pueblo, Colo., Pueblo Memorial Airport; LOC (BC) Runway 25R, Amdt. 7; Revised.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective January 14, 1971.

Chattanooga, Tenn., Lovell Field; NDB Runway 20, Amdt. 21; Revised.
Pueblo, Colo., Pueblo Memorial Airport; NDB Runway 7L, Amdt. 7; Revised.
Pueblo, Colo., Pueblo Memorial Airport; NDB Runway 25R, Amdt. 4; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective January 14, 1971.

Chattanooga, Tenn., Lovell Field; ILS Runway 20 Amdt. 21; Revised.
Philadelphia, Pa., North Philadelphia Airport; ILS Runway 24, Amdt. 1; Revised.
Pueblo, Colo, Pueblo Memorial Airport, ILS Runway 7L, Amdt. 10; Revised.
Pueblo, Colo, Pueblo Memorial Airport; ILS Runway 25R, Original; Established.
Seattle, Wash., Boeing Field International/King County Airport; ILS Runway 13R, Amdt. 13; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on December 15, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[F.R. Doc. 70-17176; Filed, Dec. 21, 1970; 8:46 a.m.]

[Docket No. 10182; Amdt. 145-14]

PART 145—REPAIR STATIONS

Equipment Material Requirements for Radio Rated Repair Stations

The purpose of these amendments to Appendix A of Part 145 of the Federal Aviation Regulations is to update the minimum material and equipment requirements for all classes of radio ratings.

These amendments are based on a notice of proposed rule making (Notice 70-10) published in the FEDERAL REGISTER on March 13, 1970 (35 F.R. 4523). Several comments were received in response to the notice and consideration has been given to all relevant matter presented.

One comment recommended that for a repair station holding a Class 2 rating, the repairing of speakers should be a job function which may be performed under contract by another agency. The FAA agrees. Since speakers are not common components of navigation radio systems, it is reasonable to permit speaker repairs to be performed by another agency and the regulation has been revised accordingly

One comment objected to retaining "The determination and compensation for quadrantal error in aircraft direction finder equipment" as a job function under a Class 2 rating. It was pointed out that quadrantal error determination in automatic direction finders should be, and in the majority of instances is, determined by the manufacturer of the particular equipment in close association with airframe manufacturers. However, the FAA is aware that there are instances where manufacturers do not provide the required information for retrofit installations on older aircraft. Therefore, Class 2 rated repair stations must have the equipment necessary to perform this function.

Another comment recommended that repair stations should have the equipment necessary to test pressure sensitive components. However, it appears that this recommendation is based solely on difficulties involving air carrier airplanes. The maintenance on such airplanes is performed in accordance with the air carrier's maintenance manual and the requirements of Part 121. Therefore, the FAA does not consider that it is necessary to add such a requirement to Part 145.

A comment was also received indicating that the regulations need clarification since DME and transponder equipment could both come within the scope of Class 1, 2, or 3. The FAA does not agree with this comment. DME and transponder equipment operate on radar and pulsed radiofrequency principals and under the provisions of § 145.31, such equipment is covered by a Class 3 rating only.

It was suggested by one commentator that since loop antennas used by airlines are sealed and checked at the vendor's facility, "The measuring of loop antenna sensitivity by appropriate methods", should be deleted as a job function under a Class 2 rating. The FAA does not agree. While the air carriers may, as a matter of practice, return the loop antenna to the vendor for the measuring of sensitivity, this is not the practice of general aviation operators. Therefore, repair stations holding a Class 2 rating need the equipment necessary to perform that job function.

One commentator stated that no commercial radar system in use today requires pressurization with dry air, or nitrogen, and recommended that this job function should be deleted from Class 3 rating. The FAA does not agree. There are radar systems in use today in general aviation operations which require pressurization with dry air, nitrogen, or other gases. Therefore, a repair station holding a Class 3 rating must have the equipment necessary to perform this job function.

Finally, one commentator recommended that the painting and refinishing of containers; the making and reproducing of drawings, wiring diagrams, and other similar material required to record alterations and/or modifications to radios; and the metal plating of transmission lines, wave guides, and similar equipment, should all be deleted as job functions for repair stations. However, there was no information submitted to support these recommendations and the FAA considers that all of the job functions are appropriate. Moreover, since all of these job functions may be performed by outside agencies, the repair stations need not maintain on their premises the equipment and material necessary to perform them.

After further consideration, the FAA has decided that it is not necessary for a repair station holding a Class 2 rating to provide the equipment and material necessary for performing the job function of testing and repairing microphones and the proposed requirement is withdrawn.

In consideration of the foregoing, paragraph (d) of Appendix A of Part 145 of the Federal Aviation Regulations is amended, effective March 24, 1971, as hereinafter set forth:

APPENDIX A

* * * * *

(d) An applicant for a radio rating must provide equipment and materials as follows:

(1) For a Class 1 (Communications) radio rating, the equipment and materials necessary for efficiently performing the job functions listed in subparagraph (4) and the following job functions:

The testing and repair of headsets, speakers, and microphones.

The measuring of radio transmitter power output.

(2) For a Class 2 (Navigation) radio rating, the equipment and materials necessary for efficiently performing the job functions listed in subparagraph (4) and the following job functions:

The testing and repair of headsets.

The testing of speakers.

The repair of speakers.*

The measuring of loop antenna sensitivity by appropriate methods.

The determination and compensation for quadrantal error in aircraft direction finder radio equipment.

The calibration of any radio navigational equipment, enroute and approach aids, or similar equipment, appropriate to this rating to approved performance standards.

(3) For Class 3 (Radar) radio rating, the equipment and materials necessary for efficiently performing the job functions listed in subparagraph (4) and the following job functions:

The measuring of radio transmitter power output.

The metal plating of transmission lines, wave guides, and similar equipment in accordance with appropriate specifications.*

The pressurization of appropriate radar equipment with dry air, nitrogen, or other specified gases.

(4) For all classes of radio ratings, the equipment and materials necessary for efficiently performing the following job functions:

Perform physical inspection of radio systems and components by visual and mechanical methods.

Perform electrical inspection of radio systems and components by means of appropriate electrical and/or electronic test instruments.

Check aircraft wiring, antennas, connectors, relays, and other associated radio components to detect installation faults

Check engine ignition systems and aircraft accessories to determine sources of electrical interference.

Check aircraft power supplies for adequacy and proper functioning.

Test radio instruments.*

Overhaul, test, and check dynamotors, inverters, and other radio electrical apparatus.*

Paint and refinish equipment containers.*

Accomplish appropriate methods of marking calibrations, or other information on radio control panels and other components, as required.*

Make and reproduce drawings, wiring diagrams, and other similar material required to record alterations and/or modifications to radio (photographs may be used in lieu of drawings when they will serve as an equivalent or better means of recording).*

Fabricate tuning shaft assemblies, brackets, cable assemblies, and other similar components used in radios or aircraft radio installations.*

Align tuned circuits (RF and IF).

Install and repair aircraft antennas.

Install complete radio systems in aircraft and prepare weight and balance reports* (that phase of radio installation requiring alterations to the aircraft structure must be performed, supervised, and inspected by qualified personnel).

Measure modulation values, noise, and distortion in radios.

Measure audio and radio frequencies to appropriate tolerances and perform calibration necessary for the proper operation of radios.

Measure radio component values (inductance, capacitance, resistance, etc.).

Measure radiofrequency transmission line attenuation.

Determine wave forms and phase in radios when applicable.

Determine proper aircraft radio antenna, lead-in and transmission line characteristics and locations for type of radio equipment to which connected.

Determine operational condition of radio equipment installed in aircraft by using appropriate portable test apparatus.

Determine proper location for radio antennas on aircraft.

Test all types of electronic tubes, transistors, or similar devices in equipment appropriate to the rating.

* * * * *

(Secs. 313(a), 601, 606, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1426, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 11, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-17157; Filed, Dec. 21, 1970; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter VI—Bureau of Domestic Commerce, Department of Commerce

CHANGE IN CHAPTER HEADING

To implement the provisions of Department of Commerce Organization Order 40-1A, which was effective September 15, 1970, Chapter VI of Title 15 of the Code of Federal Regulations, presently titled "Business and Defense Services Administration," is changed to read as set forth above.

WILLIAM D. LEE,
Director,
Bureau of Domestic Commerce.

DECEMBER 16, 1970.

[F.R. Doc. 70-17166; Filed, Dec. 21, 1970; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter III—Bureau of Domestic Commerce, Department of Commerce

CHANGE IN CHAPTER HEADING

To implement the provisions of Department of Commerce Organization Order 40-1A, which was effective September 15, 1970, Chapter III of Title 19 of the Code of Federal Regulations, presently titled "Business and Defense Services Administration," is changed to read as set forth above.

WILLIAM D. LEE,
Director,
Bureau of Domestic Commerce.

DECEMBER 16, 1970.

[F.R. Doc. 70-17164; Filed, Dec. 21, 1970; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Orders Nos. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95-D for the Leather, Leather Goods, and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, and pursuant to the Secretary of Labor's Orders Nos. 2-69 (34 F.R. 1203), 19-70 and 20-70, the recommendations of Industry Committee No. 95-D are hereby published, to be effective January 7, 1971, in this order amending § 602.2 of Title 29, Code of Federal Regulations.

As amended, § 602.2 reads as follows:

§ 602.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C. this 17th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70-17193; Filed, Dec. 21, 1970; 8:48 a.m.]

PART 610—CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15223), the Secretary of Labor appointed and convened Industry Committee No. 95-D for the Children's Dress and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, and pursuant to the Secretary of Labor's Orders Nos. 2-69 (34 F.R. 1203), 19-70 and 20-70 the recommendations of Industry Committee No. 95-D are hereby published, to be effective January 7, 1971, in this order amending § 610.2 of Title 29, Code of Federal Regulations.

As amended, § 610.2 reads as follows:

§ 610.2 Wage rates.

* * * * *

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 17th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70-17194; Filed, Dec. 21, 1970; 8:48 a.m.]

PART 612—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–D for the Needlework and Fabricated Textile Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18 and pursuant to the Secretary of Labor's Orders, No. 2–69 (34 F.R. 1203), No. 19–70 and 20–70, the recommendations of Industry Committee No. 95–D are hereby published, to be effective January 7, 1971, in this order amending § 612.2 of Title 29, Code of Federal Regulations.

As amended, § 612.2 reads as follows:

§ 612.2 Wage rates.

* * * * *

(d) *1966 coverage classification.* This classification is defined as all activities in the needlework and fabricated textile products industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Knit gloves classification.* (i) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.60 an hour thereafter.

(ii) This classification is defined as the manufacture of knit or crocheted gloves and mittens.

(2) *General classification.* (i) The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971, and $1.60 an hour thereafter.

(ii) This classification is defined as all activities in the needlework and fabricated textile products industry except those included in the knit gloves classification.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 17th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70–17195; Filed, Dec. 21, 1970; 8:48 a.m.]

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95–D for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18 and pursuant to the Secretary of Labor's Orders Nos. 2–69 (34 F.R. 1203), 19–70 and 20–70, the recommendations of Industry Committee No. 95–D are hereby published, to be effective January 7, 1971, in this order amending § 615.2 of Title 29, Code of Federal Regulations.

As amended, § 615.2 reads as follows:

§ 615.2 Wage rates.

* * * * *

(c) *1966 coverage classifications.* The classifications in this paragraph (c) include only those activities in the men's and boys' clothing and related products industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Trousers classification.* (i) The minimum wage for this classification is $1.30 an hour for the period beginning February 1, 1970, and ending the day preceding the effective date of this order; $1.45 an hour beginning on the effective date of this order (Jan. 7, 1971), and ending January 31, 1971; and $1.55 an hour thereafter.

* * * * *

(2) *General classification.* The minimum wage for this classification is $1.45 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and $1.60 an hour thereafter.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 17th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70–17196; Filed, Dec. 21, 1970; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 3 (AGE–2), Amdt. 5]

AGE–2—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Form of Application

For the purpose of unifying U.S. citizenship requirements in all areas, section 6, paragraph 8, contained in AGE–2 of this title and chapter, is hereby amended by (1) deleting the word "follow" at the end of the introductory sentence and inserting in lieu thereof the words "set forth in 46 CFR Part 355 (General Order 89, Rev.)"; and (2) deleting the "Affidavit of United States Citizenship of Corporate Applicant" in its entirety.

Dated: December 11, 1970.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70–17167; Filed, Dec. 21, 1970; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 70–112A]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

HUDSON RIVER AT HYDE PARK, N.Y.

1. The Commander, Third Coast Guard District, New York, N.Y. by letter dated November 9, 1970, requested the

establishment of a special anchorage area on the Hudson River at Hyde Park, N.Y. A public notice dated June 30, 1970 was issued by the Commander, Third Coast Guard District. In addition, a notice of proposed rule making was published in the FEDERAL REGISTER of October 3, 1970 (35 F.R. 15447). No comments were received concerning the Public Notice or the notice of proposed rule making. Therefore, the request to establish a special anchorage area on the Hudson River at Hyde Park, N.Y., is granted. In this special anchorage area, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

2. Section 110.60 is amended by adding a new paragraph (p–2) to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(p–2) *Hudson River, at Hyde Park, N.Y.* Beginning at a point on the shoreline at latitude 41°49'06.5" N., longitude 73°56'35.3" W.; thence west to a point at latitude 41°49'06.5" N., longitude 73°-56'42.5" W.; thence north-northeasterly to a point at latitude 41°49'12.5" N., longitude 73°56'40.7" W.; thence due east to a point on the shoreline at latitude 41°49'12.5" N., longitude 73°56'37.7" W.; thence along the shoreline to the point of beginning.

* * * * *

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.46(c)(2) (35 F.R. 4959), 33 CFR 1.05–1(c)(1) (35 F.R. 8279))

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

Dated: December 17, 1970.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[F.R. Doc. 70–17207; Filed, Dec. 21, 1970; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60–5—WASHINGTON PLAN

Affirmative Action Program To Assure Compliance With Equal Employment Opportunity Requirements of Executive Order 11246 for Federally Involved Construction Contractors

Pursuant to a notice of hearing appearing in the FEDERAL REGISTER on April 9, 1970 (35 F.R. 5845), representatives of the Department of Labor conducted public hearings in Washington, D.C., on April 13, 14, and 15, 1970, for the purpose of determining what action should be taken to insure equal employment opportunity in the construction industry in the Washington, D.C., area. As a result of the findings made during those hearings, the Washington Plan was issued, on June 1, 1970, and is hereby published in the FEDERAL REGISTER.

Therefore, and pursuant to Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65 Comp., p. 406) and, sections 60–1.1 and 60–1.40 of title 41 of the Code of Federal Regulations, Chapter 60 of these regulations is hereby amended by adding a new Part 60–5 to read as set forth below.

Subpart A—Purpose; Applicability; Background

Sec.
60–5.1 Purpose.
60–5.2 Applicability.
60–5.3 Background.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

60–5.10 General findings.
60–5.11 Minority participation in the specified trades.
60–5.12 Availability of minority group persons for employment.
60–5.13 Need for training.
60–5.14 The impact of the plan upon the existing labor force.
60–5.15 Conclusions of findings.

Subpart C—Nondiscriminatory Purpose of the Plan; the Order; Exemptions From the Order; Authority; Effective Date

60–5.20 Nondiscriminatory purpose of the plan.
60–5.21 Order.
60–5.22 Exemptions.
60–5.23 Effective date.

Subpart D—Appendix A

60–5.30 Appendix A.

AUTHORITY: The provisions of this Part 60–5 are issued under secs. 201, 202, 205, 211, 301, 302, and 303 of Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65 Comp., p. 406) and secs. 60–1.1 and 60–1.40 of title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–5.1 Purpose.

The purpose of this order is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in the Washington Standard Metropolitan Statistical Area (SMSA), the area in which the most significant construction is being and will be performed. The SMSA includes the District of Columbia, the Virginia cities of Alexandria, Fairfax, and Falls Church, the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William and the Maryland counties of Montgomery and Prince Georges.

§ 60–5.2 Applicability.

While a contractor or subcontractor is performing in the Washington SMSA on Federal or federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000, all construction activities (including all activities on nonfederally involved work) within the Washington SMSA of such contractor or subcontractor shall be subject to the requirements of this order: *Provided, however,* That if an areawide agreement is developed for any trade covered by this order or any such trade is covered by a multitrade agreement and such an agreement is among contractors, unions, and the minority community, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of this order, subject to such terms and conditions as OFCC may specify.

§ 60–5.3 Background.

(a) Pursuant to public hearings conducted by representatives of the Department of Labor in Washington, D.C., on April 13, 14, and 15, 1970, to determine what action should be taken to insure equal employment opportunity in the construction industry in the Washington, D.C., area.

(b) Testimony was heard and data received on the following:

(1) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(2) The effectiveness of present employee recruitment methods;

(3) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(4) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(5) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(6) The availability and utilization of minority contractors on federally involved contracts;

(7) The desirability and extent, including the geographical scope, of possible Federal action to ensure equal employment opportunity in the construction trades;

(8) Recommendations of governmental compliance agencies active in the Washington SMSA.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–5.10 General findings.

As a result of the material presented at the public hearing and as a result of other investigations, it is apparent that

minority workers (Negroes, Spanish surname Americans, Orientals, and American Indians) have been prevented from fully participating in certain construction trades. This exclusion is due in great measure to the special nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls; even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter most people working in these classifications are referred to the jobs by the unions. As a result of these hiring arrangements, referral by the union is a virtual necessity for obtaining employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship programs, and, thus, have not been referred for employment.

§ 60–5.11 Minority participation in the specified trades.

(a) Approximately 26 percent of the total work force in the Washington, D.C., SMSA is minority workers. The overall minority representation of wage and salary employees in the Washington SMSA construction industry is approximately 50 percent. However, very few of these minorities are located in the "skilled" trades. For instance minority representation averages 3.3 percent among the iron workers, sheet-metal workers, electricians, plumbers and pipefitters.

(b) *Statistical data.* The most reliable data developed at the recent hearings reveals the following as the current minority representation in unions in selected trades for the Washington SMSA.

Asbestos Workers:
1.4%
Boiler Makers:
0%
Bricklayers:
56.9%
Carpenters:
16.2%
Cement Masons:
71.1%
Electricians:
4.8%
Elevator Constructors:
10.6%
Glaziers:
3.3%
Iron Workers:
3.2%
Laborers:
90.6%
Lathers:
10%
Operating Engineers:
24.4%
Pipefitters-Plumber-Steamfitter:
4.1%
Plasterers:
25.4%
Reinforce Rodmen:
32.4%
Roofers:
85.3%
Sheet-Metal Workers:
1.1%
Teamsters:
87%
Tile and Terrazzo Workers:
3.6%
Painters and Paperhangers:
6.6%

The above listing shows that at present certain of the trades are composed predominantly of minorities. Clearly such trades as the Laborers, Teamsters, Roofers, Cement Masons, and Bricklayers are not engaged in underutilization of minorities and, accordingly, will not be included under the requirements of the rules.

(c) *Excluded trades.* At this time inclusion of the Carpenters, Rodmen, Plasterers, and Operating Engineers under this order is not required. These trades contain a significant proportion of minority workers. It is expected they shall continue an even greater utilization of minority workers without regard to this order. However, within the remainder of the trades listed, minority representation is well below even that of the work force as a whole, and even more significantly below the minority representation in the construction industry. It is determined that their inclusion under this order is necessary in order to insure the full participation of minority workers in these trades.

§ 60–5.12 Availability of minority group persons for employment.

(a) *Population.* No specific data was presented at the hearings as to the minority percentage of the SMSA population. However, 71 percent of the population of the District of Columbia is nonwhite. Testimony presented at the hearing indicates that in 1969, the unemployment rate for minorities in the Washington, D.C., SMSA was twice that of whites and that there were 8,000 unemployed and nearly 73,000 underemployed minority persons in the SMSA. Also information presented at the hearing indicates that there are approximately 15,000 minority laborers in the SMSA. These persons have been working with journeymen in the various crafts and should be considered available for training that would upgrade their skills.

(b) *Vocational training.* There are approximately 1,700 minority males enrolled in vocational education programs in the District of Columbia Public School system and nearly 1,000 minority persons are involved in training through such programs as MDTA, OIC, and AIC. The Concentrated Employment Program had over 3,500 minority enrollees in 1969, and the local employment services offices record over 2,500 potentially available minority workers.

(c) *Project Build.* Project Build, a union sponsored training program, projects that it will train 630 enrollees through its program this year. During the past 2 years, 1,300 minority workers have completed training conducted by Northern Systems Inc. There are also several places in the District where "day" or "project" minority labor is available.

(d) *Community involvement.* Testimony presented at the hearings revealed, and it has consistently been this Department's experience, that the effectiveness of recruitment of minority trainees and workers depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Washington area construction industry.

(e) *Unemployed minorities.* It is estimated that at least one-half of an estimated 80,000 unemployed and underemployed minority population and 10,000 trained and/or available minority workers, are currently available for recruitment as construction workers. In addition, approximately 15,000 minority construction laborers may be available for upgrading of skills. Therefore, there are an estimated 45,000 to 60,000 minority workers presently available for construction employment and/or training, and recruitable through concerted efforts by contractors, unions, and particularly, minority community groups.

(f) *Minority subcontractors.* Information adduced at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Washington area. Utilization of these subcontractors by contractors could significantly expand the participation of minority craftsmen on projects of Federal construction contractors.

§ 60–5.13 Need for training.

(a) *Existing programs.* Testimony at the hearing revealed that training programs are in existence but that there is further need for training at all levels from preapprenticeship through skills refinement training for those about to become journeymen, with a particular need for the training of craftsmen who could become fully qualified journeymen with a limited amount of training.

(1) The Department of Labor through the Manpower Administration has committed substantial funds to further the training effort. A primary vehicle to achieve additional training has been "Project Build", which is sponsored by the Greater Washington Central Labor Council in conjunction with the Building and Construction Trades Council. Through this organization it is anticipated that 630 enrollees will be trained during this year. Another has been a preapprenticeship program conducted by Northern Systems Co. which has trained 1,300 minorities in the past 2 years.

(2) Through such programs as MDTA, OIC, AIC, CEP, high school vocational education and others, approximately 6,000 minority persons annually receive preapprenticeship training. From testimony received at the hearing it appears that such organization as Project Build and Northern Systems Co. can train in excess of 2,000 minorities annually with additional financial assistance.

(b) *Trainable persons.* It is found and determined that approximately 8,000 minority persons can receive training annually in the SMSA through existing programs with additional funding. The Manpower Administration of the Department of Labor is committed to make available such funds as may be necessary to carry out reasonable and effective training programs in furtherance of the objectives of this order, and consistent with the policies and standards of the Manpower Administration as amplified in the President's statement of March 17, 1970, directing a 50 percent increase in construction skills training over the next 5 years.

§ 60–5.14 The impact of the plan upon the existing labor force.

(a) *Contractors commitments.* A contractor could commit himself in minority hiring up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force.

(1) Specific information presented at the hearings plus national statistics from a Bureau of Labor Statistics Report of 1967 indicating an annual 4 percent outmigration from the construction trades revealed the following projections of annual new job opportunities based upon projected trade growth and replacement in each of the following trades. These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability, and outmigration.

Trade	*Annual percentages of new job openings*
Electricians	11%
Painters and Paperhangers	14.2%
Plumbers, Pipefitters and Steamfitters	10.5%
Iron Workers	14.9%
Sheet Metal Workers	11.4%

No specific estimates for projected trade growth were presented for the elevator constructors, asbestos workers, lathers, boilermakers, tile and terrazzo workers and glaziers. However, based upon the fact that these trades will operate in the same industry and in the same area as the five trades for which statistics exist, it is estimated that they will grow and require employee replacements at approximately the same annual rate as the average for the above five trades. That average annual rate is approximately 12.4 percent.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for utilization of minority manpower which can be met by employers in hiring productive, trained minority craftsmen, these rules should be developed to cover an extended period of time. Testimony at the hearing indicated that construction of the Metro Subway System would have the major impact on construction manpower requirements in the 1970's; and that a 4-year duration for the "Plan" is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for these rules to effect equal employment to the fullest extent, the standards of minority manpower utilization should be determined for the next 4 years.

§ 60–5.15 Conclusions of findings.

(a) *Current minority participation.* It is found that in the SMSA work force of over a million persons, nearly 26 percent are minority workers. Even though minority workers constitute nearly 50 percent of the wage and salary employees in the SMSA construction industry, data submitted at the public hearings reveals that minority representation is found primarily in the less-skilled trades, while in the skilled trades the minority representation is extremely low and is far below that which should have reasonably resulted from participation in the past without regard to race, color, or national origin. Therefore, it is determined that these rules are necessary to provide full minority participation in the following trades:

Asbestos Workers.
Boiler Makers.
Electricians.
Elevator Constructors.
Glaziers.
Iron Workers.
Lathers.
Painters and Paperhangers.
Pipefitters-Plumbers-Steamfitters.
Sheet Metal Workers.
Tile and Terrazzo Workers.

(b) *Effect of plan.* A construction contractor working within the Washington SMSA could increase the minority participation in his trade significantly by hiring only minorities to fill the new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in Washington (a major source of construction manpower) is three times that of the nonminority population, upon the fact that minority unemployment rate in the Washington area is twice that of nonminority unemployment, upon the fact there exists substantial minority underemployment in the area and upon the fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated positions in only the trades covered by these rules were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through May 1974 would be approximately 3,500 workers. It has earlier been determined that between 45,000 and 60,000 minority persons are presently available to fill such jobs, some with and some without training. With the anticipated increase in those who should be available over the next 5 years there appears to be more than sufficient numbers of minority workers available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1-to-1 minority-to-nonminority basis through May 1974, contractors should be able to meet their commitments through effective affirmative recruitment efforts from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment. Therefore, the ranges hereinafter established are based upon the foregoing assumptions.

(e) *Contractors and unions.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of this order, are in the best positions to evaluate the effectiveness of this order. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of this order and make advisory recommendations to the Department regarding this order.

Subpart C—Nondiscriminatory Purpose of the Plan; the Order; Exemptions From the Order; Authority; Effective Date

§ 60–5.20 Nondiscriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–5.21 Order.

After full consideration and in view of the foregoing it is:

(a) Ordered:

(1) That no contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Washington, D.C., Standard Metropolitan Statistical Area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, Notice of Requirement for Submission of Affirmative Action Plan to Ensure Equal Employment Opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work within the Washington, D.C. Standard Metropolitan Statistical Area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by these rules. Minority manpower means, for the purposes of these rules, Negroes, Spanish surname Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by these rules:

Electricians.
Painters and Paperhangers.
Plumbers, Pipefitters and Steamfitters.
Iron Workers.
Sheet Metal Workers.
Elevator Constructors.
Asbestos Workers.
Lathers.
Boiler Makers.
Tile and Terrazzo Workers.
Glaziers.

(2) A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades to be used in the performance of the federally involved contract. In no case shall there be any negotiation over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

(b) Each agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with these rules for the hereinbefore designated trades to be used during the term of the performance of the contract whether or not the work is subcontracted. The form of such notice shall be substantially similar to the one attached as Appendix A to these rules.

(c) The following ranges, constituting acceptable minimums upon which a prospective contractor or subcontractor must establish his goals, are hereby established as the standards for minority manpower utilization for each of the designated trades in the Washington SMSA for the next 4 years:

Trade	*Range of minority group employment until May 31, 1971*
Electricians	10%–16%
Painters and Paperhangers	14%–21%
Plumbers, Pipefitters, and Steamfitters	10%–15%
Iron Workers	11%–19%
Sheet Metal Workers	7%–13%
Elevator Constructors	16%–22%
Asbestos Workers	8%–14%
Lathers	16%–22%
Boiler Makers	6%–12%
Tile and Terrazzo Workers	10%–16%
Glaziers	10%–16%

Trade	*Range of minority group employment from May 31, 1971 until May 31, 1972*
Electricians	16%–22%
Painters and Paperhangers	21%–28%
Plumbers, Pipefitters and Steamfitters	15%–20%
Iron Workers	19%–27%
Sheet Metal Workers	13%–19%
Elevator Constructors	22%–28%
Asbestos Workers	14%–20%
Lathers	22%–28%
Boiler Makers	12%–18%
Tile and Terrazzo Workers	16%–22%
Glaziers	16%–22%

Trade	*Range of minority group employment from May 31, 1972 until May 31, 1973*
Electricians	22%–28%
Painters and Paperhangers	28%–35%
Plumbers, Pipefitters and Steamfitters	20%–25%
Iron Workers	27%–35%
Sheet Metal Workers	19%–25%
Elevator Constructors	28%–34%
Asbestos Workers	20%–26%
Lathers	28%–34%
Boiler Makers	18%–24%
Tile and Terrazzo Workers	22%–28%
Glaziers	22%–28%

Trade	*Range of minority group employment from May 31, 1973 until May 31, 1974*
Electricians	28%–34%
Painters & Paperhangers	35%–42%
Plumbers, Pipefitters and Steamfitters	25%–30%
Iron Workers	35%–43%
Sheet Metal Workers	25%–31%
Elevator Constructors	34%–40%
Asbestos Workers	26%–32%
Lathers	34%–40%
Boiler Makers	24%–30%
Tile and Terrazzo Workers	28%–34%
Glaziers	28%–34%

(1) After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time-to-time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added for the contracts after bids have been received.

(2) The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment of the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Washington SMSA during the term of the covered contract. The man hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(i) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals on the total of all of the contractor's or subcontractor's facilities within the Washington SMSA, provided, however, that if the contractor has denied equal employment opportunity, he shall not be in compliance with these rules or

(ii) If the contractor or subcontractor can establish that it is a member of a contractor association or other employer organization or association, which has as one of its purposes the expanded utilization of minority manpower and that the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Washington SMSA meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with these rules, or

(iii) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a union or other employee organization, that it utilizes that union or organization as its source for over 80 percent of its manpower needs and that the total minority utilization rate in the craft or crafts for which the union or organization has referred manpower on all projects within the Washington SMSA to which such union or organization has referred manpower meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity he shall not be in compliance with these rules.

(d) The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

(e) The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by these rules shall constitute a commitment to make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts to broaden his recruitment base which efforts shall include but not be limited to the following:

(1) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' response.

(2) The contractor shall maintain a file of the names and addresses of each minority worker referred to him and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file should document this and the reasons therefor.

(3) The contractor shall notify the OFCC Area Coordinator when the union

or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his effort to meet his goal.

(4) The contractor shall participate in training programs in the area, especially those funded by the Department of Labor.

(5) The contractor shall disseminate his EEO policy within his own organization by including it in any policy manual; by publicizing it in company newspapers, annual report, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting the policy; and by specific review of the policy with minority employees;

(6) The contractor shall disseminate his EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; by notifying and discussing it with all known minority organizations; and by notifying and discussing it with all subcontractors and suppliers.

(7) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations, within the contractor's recruitment area.

(8) The contractor shall make specific efforts to encourage present minority employees to recruit their friends and relatives.

(9) The contractor shall validate all man specifications, selection requirements, tests, etc.

(10) The contractor shall make every effort to provide afterschool, summer and vacation employment to minority youths.

(11) Where reasonable the contractor shall develop on-the-job training opportunities and participate and assist in any association or employer-group training programs relevant to the contractor's employee needs.

(12) The contractor shall continually inventory and evaluate all minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.

(13) The contractor shall make sure that seniority practices, job classifications, etc., do not have a discriminatory effect.

(14) The contractor shall make certain that all facilities and company activities are nonsegregated.

(15) The contractor shall continually monitor all personnel activities to insure that his EEO policy is being carried out.

(16) The contractor shall solicitate bids for subcontractors from available minority subcontractors with the trades covered by these rules, including circulation of minority contractor associations.

(f) Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this order and no formal sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its order, the agency shall take such action and impose such sanctions as may be appropriate under the Executive order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this order, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that he has met the "good faith" requirements of these rules. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply within the meaning of the Federal procurement regulations.

(g) It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and title VII of the Civil Rights Act of 1964. It is the long-standing uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended or the implementing rules, regulations, and orders.

(h) All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this order. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this order, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this order to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements, however, the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency, of any refusal or failure of any subcontractor to fulfill his obligations under this order. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

(i) Nothing in these rules shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this order.

(j) The procedures set forth in these rules shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency held will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

(k) Nothing in these rules shall be interpreted to diminish the present contract compliance review and complaint programs.

§ 60–5.22 Exemptions.

Requests for exemptions from these rules must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Federal Contract Compliance within shall be forwarded through and with the endorsement of the agency head.

§ 60–5.23 Effective date.

The provisions of this part will be effective with respect to transactions for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after June 1, 1970.

Subpart D—Appendix A

§ 60–5.30 Appendix A.

For inclusion in the Invitation or Other Solicitation for Bids for a Federally Involved Construction Contract in the Washington, D.C., Standard Metropolitan Statistical Area When the Estimated Total Cost of the Construction Project Exceeds $500,000.

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE

To be Eligible for Award of the Contract, Each Bidder Must Fully Comply With the Requirements, Terms and Conditions of This Appendix A.

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish surname American, Oriental, and American Indian) to be achieved on all work of the bidder within the Washington,

D.C., Standard Metropolitan Statistical Area during the terms of his performance of this contract in the trades specified below in conformity with the Requirements, Terms and Conditions of this Appendix A hereinafter set forth:

Trade	*Total number of manhours to be worked by minority persons on all bidder's projects within the SMSA including on this contract expressed in terms of a percentage of the total number of manhours to be worked until May 31, 1971*
Electricians	
Painters and Paperhangers	
Plumbers, Pipefitters and Steamfitters	
Iron Workers	
Sheetmetal Workers	
Elevator Constructors	
Asbestos Workers	
Lathers	
Boilermakers	
Tile and Terrazzo Workers	
Glaziers	

Trade	*Total number of manhours to be worked by minority persons on all bidder's projects within the SMSA including on this contract expressed in terms of a percentage of the total number of manhours to be worked from May 31, 1971 until May 31, 1972*
Electricians	
Painters and Paperhangers	
Plumbers, Pipefitters and Steamfitters	
Iron Workers	
Sheetmetal Workers	
Elevator Constructors	
Asbestos Workers	
Lathers	
Boilermakers	
Tile and Terrazzo Workers	
Glaziers	

Trade	*Total number of manhours to be worked by minority persons on all bidder's projects within the SMSA including on this contract expressed in terms of a percentage of the total number of manhours to be worked from May 31, 1972 until May 31, 1973*
Electricians	
Painters and Paperhangers	
Plumbers, Pipefitters and Steamfitters	
Iron Workers	
Sheetmetal Workers	
Elevator Constructors	
Asbestos Workers	
Lathers	
Boilermakers	
Tile and Terrazzo Workers	
Glaziers	

Trade	*Total number of manhours to be worked by minority persons on all bidder's projects within the SMSA including on this contract expressed in terms of a percentage of the total number of manhours to be worked from May 31, 1973 until May 31, 1974*
Electricians	
Painters and Paperhangers	
Plumbers, Pipefitters and Steamfitters	
Iron Workers	
Sheetmetal Workers	
Elevator Constructors	
Asbestos Workers	
Lathers	
Boilermakers	
Tile and Terrazzo Workers	
Glaziers	

REQUIREMENTS, TERMS AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Washington, D.C., Standard Metropolitan Statistical Area (the District of Columbia; the Virginia cities of Alexandria, Fairfax, and Falls Church; the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William; and the Maryland counties of Montgomery and Prince Georges) on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work within the Washington, D.C., Standard Metropolitan Statistical Area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this Appendix in section 3 hereof. Minority manpower means for the purposes of this Appendix, Negroes, Spanish surname Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this Appendix:

Electricians.
Painters and Paperhangers.
Plumbers, Pipefitters and Steamfitters.
Iron Workers.
Sheetmetal Workers.
Elevator Constructors.
Asbestos Workers.
Lathers.
Boilermakers.
Tile and Terrazzo Workers.
Glaziers.

A bidder who falls or refused to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades to be used in the performance of the federally involved contract. In no case shall there be any negotiation over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with this appendix for the hereinbefore designated trades to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to this Appendix A.

3. The following ranges, constituting acceptable minimums upon which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Washington SMSA for the next 4 years:

Trade	*Range of minority group employment until May 31, 1971*
Electricians	10%–16%
Painters and Paperhangers	14%–21%
Plumbers, Pipefitters and Steamfitters	10%–15%
Iron Workers	11%–19%
Sheetmetal Workers	7%–13%
Elevator Constructors	16%–22%
Asbestos Workers	8%–14%
Lathers	16%–22%
Boilermakers	6%–12%
Tile and Terrazzo Workers	10%–16%
Glaziers	10%–16%

Trade	*Range of minority group employment from May 31, 1971 until May 31, 1972*
Electricians	16%–22%
Painters and Paperhangers	21%–28%
Plumbers, Pipefitters and Steamfitters	15%–20%
Iron Workers	19%–27%
Sheetmetal Workers	13%–19%
Elevator Constructors	22%–28%
Asbestos Workers	14%–20%
Lathers	22%–28%
Boilermakers	12%–18%
Tile and Terrazzo Workers	16%–22%
Glaziers	16%–22%

Trade	*Range of minority group employment from May 31, 1972 until May 31, 1973*
Electricians	22%–28%
Painters and Paperhangers	28%–35%
Plumbers, Pipefitters and Steamfitters	20%–25%
Iron Workers	27%–35%
Sheetmetal Workers	19%–25%
Elevator Constructors	28%–34%
Asbestos Workers	20%–26%
Lathers	28%–34%
Boilermakers	18%–24%
Tile and Terrazzo Workers	22%–28%
Glaziers	22%–28%

Trade	*Range of minority group employment from May 31, 1973 until May 31, 1974*
Electricians	28%–34%
Painters and Paperhangers	35%–42%
Plumbers, Pipefitters and Steamfitters	25%–30%
Iron Workers	35%–43%
Sheetmetal Workers	25%–31%
Elevator Constructors	34%–40%
Asbestos Workers	26%–32%
Lathers	34%–40%
Boilermakers	24%–30%
Tile and Terrazzo Workers	28%–34%
Glaziers	26%–34%

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time-to-time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added for the contracts after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment of the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Washington SMSA during the term of the covered contract. The man-hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals on the total of all of the contractor's or subcontractor's facilities within the Washington SMSA: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association, which has as one of its purposes the expanded utilization of minority manpower and that the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Washington SMSA meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a union or other employee organization, that it utilizes that union or organization as its source for over 80 percent of its manpower needs and that the total minority utilization rate in the craft or crafts for which the union or organization has referred manpower on all projects within the Washington SMSA to which such union or organization has referred manpower meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

4. The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment to make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts to broaden his recruitment base which efforts shall include but not be limited to the following:

(a) The contractor shall notify community organizations that the contractor has employment opportunities available and shall maintain records of the organizations' response.

(b) The contractor shall maintain a file of the names and addresses of each minority worker referred to him and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC Area Coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral has impeded him in his efforts to meet his goal.

(d) The contractor shall participate in training programs in the area, especially those funded by the Department of Labor.

(e) The contractor shall disseminate his EEO policy within his own organization by including it in any policy manual; by publicizing it in company newspapers, annual report, etc.; by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees.

(f) The contractor shall disseminate his EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all subcontractors and suppliers.

(g) The contractor shall make specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations, and minority training organizations, within the contractor's recruitment area.

(h) The contractor shall make specific efforts to encourage present minority employees to recruit their friends and relatives.

(i) The contractor shall validate all man specifications, selection requirements, tests, etc.

(j) The contractor shall make every effort to provide afterschool, summer, and vacation employment to minority youths.

(k) Where reasonable the contractor shall develop on-the-job training opportunities and participate and assist in any association or employer-group training programs relevant to the contractor's employee needs.

(l) The contractor shall continually inventory and evaluate all minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.

(m) The contractor shall make sure that seniority practices, job classifications, etc. do not have a discriminatory effect.

(n) The contractor shall make certain that all facilities and company activities are nonsegregated.

(o) The contractor shall continually monitor all personnel activties to insure that his EEO policy is being carried out.

(p) The contractor shall solicitate bids for subcontracts from available minority subcontractors with the trades covered by this order, including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor and subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that he has met the "good faith" requirements of this appendix. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contact Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. This appendix has been issued in accordance with an order issued on June 1, 1970, by Secretary of Labor, George P. Shultz, Assistant Secretary for Wage and Labor Standards, Arthur A. Fletcher, and Director of the Office of Federal Contract Compliance, John L. Wilks. Bidders, contractors and subcontractors are bound by all the requirements, terms and conditions of that order whether or not such requirements, terms and conditions are set forth in this appendix and in the event of any inconsistency between this appendix and that order of June 1, 1970, as amended, the order of June 1, 1970, as amended shall prevail.

12. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

13. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

14. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

15. This appendix shall be signed in the space provided below.

(Bidder)

By: ---
(Date)

Its: ---

Signed at Washington, D.C. this 15th day of December 1970.

J. D. HODGSON,
Secretary of Labor.

ARTHUR A. FLETCHER,
Assistant Secretary for Workplace Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70-17192; Filed, Dec. 21, 1970; 8:47 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Bureau of Domestic Commerce, Department of Commerce

CHANGE IN CHAPTER HEADING

To implement the provisions of Department of Commerce Organization Order 40-1A, which was effective September 15, 1970, Chapter IV of Title 44 of the Code of Federal Regulations, presently titled "Business and Defense Services Administration," is changed to read as set forth above.

WILLIAM D. LEE,
Director,
Bureau of Domestic Commerce.

DECEMBER 16, 1970.

[F.R. Doc. 70-17165; Filed, Dec. 21, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Trust Income for Benefit of Grantor or Grantor's Spouse

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 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 671 and 677 of the Internal Revenue Code of 1954 to section 332 of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 599), such regulations are amended as follows:

PARAGRAPH 1. So much of paragraph (a) of § 1.671-1 as follows subparagraph (4) is amended to read as follows:

§ 1.671-1 Grantors and others treated as substantial owners; scope.

(a) * * *

(5) If the grantor or a nonadverse party has the power to distribute income to or for the benefit of the grantor or the grantor's spouse (section 677).

Under section 678, income of a trust is taxed to a person other than the grantor to the extent that he has the sole power to vest corpus or income in himself.

* * * * *

PAR. 2. Section 1.677(a) is amended by revising section 677(a) and by adding a historical note. These amended provisions read as follows:

§ 1.677(a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income for benefit of grantor; general rule.

SEC. 677. *Income for benefit of grantor*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust, whether or not he is treated as such owner under section 674, whose income without the approval or consent of any adverse party is, or, in the discretion of the grantor or a nonadverse party, or both, may be—

(1) Distributed to the grantor or the grantor's spouse;

(2) Held or accumulated for future distribution to the grantor or the grantor's spouse; or

(3) Applied to the payment of premiums on policies of insurance on the life of the grantor or the grantor's spouse (except policies of insurance irrevocably payable for a purpose specified in section 170(c) (relating to definition of charitable contributions)).

This subsection shall not apply to a power the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that the grantor would not be treated as the owner under section 673 if the power were a reversionary interest; but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

[Sec. 677(a) as amended by sec. 332, Tax Reform Act 1969 (Public Law 91-172, 83 Stat. 599)]

PAR. 3. Section 1.677(a)-1 is amended to read as follows:

§ 1.677(a)-1 Income for benefit of grantor; general rule.

(a)(1) *Scope.* Section 677 deals with the treatment of the grantor of a trust as the owner of a portion of the trust because he has retained an interest in the income from that portion. For convenience, "grantor" and "spouse" are generally referred to in the masculine and feminine genders, respectively, but if the grantor is a woman the reference to "grantor" is to her and the reference to "spouse" is to her husband. Section 677 also deals with the treatment of the grantor of a trust as the owner of a portion of the trust because the income from property transferred into trust after October 9, 1969, is, or may be, distributed to his spouse or applied to the payment of premiums on policies of insurance on the life of his spouse. However, section 677 does not apply when the income of a trust is taxable to a grantor's spouse under section 71 (relating to alimony and separate maintenance payments) or section 682 (relating to income of an estate or trust in case of divorce, etc.). See § 671-1(b).

(2) *Cross references.* See section 671 and §§ 1.671-2 and 1.671-3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or a portion of a trust.

(b) *Income for benefit of grantor or his spouse; general rule*—(1) *Property transferred into trust prior to October 10, 1969.* Under section 677 the grantor is treated in any taxable year as the owner (whether or not he is treated as an owner under section 674) of a portion of a trust of which the income for the taxable year or for a period not coming within the exception described in paragraph (e) of this section is, or in the discretion of the grantor or a nonadverse party, or both (without the approval or consent of any adverse party) may be:

(i) Distributed to the grantor;

(ii) Held or accumulated for future distribution to the grantor; or

(iii) Applied to the payment of premiums on policies of insurance on the life of the grantor, except policies of insurance irrevocably payable for a charitable purpose specified in section 170(c).

(2) *Property transferred into trust after October 9, 1969.* With respect to property transferred into trust after October 9, 1969, the grantor is treated in any taxable year during his lifetime as the owner (whether or not he is treated as an owner under section 674) of a portion of a trust of which the income for the taxable year or for a period not coming within the exception described in paragraph (e) of this section, is, or in the discretion of the grantor, or his spouse, or a nonadverse party, or any combination thereof (without the approval or consent of any adverse party other than the grantor's spouse) may be:

(i) Distributed to the grantor or the grantor's spouse;

(ii) Held or accumulated for future distribution to the grantor or the grantor's spouse; or

(iii) Applied to the payment of premiums on policies of insurance on the life of the grantor or the grantor's spouse, except policies of insurance irrevocably payable for a charitable purpose specified in section 170(c).

(c) *Constructive distribution; cessation of interest.* Under section 677 the grantor is treated as the owner of a portion of a trust if he has retained any interest which might, without the approval or consent of an adverse party, enable him to have the income from the portion, at some time, distributed to him either actually or constructively (subject to the exception described in paragraph (e) of this section). In the case of a transfer into trust after October 9, 1969, the grantor is also treated as the owner of a portion of a trust if he has granted or retained any interest which might, without the approval or consent of an adverse party (other than the grantor's spouse), enable his spouse to have the income from the portion, at some time, distributed to the spouse either actually

or constructively. Constructive distribution to the grantor or to his spouse includes payment on behalf of the grantor or his spouse to another in obedience to his or her direction and payment of premiums upon policies of insurance on the grantor's, or his spouse's, life (other than policies of insurance irrevocably payable for charitable purposes specified in section 170(c)). If the grantor and, in the case of property transferred after October 9, 1969, his spouse, are divested permanently and completely of every interest described in this paragraph, the grantor is not treated as an owner under section 677 after that divesting. The word "interest" as used in this paragraph does not include the possibility that the grantor or his spouse might receive back from a beneficiary an interest in a trust by inheritance.

(d) *Discharge of legal obligation of grantor or his spouse.* Under section 677 a grantor is, in general, treated as the owner of a portion of a trust whose income is, or in the discretion of the grantor or a nonadverse party, or both, may be applied in discharge of a legal obligation of the grantor (or his spouse in the case of property transferred into trust by the grantor after October 9, 1969). However, see § 1.677(b)–1 for special rules for trusts whose income may not be applied for the discharge of any legal obligation of the grantor other than the support or maintenance of a beneficiary (other than the grantor's spouse) whom the grantor is legally obligated to support.

(e) *Reversionary interests.* The last sentence of section 677(a) provides that a grantor shall not be treated as the owner when a discretionary right can only affect the beneficial enjoyment of the income of a trust received after a period of time during which a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673(a)–1 and 1.673(b)–1. For example, if the ordinary income of a trust is payable to B for 10 years and then in the grantor's discretion income or corpus may be paid to B or to the grantor (or his spouse in the case of property transferred into trust by the grantor after Oct. 9, 1969), the grantor is not treated as an owner with respect to the ordinary income under section 677 during the first 10 years. He will be treated as an owner under section 677 after the expiration of the 10-year period unless the power is relinquished. If the beginning of the period during which the grantor may substitute beneficiaries is postponed, the rules set forth in § 1.673(d)–1 are applicable in determining whether the grantor should be treated as an owner during the period following the postponement.

(f) *Accumulation of income.* If income is accumulated in any taxable year for future distribution to the grantor (or his spouse in the case of property transferred into trust by the grantor after Oct. 9, 1969), section 677(a)(2) treats the grantor as an owner for that taxable year. The exception set forth in the last sentence of section 677(a) does not apply merely because the grantor (or his spouse in the case of property transferred into trust by the grantor after Oct. 9, 1969) must await the expiration of a period of time before he or she can receive or exercise discretion over previously accumulated income of the trust, even though the period is such that the grantor would not be treated as an owner under section 673 if a reversionary interest were involved. Thus, if income (including capital gains) of a trust is to be accumulated for 10 years and then will be, or at the discretion of the grantor, or his spouse in the case of property transferred into trust after October 9, 1969, or a nonadverse party, may be, distributed to the grantor (or his spouse in the case of property transferred into trust after Oct. 9, 1969), the grantor is treated as the owner of the trust from its inception.

(g) *Examples.* The application of section 677(a) may be illustrated by the following examples:

Example (1). G creates an irrevocable trust which provides that the ordinary income is to be payable to himself for life and that on his death the corpus shall be distributed to a designated charity. Except for the right to receive income, G retains no right or power which would cause him to be treated as an owner under sections 671 through 677. Under the applicable local law capital gains must be applied to corpus. During the taxable year 1970 the trust has the following items of gross income and deductions:

Dividends	$5,000
Capital gain	1,000
Expenses allocable to income	200
Expenses allocable to corpus	100

Since G has a right to receive income he is treated as an owner of a portion of the trust under section 677. Accordingly, he should include the $5,000 of dividends, $200 income expense, and $100 corpus expense in the computation of his taxable income for 1970. He should not include the $1,000 capital gain since that is not attributable to the portion of the trust that he owns. See § 1.671–3(b). The tax consequences of the capital gain are governed by the provisions of subparts A, B, C, and D (section 641 and following), part I, subchapter J, chapter 1 of the Code. Had the trust sustained a capital loss in any amount the loss would likewise not be included in the computation of G's taxable income, but would also be governed by the provisions of such subparts.

Example (2). G creates a trust whose ordinary income is payable to his adult son. Ten years and one day from the date of transfer or on the death of his son, whichever is earlier, corpus is to revert to G. In addition, G retains a discretionary right to receive $5,000 of ordinary income each year. (Absent the exercise of this right all the ordinary income is to be distributed to his son.) G retained no other right or power which would cause him to be treated as an owner under subpart E (section 671 and following).

Under the terms of the trust instrument and applicable local law capital gains must be applied to corpus. During the taxable year 1970 the trust had the following items of income and deductions:

Dividends	$10,000
Capital gain	2,000
Expenses allocable to income	400
Expenses allocable to corpus	200

Since the capital gain is held or accumulated for future distributions to G, he is treated under section 677(a)(2) as an owner of a portion of the trust to which the gain is attributable. See § 1.671–3(b).

Therefore, he must include the capital gain in the computation of his taxable income. (Had the trust sustained a capital loss in any amount, G would likewise include that loss in the computation of his taxable income.) In addition, because of G's discretionary right (whether exercised or not) he is treated as the owner of a portion of the trust which will permit a distribution of income to him of $5,000. Accordingly, G includes dividends of $5,208.33 and income expenses of $208.33 in computing his taxable income, determined in the following manner:

Total dividends	$10,000.00
Less: Expenses allocable to income	400.00
Distributable income of the trust	9,600.00
Portion of dividends attributable to G (5,000/9,600 × $10,000)	5,208.33
Portion of income expenses attributable to G (5,000/9,600 × $400)	208.33
Amount of income subject to discretionary right	5,000.00

In accordance with § 1.671–3(c), G also takes into account $104.17 (5,000/9,600 × $200) of corpus expenses in computing his tax liability. The portion of the dividends and expenses of the trust not attributable to G are governed by the provisions of Subparts A through D.

PAR. 4. Section 1.677(b) is amended by revising section 677(b) and by adding a historical note. These amended provisions read as follows:

§ 1.677(b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trust for support of grantor's dependents.

SEC. 677. *Income for benefit of grantor.*

* * *

(b) *Obligations of support.* Income of a trust shall not be considered taxable to the grantor under subsection (a) or any other provision of this chapter merely because such income in the discretion of another person, the trustee, or the grantor acting as trustee or cotrustee, may be applied or distributed for the support or maintenance of a beneficiary (other than the grantor's spouse) whom the grantor is legally obligated to support or maintain, except to the extent that such income is so applied or distributed. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income for the taxable year, such amounts shall be considered to be an amount paid or credited within the meaning of paragraph (2) of section 661(a) and shall be taxed to the grantor under section 662.

(Sec. 677(b) as amended by sec. 332, Tax Reform Act 1969 (Public Law 91–172, 83 Stat. 599))

PAR. 5. Section 1.677(b)–1 is amended by revising paragraph (a) and paragraph (b). These amended provisions read as follows:

§ 1.677(b)–1 Trusts for support.

(a) Section 677(b) provides that a grantor is not treated as the owner of a trust merely because its income may in the discretion of any persons other than the grantor (except when he is acting as trustee or cotrustee) be applied

or distributed for the support or maintenance of a beneficiary (other than the grantor's spouse in the case of income from property transferred into trust after October 9, 1969), such as the child of the grantor, whom the grantor is legally obligated to support. If income of the current year of the trust is actually so applied or distributed the grantor may be treated as the owner of any portion of the trust under section 677 to that extent, even though it might have been applied or distributed for other purposes. In the case of property transferred to a trust before October 10, 1969, for the benefit of the grantor's spouse, the grantor may be treated as the owner to the extent income of the current year is actually applied for the support or maintenance of his spouse.

(b) If any amount applied or distributed for the support of a beneficiary, including the grantor's spouse in the case of property transferred into trust before October 10, 1969, whom the grantor is legally obligated to support is paid out of corpus or out of income other than income of the current year, the grantor is treated as a beneficiary of the trust, and the amount applied or distributed is considered to be an amount paid within the meaning of section 661(a)(2), taxable to the grantor under section 662. Thus, he is subject to the other relevant portions of subparts A through D (section 641 and following), part I, subchapter J, chapter 1 of the Code. Accordingly, the grantor may be taxed on an accumulation distribution or a capital gain distribution under subpart D (section 665 and following) of such part I. Those provisions are applied on the basis that the grantor is the beneficiary.

* * * * *

[F.R. Doc. 70-17208; Filed, Dec. 21, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911, 915]

[Dockets Nos. AO-267-A5 and AO-254-A6]

LIMES GROWN IN FLORIDA AND AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Hearing With Respect to Proposed Amendments of the Marketing Agreements, as Amended, and Orders, as Amended

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and proceduce governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, FL at 9 a.m., local time, January 27, 1971, with respect to proposed further amendment of the marketing agreement and order (7 CFR Part 911) regulating the handling of limes grown in Florida, and further amendment of the marketing agreement and order (7 CFR Part 915) regulating the handling of avocados grown in south Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following further amendments of the amended marketing agreements and orders were proposed by the respective administrative committee, the administrative agencies established pursuant to the marketing agreements and orders.

Revise paragraph (a) of § 911.52 *Issuance of regulations* by adding thereto a new subparagraph (5) reading as follows:

§ 911.52 **Issuance of regulations.**

(a) * * *

(5) Provide that any or all requirements effective pursuant to subparagraph (1), (3), and (4) applicable to the handling of limes shall be different for the handling of limes within the production area and for the handling of limes between the production area and any point outside thereof.

* * * * *

Revise paragraph (a) of § 915.51 *Issuance of regulations* by adding thereto a new subparagraph (5) reading as follows:

§ 915.51 **Issuance of regulations.**

(5) Provide that any or all requirements effective pursuant to subparagraphs (1), (2), (3), and (4) applicable to the handling of avocados shall be different for the handling of avocados within the production area and for the handling of avocados between the production area and any point outside thereof.

* * * * *

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the amended marketing agreements and orders as may be necessary to make the entire provisions thereof conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Mr. M. F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, FL 33802.

Dated: December 17, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-17204; Filed, Dec. 21, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 70-138]

HAMPTON ROADS, VA., AND ADJACENT WATERS

Proposed Anchorage Grounds

1. Notice is hereby given that the Chief, Office of Operations, U.S. Coast Guard Headquarters, under authority of section 7, 38 Stat. 1053 (33 U.S.C. 471), section 6(g)(1)(A) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g)(1)(A)), 49 CFR 1.46(c)(1) (35 F.R. 4959), and 33 CFR 1.05-1(c)(1) (35 F.R. 8279), is considering the addition of a subparagraph (1-a) to § 110.168(a) of Subchapter I of Title 33, Code of Federal Regulations.

2. The proposed new subparagraph would establish and describe two Temporary Anchorage Grounds for Construction Barges required in the construction of a second South Island for the second Hampton Roads Bridge-Tunnel. The two areas are needed for mooring sand and gravel barges which are closer to the construction site than any of the presently designated anchorages in Hampton Roads. The proposed areas also afford greater protection for the barges during strong westerly winds which occasionally strike this area.

3. It is proposed that § 110.168(a) be amended by adding a new subparagraph (1-a) to read as follows:

§ 110.168 **Hampton Roads, Va., and adjacent waters.**

(a) * * *

(1-a) *Temporary Anchorages for Construction Barges.*

(i) *Area 1.* A 300-yard diameter area with the center at latitude 37°00'30" N., and 76°19'07" W.; or 200 yards west of buoy No. 9, Phoebus Channel.

(ii) *Area 2.* A 200-yard diameter area with the center at latitude 36°59'10" N., longitude 76°18'15" W.; or 200 yards west of the present South Island of the Hampton Roads Bridge-Tunnel.

NOTE: Area 2 will be used to moor barges for a short duration and then only while being tended by a boat.

* * * * *

4. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before January 25, 1971. All submissions should be made in writing to the Commander, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705.

5. To expedite the handling of submissions regarding this proposal, it is requested that each submission be submitted in triplicate and state the subject to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, ad-

dress, and firm or organization, if any, of the person making the submission.

6. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District, Federal Building, Room 600, 431 Crawford Street, Portsmouth, VA 23705.

7. After all interested persons have expressed their views, the Commander, Fifth Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591. The Chief, Office of Operations, U.S. Coast Guard Headquarters will thereafter make final determination with respect to this proposal.

Dated: December 17, 1970.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard, Chief, Office of Operations.

[F.R. Doc. 70-17206; Filed, Dec. 21, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-72]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Taos, N. Mex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

TAOS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.; within 3 miles each side of a 215° bearing from the Taos NDB (lat. 36°27'40" N., long. 105°40'10" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface beginning at lat. 36°07'00" N., long. 105°50'00" W., thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to lat. 36°48'00" N., long. 105°49'15" W., thence direct to lat. 36°30'00" N., long. 105°30'00" W., thence direct to point of beginning.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at the Taos, N. Mex., Municipal Airport.

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

Issued in Fort Worth, Tex., on December 8, 1970.

WILLIAM E. MORGAN,
Acting Director, Southwest Region.

[F.R. Doc. 70-17171; Filed, Dec. 21, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-95]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Willows, Calif.

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

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

Two new instrument approach procedures have been developed for Willows-Glenn County Airport, Calif., utilizing the 360° T(342° M) radial of the Maxwell, Calif., VORTAC. The proposed 700-foot transition area will provide controlled airspace protection for aircraft executing prescribed instrument procedures while operating between 1,500 and 700 feet above the surface.

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

In § 71.181 (35 F.R. 2134) the following transition area is added:

WILLOWS, CALIF.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 to 19.5 miles north of the VORTAC.

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

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

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-17172; Filed, Dec. 21, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-96]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments

presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new instrument approach procedure has been developed for Elko, Nev., Airport utilizing the 161° T (144° M) radial as the final approach and procedure turn radial. In addition 10NM transitions have been incorporated to intercept the final approach radial.

The proposed 700-foot transition area is required to provide controlled airspace protection for the procedure turn area. The additional 1,200-foot transition area, in conjunction with the 1,200-foot airway floors, will provide controlled airspace protection for aircraft executing the 10NM arc transitions.

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

In § 71.181 (35 F.R. 2134) the description of the Elko, Nev., transition area is amended to read as follows:

ELKO, NEV.

That airspace extending upwards from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by an arc of a 17-mile radius circle centered on the Elko VORTAC, extending clockwise from the 091° to the 258° radial of the Elko VORTAC.

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

Issued in Los Angeles, Calif., on December 8, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-17173; Filed, Dec. 21, 1970; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 70-EA-44]

FEDERAL AIRWAY AND JET ROUTE, CONTROL AREA, AND TRANSITION AREA

Proposed Extension, Designation and Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would redesignate VOR Federal airway No. 139 segment from the Skipper, Mass., intersection direct to Kennebunk, Maine; extend Jet Route No. 573 from Kennebunk via the Intersection of Kennebunk 180° T (197° M) and the Providence, R.I., 045° T (059° M) radials to Providence; designate control area for the portion of J-573 outside the continental control area; and alter the Portland, Maine, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions:

1. Redesignate V-139 segment from the Skipper, Mass., intersection direct to Kennebunk, Maine, excluding the airspace below 2,000 feet MSL outside the United States.

2. Extend J-573 from Kennebunk via the intersection of the Kennebunk 180° T (197° M) and Providence, R.I., 045° T (059° M) radials to Providence.

3. Designate control areas under § 71.161 to be associated with the portion of proposed extension of J-573 outside the continental control area.

4. Alter the Portland, Maine, transition area to include the airspace upward from 2,000 feet MSL to Flight Level 450, within Warning Area W-103 and the small area of uncontrolled airspace between W-103 and Control 1141 west of long. 70°25'00" W.

These proposed actions would provide bypass routes and controlled airspace east of the Boston terminal area. These routes and controlled airspace would be utilized to expedite arrival and departure traffic to terminals northeast of Boston, thereby relieving traffic congestion presently experienced at the Ipswich, Mass., intersection.

In an associated non-rule-making action, Warning Area W-103 would be altered to exclude the airspace upward from 2,000 feet MSL to FL 450 west of long. 70°25'00" W.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 16, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-17175; Filed, Dec. 21, 1970; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 70-SW-65]

JET ROUTE SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign the segment of Jet Route No. 74 between Texico, N. Mex., and Greater Southwest, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or argu-

ments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to realign J-74 segment from Texico direct to Oklahoma City, at which point it would terminate.

Jet Route No. 74 is presently designated as a common route segment with Jet Route No. 72 from Texico via Wichita Falls, Tex., to Greater Southwest. The realignment of J-74 from Texico direct to Oklahoma City will provide a segment for a dual route configuration to handle the large volume of east-west transcontinental traffic routed south via Oklahoma City to avoid adverse weather and traffic conditions north of Oklahoma City area.

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

Issued in Washington, D.C., on December 9, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-17174; Filed, Dec. 21, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 6]

SIGNAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $233,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

SIGNAL INSURANCE COMPANY
LOS ANGELES, CALIFORNIA
CALIFORNIA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 16, 1970.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-17205; Filed, Dec. 21, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-1885-C]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 22, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and the regulations in 43 CFR 2420 and 2460, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described land from appropriation under the Agriculture land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), from exchange (43 U.S.C. 315g), and from sale under the Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427). As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn for a Federal use or purpose.

The lands will remain open to disposal under the Recreation and Public Purposes Act of June 24, 1925 (44 Stat. 741, 68 Stat. 173, 43 U.S.C. 869) as amended. The public lands described in paragraph 5 are further segregated from appropriation under the general mining laws but not the mineral leasing and material sale laws. The public lands described in paragraph 6 are further segregated from all forms of appropriation except under the Recreation and Public Purposes Act, the general mining laws, the mineral leasing laws, and the material sale laws.

2. This classification will add some 24,800 acres to the previous countywide multiple-use classification N-1885, classified on November 1, 1969. The lands involved have been identified as being valuable for a community college site, school sites, recreation use and development, wildlife habitat (extremely valuable winter deer range), scenic open space near Topaz Lake and along U.S. Highway 395 and watershed purposes. The Bureau of Land Management's District Office has worked closely with local governmental officials in identifying these areas which have high public use potential. Segregation from appropriation under the public land laws, except the Recreation and Public Purposes Act, and in part from appropriation under the general mining laws, will help insure protection and provide for public use of these sites.

Comments received on this classification have all been favorable to the action planned.

3. The public land affected by this classification is shown on maps on file and avaliable for inspection in the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, NV and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, NV 89502.

4. The public lands being classified for multiple-use management are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 19 E.,
Sec. 24, NE¼SW¼, N½SE¼.

T. 14 N., R. 20 E.,
Sec. 5, lots 3-13 and 16-18 (NW¼NW¼), E½SW¼NW¼, NE¼NW¼SW¼NW¼, NE¼SW¼SW¼NW¼, NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼, NW¼NW¼SE¼NW¼, SW¼;
Sec. 6, SW¼NE¼SW¼NE¼, N½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, E½NE¼SE¼NE¼, NW¼NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, NW¼SW¼SE¼NE¼, SE¼SW¼SE¼NE¼, SE¼SE¼NE¼, E½E½SE¼, NW¼NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, N½N½NW¼SE¼, SW¼NE¼NW¼SE¼, S½NW¼NW¼SE¼, S½NW¼SE¼, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼;
Sec. 7, NE¼NE¼NE¼, S½NW¼NE¼NE¼, S½NE¼NE¼;
Sec. 8, N½NW¼;
Sec. 18, S½SW¼;
Sec. 21, NW¼SE¼, SE¼SE¼;
Sec. 27, E½SW¼.

T. 13 N., R. 20 E.,
Sec. 1, E½;
Sec. 12, NE¼, N½SE¼.

T. 13 N., R. 21 E.,
Sec. 4, E½;
Sec. 7, N½NE¼, NW¼, N½SW¼;
Sec. 8, E½NW¼, NW¼NW¼, E½SW¼, SE¼;
Sec. 9, all;
Sec. 16, N½N½;
Sec. 17, E½, E½W½.

T. 12 N., R. 21 E.,
Sec. 5, NW¼SW¼, S½S½;
Sec. 6, S½;
Sec. 7, all;
Sec. 8, all;
Sec. 9, SW¼, W½SE¼, SE¼SE¼;
Sec. 16, all;
Sec. 17, N½, W½SW¼, E½SE¼;
Sec. 18, N½NE¼, E½SW¼NE¼, SE¼NE¼, NE¼NW¼, lots 1 and 3, E½SW¼, SE¼;
Sec. 19, NE¼NW¼, E½;
Sec. 20, all;
Sec. 21, all;
Sec. 29, N½, SW¼;
Sec. 30, E½, S½NW¼, N½SW¼, SE¼SW¼.

T. 11 N., R. 21 E.,
Sec. 1, SW¼, W½SE¼;
Sec. 3, W½W½, SE¼SW¼, SW¼SE¼;
Sec. 4, N½, NE¼SW¼, SE¼;
Sec. 9, E½NE¼;
Sec. 10, W½NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼;
Sec. 11, W½SW¼;
Sec. 12, NW¼NE¼, N½NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, NE¼NW¼, SW¼;
Sec. 16, S½.

T. 11 N., R. 22 E.,
Sec. 8, NE¼NE¼, S½NE¼;
Sec. 17, S½;
Sec. 18, NW¼SE¼, S½ SE¼;
Sec. 20, E½SE¼;
Sec. 29, E½NE¼;
Sec. 32, N½, N½S½, SW¼SW¼, SE¼SE¼.

T. 10 N., R. 21 E.,
Sec. 23, lots 4 and 5;
Sec. 24, lots 4, 5, 6, and 7.

T. 10 N., R. 22 E.,
Sec. 1, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 2, N½, N½S½;
Sec. 3, NE¼, N½S½;
Sec. 5, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 8, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 17, N½NW¼;
Sec. 19, S½NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 20, all;
Sec. 21, S½;
Sec. 28, N½;

Sec. 29, E½NE¼, NW¼NE¼, N½SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, E½SW¼NE¼NW¼, N½NW¼NW¼;
Sec. 30, NE¼NE¼, SW¼NE¼, lots 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Sec. 31, lot 3;
Sec. 33, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 34, S½NE¼, SE¼NW¼, S½;
Sec. 35, W½NE¼, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼.

T. 10 N., R. 23 E.,
Sec. 4, N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 5, N½N½, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 6, N½, SW¼, NW¼SE¼;
Sec. 7, W½NW¼;
Sec. 8, NE¼, N½SE¼;
Sec. 21, lots 1–4, 7–10;
Sec. 22, lots 1–4, S½N½;
Sec. 28, lots 1–4, E½W½;
Sec. 33, lots 1–5, E½NW¼, NE¼SW¼.

T. 9 N., R. 23 E.,
Sec. 4, lots 3, 4, 11–14, S½NW¼;
Sec. 9, lots 1–8, E½W½;
Sec. 16, lots 1–7, E½W½;
Sec. 20, lots 1–11, SE¼NE¼, S½SE¼;
Sec. 21, W½.

T. 9 N., R. 22 E.,
Sec. 3, lots 3, 4, S½NE¼, N½SE¼;
Sec. 4, lots 1, 2, 8, 9, 10, 11, S½NE¼;
Sec. 10, E½NE¼, NW¼NE¼.

The area described above totals approximately 24,800 acres.

5. The following described public lands are further segregated from appropriation under the general mining laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 20 E.,
Sec. 5, lots 3–13 and 16–18, (NW¼NW¼), E½SW¼NW¼, NE¼NW¼SW¼NW¼, NE¼SW¼SW¼NW¼, NE¼SE¼NW¼, NW¼NW¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼, SW¼;
Sec. 6, SW¼NE¼SW¼NE¼, N½SE¼SW¼NE¼, SW¼SE¼SW¼NE¼, E½NE¼SE¼NE¼, NW¼NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, NW¼SW¼SE¼NE¼, SE¼SW¼SE¼NE¼, SE¼SE¼NE¼, E½E½SE¼, NW¼NW¼NE¼SE¼, SE¼NW¼NE¼SE¼, S½SW¼NE¼SE¼, N½N½NW¼SE¼, SW¼NE¼NW¼SE¼, S½NW¼NW¼SE¼, S½NW¼SE¼, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼;
Sec. 7, NE¼NE¼NE¼, S½NW¼NE¼NE¼, S½NE¼NE¼;
Sec. 8, N½NW¼;
Sec. 18, S½SW¼;
Sec. 27, E½SW¼.

T. 14 N., R. 19 E.,
Sec. 24, NE¼SW¼, N½SE¼.

T. 10 N., R. 21 E.,
Sec. 23, lots 4 and 5;
Sec. 24, lots 4, 5, 6, and 7.

T. 10 N., R. 22 E.,
Sec. 19, S½NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 20, all;
Sec. 21, S½;
Sec. 28, N½;
Sec. 29, E½NE¼, NW¼NE¼, N½SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, E½SW¼NE¼NW¼, N½NW¼NW¼;
Sec. 30, NE¼NE¼, SW¼NE¼, lots 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Sec. 31, lot 3;
Sec. 33, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 34, S½NE¼, SE¼NW¼, S½;
Sec. 35, W½NE¼, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼.

T. 10 N., R. 23 E.,
Sec. 21, lots 1–4, 7–10;
Sec. 22, lots 1–4, S½N½;
Sec. 28, lots 1–4, E½W½;
Sec. 33, lots 1–5, E½NW¼, NE¼SW¼.

T. 9 N., R. 23 E.,
Sec. 4, lots 3, 4, 11–14, S½NW¼;
Sec. 9, lots 1–8, E½W½;
Sec. 16, lots 1–7, E½W½;
Sec. 20, lots 1–11, SE¼NE¼, S½SE¼;
Sec. 21, W½.

T. 9 N., R. 22 E.,
Sec. 3, lots 3, 4, S½NW¼, N½SE¼;
Sec. 4, lots 1, 2, 8, 9, 10, 11, S½NW¼;
Sec. 10, E½NE¼, NW¼NE¼.

The area described above totals approximately 8,200 acres.

6. The following described public lands are further segregated from all forms of appropriation except the Recreation and Public Purposes Act, the general mining laws, the mineral leasing laws and the material sale laws:

MOUNT DIABLO MERIDIAN, NEV.

T. 11 N., R. 21 E.,
Sec. 1, SW¼, W½SE¼;
Sec. 3, W½W½, SE¼SW¼, SW¼SE¼;
Sec. 4, N½, NE¼SW¼, SE¼;
Sec. 9, E½NE¼;
Sec. 10, W½NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼;
Sec. 11, W½SW¼;
Sec. 12, NW¼NE¼, N½NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, NE¼NW¼, SW¼;
Sec. 16, S½.

T. 11 N., R. 22 E.,
Sec. 8, NE¼NE¼, S½NE¼;
Sec. 17, S½;
Sec. 18, NW¼SE¼, S½SE¼;
Sec. 20, E½SE¼;
Sec. 29, E½NE¼;
Sec. 32, N½, N½S½, SW¼SW¼, SE¼SE¼.

T. 10 N., R. 22 E.,
Sec. 1, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 2, N½, N½S½;
Sec. 3, NE¼, N½S½;
Sec. 5, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 8, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 17, N½NW¼.

T. 10 N., R. 23 E.,
Sec. 4, N½, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 5, N½N½, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 6, N½, SW¼, NW¼SE¼;
Sec. 7, W½NW¼;
Sec. 8, NE¼, N½SE¼.

The area described above totals approximately 7,500 acres.

7. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3.

ROLLA E. CHANDLER,
Acting State Director, Nevada.

[F.R. Doc. 70-17011; Filed, Dec. 21, 1970; 8:45 a.m.]

[Serial Nos. N-892-A, N-1005-A]

NEVADA

Notice of Amendment to Final Classification of Public Lands for Multiple-Use Management

DECEMBER 22, 1970.

1. On October 22, 1970 a notice of proposed amendment to final classification of public lands for multiple-use management was published in the FEDERAL REGISTER. A public hearing on the proposal was held on November 10, 1970. Comments received as a result of this proposal are summarized below.

A total of 21 sites were designated by name and were proposed to be segregated from all forms of appropriation under the public land laws, except the Recreation and Public Purposes Act and the material sale and mineral leasing laws. Twenty of the 21 sites were also proposed to be segregated from appropriation under the general mining laws—the Mount Grafton Scenic Area being the one exception.

A number of general comments were received which pertained primarily to the size of the areas being segregated. Opinions were voiced that some areas were too large, while others stated they were too small. Several comments were received that wholeheartedly supported the actions proposed.

There were specific objections to the mineral segregation of 11 sites. Each is discussed in detail below:

a. *Goshute Canyon Natural Area.* Comments received stated that the area would be a prime mineral exploration target, that there is not sufficient reason to justify segregation, that there should be further mineral examination, and that the watershed is not fragile. Goshute Creek, which flows through this canyon, contains one of the very few populations of a rare form of cutthroat trout. The Bureau of Land Management, in cooperation with the Nevada Department of Fish and Game, has developed a habitat management plan designed to improve and enhance the fish habitat. The small, steep watershed through which Goshute Creek drains is subject to erosion and surface disturbance could destroy the fish habitat through rapid siltation. Although the Cherry Creek Mining District lies several miles to the south, no evidence of mineralization has been found within the watershed and there is likewise no evidence of prospecting activity there. It is felt protection of the fisheries habitat is important enough to justify the segregation proposed.

b. *Garnet Fields Rockhound Area.* Considerable objection was raised to the mineral segregation of this area, so close to the State's largest copper mine. Further consideration of the mineral potential of this area leads us to the conclusion that it should not be so segregated. Therefore, the segregative effect of the proposed classification, as it affects the general mining laws, is hereby terminated.

c. *Bat Cave and Guano Mine Historic Area.* A statement was received which objected to segregation of this site on the basis that the withdrawal of an old mine would set a bad precedant. While the statement as such, may have merit, Bat Cave was explored and developed to remove the bat guano. By the nature of the deposit, defined as a leasable mineral by the Bureau of Land Management, the size of the deposit can accurately be estimated, and when it is removed, there is no more. Once the mineral has been extracted, the site no longer has value from a mining standpoint. The historic value of such a site does warrant the segregative protection proposed. The site is left open to operation of the mineral leasing laws.

d. *Blue Mass Canyon Scenic Area.* Objection to the mineral segregation was made due to the location of a nearby mining district and to the possibility of the presence of beryllium. The area proposed to be segregated is very scenic and probably receives the heaviest recreation use of any undeveloped recreation site in White Pine County. No evidence of either valuable mineralization

or prospecting activity has been found. Geologically this area, like numerous other areas, could contain beryllium, the presence of which is often difficult to detect. The lack of evidence of mineralization and the high recreation values involved lead me to conclude that this area should be segregated from the mining laws. If evidence of beryllium, or other mineral occurrence, is found at a later date, the segregation of this site will be reconsidered.

e. *Leviathan Cave Geologic Area.* The only objection to this proposal related to the size of the area being segregated. One comment was that the area was too small and one that it was too large. The proposal was made to include only the site of the cave. As the cave is located in an area of uncertain survey control, the proposal included sufficient acreage to insure coverage of the cave. This acreage may be modified when better survey data is available.

f. *Weaver Creek Scenic Area.* Favorable comment was received indicating that Weaver Creek is a potential site for transplanting rare and endangered cutthroat trout and, therefore, should be segregated from mining location. Other comment objected to the mining segregation because the site lies within a recognized mineral district and has not been evaluated for mineral potential by BLM. One suggestion was that the land be transferred to the adjoining National Forest where adequate surface protection might be possible without segregation from mining. The objection has merit. Neither the mineral potential nor the suitability of the creek for cutthroat trout transplant has been adequately evaluated to justify mining segregation at this time. The segregation against appropriation under the general mining laws is hereby terminated.

g. *Cave Valley Cave Geologic Area.* Objection to the mineral segregation was raised that a nearby quartz fissure was developed in the past and that the area is presently located under the mining laws. This small (40 acre) area does contain the entrance to a significant cave. It is felt that the mineral segregation on this site is appropriate. However, due to the possibility of the site being valuable for its mineral potential, and since the site is presently located, further mineral examination will be made by the Bureau of Land Management, and, if appropriate, the mineral segregation will be terminated.

h. *Mount Irish Archeological Site.* Objection was raised to the mineral segregation of this site as it is located in an area of past mineral activity. The area is presently covered with mining claim locations. Further evaluation of both the mineral and archeological values of this site is warranted. Until this evaluation is completed, this site should not be segregated from mining location. The segregation against appropriation under the general mining laws is hereby terminated.

i. *Swamp Cedar Natural Area.* Objection was raised to the mineral segregation on the basis that there is insufficient single purpose value to justify the action. The area being segregated, located on a thick layer of alluvium, appears to lack any mineral potential. This location of swamp cedar in such an area is unique and warrants the protection segregation will provide. Disturbance of the environment could prove very damaging to this ecotype. As the proposed segregation will not have an adverse impact on mineral exploration or development, it will be continued.

j. *North Creek Scenic Area.* Objection was received to the mineral segregation of this 1,016-acre site because a lead prospect was found in the area in the past and that a single purpose value does not justify withdrawal from mining. The North Creek Area is a prime recreation area. A BLM road was recently constructed into the area. Recreation development is planned near the end of the road. However, the possibility of the land possessing mineral values warrants a reduction of the acreage being segregated from mineral entry. The S½S½ sec. 20, T. 10 N., R. 65 E., should provide sufficient acreage for the proposed recreation development. Therefore, mineral segregation on the remaining area, T. 10 N., R. 65 E., sec. 19, S½, sec. 20, N½S½, and sec. 30, N½, is hereby terminated. Segregation of the entire area from other forms of appropriation, as cited in the notice, is continued.

k. *Mount Grafton Scenic Area.* A comment was received which objected to mineral segregation of such a large area and another comment received which suggested the segregation be more restrictive. No mineral segregation of this 15,000-acre area was proposed. The record of past mineral production and the mineral potential of the area does not justify segregation against mineral entry.

Minor deletions of acreages and corrections of descriptions of some sites have been made as follows:

GOSHUTE CAVE GEOLOGIC AREA

T. 25 N., R. 63 E.,
Delete: Sec. 1, NE¼SE¼.
T. 25 N., R. 64 E.,
Sec. 6 should read lots 5, 12, rather than SW¼NW¼, NW¼SW¼.

MOUNT GRAFTON SCENIC AREA

T. 10 N., R. 65 E.,
Delete: Sec. 19, W½SW¼, SE¼SW¼, SW¼SE¼;
Delete: Sec. 30, W½NE¼, NW¼.

In summary, the proposed amendment to the Lincoln County and White Pine County Multiple-Use Classifications brought forth many informative and helpful comments. Some of the suggestions have been incorporated into the amendment as it appears below. Some could not. However, through the active participation of those who did comment, a more informed judgment could be made.

The notice of proposed amendment included a detailed description of each of the 21 sites involved in this action. This notice does not. Anyone wishing a copy of the proposed notice, which includes site descriptions, may receive a copy by contacting the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, NV 89502.

2. The notices appearing in F.R. Doc. 67-6610, pages 8537-38 of the issue of June 14, 1967, and F.R. Doc. 67-7343, pages 9239-40 of the issue of June 29, 1967, are hereby changed as follows:

3. F.R. Doc. 67-7343 (White Pine County Classification.) Add a new paragraph 3-a to include the following described lands to provide for their segregation from disposal under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act or the mineral leasing and material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

GOSHUTE CAVE GEOLOGIC AREA

T. 25 N., R. 63 E.,
Sec. 1, E½NE¼.
T. 25 N., R. 64 E.,
Sec. 6, lots 5, 12.

GOSHUTE CANYON NATURAL AREA

T. 25 N., R. 63 E., Unsurveyed
Sec. 1, SW¼SW¼.
Sec. 2, S½, S½N½, NW¼NW¼;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 8, NE¼, SE¼NW¼, N½NW¼, N½SE¼;
Sec. 9, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 10, N½;
Sec. 11, N½, N½SE¼, NE¼SW¼;
Sec. 12, N½SW¼, S½NW¼, NW¼NW¼, SW¼NE¼, NW¼SE¼, E½SE¼.
T. 26 N., R. 63 E.,
Sec. 26, SW¼, SW¼NW¼, SW¼SE¼;
Sec. 27, SE¼, SE¼NE¼, S½SW¼;
Sec. 33, SE¼, E½SW¼, S½NE¼;
Sec. 34, N½, SW¼, E½SE¼;
Sec. 35, W½, W½E½, E½SE¼.
T. 25 N., R. 64 E.,
Sec. 7, SW¼, SW¼SE¼;
Sec. 17, SW¼NW¼;
Sec. 18, NE¼NW¼, NE¼.

SWAMP CEDAR NATURAL AREA

T. 15 N., R. 67 E.,
Sec. 21, all;
Sec. 22, all;
Sec. 23, NW¼, N½SW¼;
Sec. 27, N½, NW¼SE¼, N½SW¼, SW¼SW¼;
Sec. 28, all;
Sec. 33, NE¼NE¼, W½E½, W½;
Sec. 34, NW¼NW¼.

BLUE MASS CANYON SCENIC AREA

T. 21 N., R. 68 E.,
Sec. 1, lots 1 and 2, S½NE¼.
T. 21 N., R. 69 E.,
Sec. 6, lots 3, 4, and 5, SE¼NW¼.
T. 22 N., R. 68 E.,
Sec. 36, E½.
T. 22 N., R. 69 E.,
Sec. 31, lots 2, 3, and 4, E½SW¼, SE¼NW¼, W½NE¼.

SHOSHONE PONDS NATURAL AREA

T. 13 N., R. 67 E.,
Sec. 35, S½S½.
T. 12 N., R. 67 E.,
Sec. 2, all;
Sec. 11, W½, S½NE¼, SW¼SE¼.

BAT CAVE AND GUANO MINE HISTORIC AREA

T. 15 N., R. 67 E.,
Sec. 25, SE¼SE¼.

NORTH CREEK SCENIC AREA

T. 10 N., R. 65 E.,
Sec. 20, S½S½.

KIOUS SPRING SCENIC AREA

T. 13 N., R. 70 E.,
Sec. 19, SW¼NE¼.

SNAKE CREEK INDIAN BURIAL CAVE ARCHEOLOGICAL SITE

T. 12 N., R. 70 E.,
Sec. 13, SE¼NW¼.

ROCK ANIMAL CORRAL ARCHEOLOGICAL SITE

T. 15 N., R. 70 E.,
Sec. 23, SE¼.

BAKER CREEK ARCHEOLOGICAL SITE

T. 13 N., R. 70 E.,
Sec. 7, lots 1 and 2.

BAKER ARCHEOLOGICAL SITE

T. 14 N., R. 70 E.,
Sec. 33, S½SE¼.

GARRISON ARCHEOLOGICAL SITE

T. 12 N., R. 70 E.,
Sec. 1, lots 1, 10, 11.

The area within the sites described aggregates approximately 13,940 acres.

4. F.R. Doc. 67-7343 (White Pine County Classification). Add a new paragraph 3-c to include the following described lands to provide for their segregation from disposal under the public land laws, but not the general mining laws, the Recreation and Public Purposes Act or the mineral leasing and material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

WEAVER CREEK SCENIC AREA

T. 14 N., R. 68 E.,
Sec. 10, E½SE¼;
Sec. 11, NE¼, S½NW¼, SW¼SW¼, N½SW¼
Sec. 12, N½N½, SW¼NW¼.

GARNET FIELDS ROCKHOUND AREA

T. 16 N., R. 62 E.,
Sec. 1, all;
Sec. 2, E½, SE¼NW¼, NE¼SW¼ (Less patented lands);
Sec. 12, N½N½, S½NE¼ (Less patented lands).

NORTH CREEK SCENIC AREA

T. 10 N., R. 65 E.,
Sec. 19, S½;
Sec. 20, N½S½;
Sec. 30, N½.

The area within the sites described aggregates approximately 2,720 acres.

5. F.R. Doc. 67-7343 (White Pine County Classification) and F.R. Doc. 67-6610 (Lincoln County Classification). Add a new paragraph 3-b to include the following described lands to provide for their segregation from disposal under the public land laws, but not the general mining laws, Recreation and Public Purposes Act, mineral leasing laws or the material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

MOUNT GRAFTON SCENIC AREA

T. 10 N., R. 64 E.,
Sec. 23, S½, S½N½, N½NE¼, NE¼NW¼;
Sec. 24, S½, S½N½;
Sec. 25, all;
Sec. 26, E½, E½W½, NW¼NW¼;
Sec. 35, E½, E½W½;
Sec. 36, all.
T. 9 N., R. 64 E.,
Sec. 1, all;
Sec. 2, E½, NE¼NW¼;
Sec. 11, E½E½;
Sec. 12, all;
Sec. 13, all;
Sec. 14, NE¼NE¼;
Sec. 23, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 24, all;
Sec. 25, all;
Sec. 26, E½;
Sec. 35, E½;
Sec. 36, N½, N½S½, S½SW¼.
T. 9 N., R. 65 E.,
Sec. 5, W½;
Sec. 6, all;
Sec. 7, all;
Sec. 8, W½;
Sec. 17, W½;
Sec. 18, all;
Sec. 19, all;
Sec. 20, W½;
Sec. 29, W½W½;
Sec. 30, all;
Sec. 31, N½, N½SW¼, NW¼SE¼.
T. 10 N., R. 65 E.,
Sec. 30, S½;
Sec. 31, all;
Sec. 32, W½SW¼.

The area described above aggregates approximately 14,600 acres.

6. F.R. Doc. 67-6610 (Lincoln County Classification). Add a new paragraph 3-a to include the following described lands to provide for their segregation from disposal under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act or the mineral leasing and material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

LEVIATHIAN CAVE GEOLOGIC AREA

T. 1 S., R. 57 E.,
Sec. 29, SW¼SW¼;
Sec. 30, S½S½;
Sec. 31, all;
Sec. 32, W½W½.

WHITE RIVER PETROGLYPHS ARCHEOLOGICAL SITE

T. 1 S., R. 62 E.,
Sec. 15, SW¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, W½W½;
Sec. 28, N½N½, S½NW¼.

WHIPPLE CAVE GEOLOGIC AREA

T. 8 N., R. 62 E.,
Sec. 35, E½NE¼.

CAVE VALLEY CAVE GEOLOGIC AREA

T. 9 N., R. 64 E.,
Sec. 17, NE¼NE¼.

The area within the sites described above aggregates approximately 1,610 acres.

7. F.R. Doc. 67-6610 (Lincoln County Classification). Add a new paragraph 3-c to include the following described lands to provide for their segregation from disposal under the public land laws, but not the general mining laws, the Recreation and Public Purposes Act or the mineral leasing and material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

MOUNT IRISH ARCHEOLOGICAL SITE

T. 4 S., R. 59 E.,
Sec. 8, SE¼;
Sec. 9, SW¼;
Sec. 16, NW¼;
Sec. 17, NE¼.

The area within the site described aggregates approximately 640 acres.

8. All the above-described lands are found to have high scientific, natural and recreation values. The lands require the protection afforded by the above segregations to maintain the natural environment. The record of public comments and maps of each of the sites described are of record in the Ely District Office.

9. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR § 2461.3.

ROLLA E. CHANDLER,
Acting State Director, Nevada.

[F.R. Doc. 70-17012; Filed, Dec. 21, 1970; 8:45 a.m.]

[Serial No. A 4494]

ARIZONA

Notice of Public Sale

DECEMBER 15, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10:15 a.m., local time, Wednesday, February 3, 1971, at the Arizona Land Office, Room 3204, Federal Building, 230 North First Avenue, Phoenix, AZ. The land is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 15 S., R. 12 E.,
Sec. 5, lots 37 to 52, inclusive.

The area described contains 80.31 acres. The appraised value of the tract is $28,000 and the estimated publication costs to be assessed are $15.

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

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

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Arizona Land Office, Room 3022 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, prior to 10:15 a.m., Wednesday, February 3, 1971. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid, plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale A-4494, February 3, 1971."

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

If no bids are received for the sale tract on Wednesday, February 3, 1971, the tract will be reoffered on the first Wednesday of subsequent months at 10:15 a.m., beginning March 3, 1971.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3022 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, or to the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, AZ 85017.

GLENDON E. COLLINS,
Manager, Arizona Land Office.

[F.R. Doc. 70-17182; Filed, Dec. 21, 1970; 8:47 a.m.]

[Serial No. A 5405]

ARIZONA

Notice of Public Sale

DECEMBER 15, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, a tract of land will be offered for sale to the highest bidder at a sale to be held at 11 a.m., local time, Wednesday, February 3, 1971, at the Arizona Land Office, Room 3204 Federal Building, 230 North First Avenue, Phoenix, AZ. The land is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 17 N., R. 18 W.,
Sec. 1, lots 1 and 2, S½NE¼, and SE¼.

The area described contains 320 acres. The appraised value of the tract is $25,600 and the estimated publication costs to be assessed are $15.

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

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

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Arizona Land Office, Room 3022 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, prior to 11 a.m., Wednesday, February 3, 1971. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid, plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, Sale A-5405, February 3, 1971."

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

If no bids are received for the sale tract on Wednesday, February 3, 1971, the tract will be reoffered on the first Wednesday of subsequent months at 11 a.m., beginning March 3, 1971.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3022 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, or to the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, AZ 85017.

GLENDON E. COLLINS,
Manager, Arizona Land Office.

[F.R. Doc. 70-17183; Filed, Dec. 21, 1970; 8:47 a.m.]

[Serial No. A 5861]

ARIZONA

Notice of Public Sale

DECEMBER 15, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, parcels of land will be offered for sale to the highest bidder at a sale to be held at 1 p.m., local time, Wednesday, February 3, 1971, at the Arizona Land Office, Room 3204, Federal Building, 230 North First Avenue, Phoenix, AZ. The land is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

Parcel No.	Township	Range	Section	Subdivision	Acres	Appraised value
1	41 N.	2 W.	19	T No. 126	3.49	$100
2	41 N.	2 W.	19	W½SE¼NE¼NE¼	5.00	500
3	41 N.	2 W.	20	Lot 5	1.47	125
4	41 N.	2 W.	20	Lot 1	0.74	800

The parcels aggregate 10.70 acres. The appraised value of all the parcels is $1,525 and the estimated publication costs to be assessed are $15.

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

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

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Arizona Land Office, Room 3022 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, prior to 1 p.m., Wednesday, February 3, 1971. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks,

payable to the Bureau of Land Management, for the full amount of the bid, plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelope must shown the sale number, date of sale, and parcel number in the lower left-hand corner: "Public Sale Bid, Sale A 5861, February 3, 1971, Parcel Number ——."

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

If no bids are received for the sale tract on Wednesday, February 3, 1971, the parcels will be reoffered on the first Wednesday of subsequent months at 1 p.m., beginning March 3, 1971.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision on the Land Office records. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3022 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, or to the District Manager, Arizona Strip District, 196 East Tabernacle, St. George, UT 84770.

GLENDON E. COLLINS,
Manager, Arizona Land Office.

[F.R. Doc. 70-17184; Filed, Dec. 21, 1970; 8:47 a.m.]

[M-1054 (Minn.)]

MINNESOTA

Notice of Filing of Plat of Survey

DECEMBER 14, 1970.

A notice of filing of plat of survey for omitted lands in T. 159 N., and 160 N., R. 42½ W., Fifth Principal Meridian, Minnesota, was published in the FEDERAL REGISTER on December 30, 1966 (30 F.R. 16720). The original notice specified the land was not open to applications and/or disposition under the public land laws.

This land has now been classified for disposal by public sale under the provisions of Revised Statute 2455. The lands will be offered for sale at public auction at an appropriate time and date to be announced later.

Inquiries about the sale should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 70-17158; Filed, Dec. 21, 1970; 8:45 a.m.]

[Utah 13044]

UTAH

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 15, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Utah 13044, for the withdrawal of the lands described below, from location and entry under the mining laws and leasing under the mineral leasing laws.

Until recently these lands have been withdrawn for the Fort Douglas Military Reservation, which was established in 1867. They are now a part of the Wasatch National Forest.

The stated purpose of this proposed withdrawal is to protect the very high values of these lands as part of the municipal watershed supplying water and protection from runoff for Salt Lake City.

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, Post Office Box 11505, Salt Lake City, UT 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

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

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

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

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 1 N., R. 1 E.,
Sec. 34, lot 1, NE¼NE¼;
Tract "F".
T. 1 S., R. 1 E.,
Tract "E".

The area described contains approximately 498.45 acres in Salt Lake County.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-17168; Filed, Dec. 21, 1970; 8:45 a.m.]

[Wyoming 23445]

WYOMING

Notice of Offering of Land for Sale

DECEMBER 15, 1970.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to an application from the Board of County Commissioners of Sublette County, Wyo., the Secretary of the Interior will offer for sale the following listed lands:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 109 W.,
Sec. 6, lot 7, N½NE¼NE¼SW¼, SW¼NE¼NE¼SW¼, NW¼SE¼NE¼SW¼, W½NE¼SW¼, N½NW¼SE¼SW¼, and SW¼NW¼SE¼SW¼.
T. 33 N., R. 110 W.,
Sec. 1, SE¼SE¼SE¼;
Sec. 12, N½NE¼NE¼.

The areas described aggregate 103.47 acres in Sublette County.

The lands are located some 3 miles west of Pinedale, Wyo. They are chiefly valuable for industrial development and necessary for the orderly development of an industrial complex. The county has adequate zoning regulations in effect to guide the development of these lands.

It is the intention of the Secretary to permit the County to purchase the land at the appraised market value.

The patent to the lands will contain a reservation to the United States for rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and of all mineral deposits.

MARLA B. BOHL,
Acting Assistant Manager, Lands.

[F.R. Doc. 70-17159; Filed, Dec. 21, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

POULTRY AND POULTRY PRODUCTS INSPECTION

Notice of Designation of Certain States; Correction

On December 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 18410) a notice of designation of the States of Arkansas, Colorado, Georgia, Idaho, Maine, Michigan, Minnesota, Montana, New Jersey, North Dakota, Oregon, South Dakota, Utah and West Virginia, under the Poultry Products Inspection Act (21 U.S.C. et seq.). The designation becomes effective 30 days after such publication.

The notice listed the Regional Directors with whom the operators of affected establishments should communicate immediately if they desire to continue operations subject to the Act after the effective date of the designation. Correction of addresses is shown below for two of the Regional Directors:

Dr. L. J. Rafoth, Director North Central Region, Room 984, 536 South Clark Street, Chicago, IL 60605.

Dr. M. J. Hatter, Director Southeastern Region, Room 216, 1718 Peachtree Road NW., Atlanta, GA 30309.

Done at Washington, D.C., on December 17, 1970.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Programs.

[F.R. Doc. 70-17203; Filed, Dec. 21, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, PURCHASES AND NUMBER OF ESTABLISHMENTS

Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1971 the Annual Retail Trade Survey which has been conducted each year under title 13, United States Code, sections 181, 224, and 225, to collect data covering year-end inventories, purchases, annual sales and number of retail stores operated as of the end of the year. This survey, covering 1970, which provides important information on retail inventories and sales-inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales.

On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in Census list sample mail panel and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey, submitted in writing to the Director of the Bureau of the Census within 30 days after the date of this publication, will receive consideration.

Dated: December 17, 1970.

ROBERT F. DRURY,
Acting Director, Bureau of the Census.

[F.R. Doc. 70-17253; Filed, Dec. 21, 1970; 8:50 a.m.]

National Bureau of Standards

RECOMMENDED STANDARDS

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 manufacturers, distributors, users and consumers:

TS 125c, "Polyethylene Plastic Containers (Jerry-Cans) for Petroleum Products."
TS 156c, "Steel Fence Posts and Assemblies."
TS 160a, "Fluorinated Ethylene-Propylene (FEP) Plastic Tubing."
TS 161a, "Polytetrafluoroethylene (PTFE) Plastic Tubing."
TS 162a, "Heat-Shrinkable Flurocarbon Plastic Tubing."
TS 174, "Paper Ice Bag Sizes."

These circulations are 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 Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

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

Issued: December 16, 1970.

LEWIS M. BRANSCOMB,
Director.

Approved:

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 70-17198; Filed, Dec. 21, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22851]

AEROVIAS NACIONALES DE COLOMBIA S.A. (AVIANCA)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled docket is assigned to be held on January 5, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Dated at Washington, D.C., December 16, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-17187; Filed, Dec. 21, 1970; 8:47 a.m.]

[Docket No. 21866-8]

DOMESTIC PASSENGER-FARE INVESTIGATION PHASE 8—RATE OF RETURN

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on January 6, 1971, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., December 16, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-17188; Filed, Dec. 21, 1970; 8:47 a.m.]

LINEAS AEREAS DE NICARAGUA, S.A. (LANICA)

[Docket Nos. 22444, 22445]

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on January 12, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., December 16, 1970.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 70-17189; Filed, Dec. 21, 1970; 8:47 a.m.]

[Docket No. 19117; Order 70-12-72]

COMBS AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority December 14, 1970.

A final service mail rate of 41.79 cents per great circle aircraft mile for the transportation of mail by aircraft, established by Order 69-10-24, dated October 6, 1969, is currently in effect for Combs Airways, Inc., an air taxi operating under 14 CFR Part 298. This rate is based on six round trips per week between Spokane, Wash., and Helena, Mont.

The Postmaster General filed a petition on October 14, 1970, stating that the volume of mail involved does not justify weekend trips on this route and that he has been authorized by the carrier to petition for a new rate of 48.25 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Postal Service have agreed that the proposed rate is a fair and reasonable rate for these services.

Northwest Airlines, Inc., has filed a late answer stating that there is a decided cost advantage to the Post Office in the rates applicable to Northwest, and averring that the Board should require the Postmaster General to supplement its petition with sufficient facts to permit comparison of the cost of service on this route by Combs and by Northwest.

The Postmaster General has filed a motion stating that Northwest's late answer offers no justification for failure to comply with the rules of procedure governing responsive replies and contains nothing relevant to the issues before the Board. He contends that Northwest's latest schedules are even less suitable for postal needs than those in effect in October 1967, when this air taxi route was first sought, and that Northwest is not now, and has not been, since early July, operating such schedules.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. It is noted that there are no schedules operated by Northwest which would meet the needs of the Postal Service. Furthermore, the proposed rates are supported by cost data, and are within the range of other air taxi service mail rates. Therefore, upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after October 14, 1970, to Combs Airways, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefore, and the services connected therewith, shall be 48.25 cents per great circle aircraft mile between Spokane, Wash., and Helena, Mont.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Aero Commander 500-B aircraft.

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, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Combs Airways, Inc., the Postmaster General, Frontier Airlines, Inc., Northwest Airlines, Inc., and all other 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 rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Combs Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Combs Airways, Inc., the Postmaster General, Frontier Airlines, Inc., and Northwest Airlines, 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. 70-17190; Filed, Dec. 21, 1970; 8:47 a.m.]

[Dockets Nos. 21821, 21822; Order 70-12-96]

EASTERN AIR LINES, INC.

Order Regarding Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1970.

By applications filed on January 20, 1970, Eastern Air Lines, Inc. (Eastern), requests: (1) Amendment of its certificate of public convenience and necessity for route 10 to delete therefrom Conditions (6) and (7), or in the alternative award of exemption authority to permit nonstop Gainesville-Atlanta service; [1] (2) permission to use the John R. Alison Municipal Airport at Gainesville, Fla., to serve Ocala, Fla.[2]

In support of its request to use the Gainesville airport for serving Ocala, Eastern alleges that its proposal to serve Ocala through the Gainesville airport will provide benefits to Ocala—by providing that point with superior service to and from Atlanta and Miami—without any substantial inconvenience to the traveling public, and that Florida Airlines and Shawnee Airlines, air taxi operators presently serving Ocala, provide convenient scheduled service to numerous points in Florida.

In support of its request for amendment of its certificate for route 10, or in the alternative for exemption authority, Eastern asserts, inter alia, that Conditions (6) and (7) were originally added to Eastern's certificate at the time Eastern was temporarily certificated to serve Ocala and Gainesville; [3] that through subsequent grants of and amendments to Eastern's authority over routes 6 and 10, Condition (7) is no longer meaningful; [4] and that removal of Condition (6) would have no recognizable competitive effect since no other air carrier is certificated to serve Gainesville or Ocala.

A consolidated answer in support of Eastern's application was filed by the city of Gainesville and the Gainesville Area Chamber of Commerce. The city of Ocala filed an answer in opposition to Eastern's application to serve Ocala through the Gainesville airport, and opposed Eastern's proposal to provide nonstop jet service between Atlanta and Gainesville, but only insofar as that service would affect continued service by Eastern at Ocala.[5]

On August 17, 1970, Eastern filed a motion (1) for immediate action on its applications, and (2) to reopen the record to receive letters of intent signed by Eastern, Shawnee Airlines, Inc., and Florida Airlines, Inc., pursuant to which Eastern will establish joint fares with those carriers between Ocala and other points on Eastern's system.[6]

Upon consideration of the foregoing, and all the relevant facts, the Board has decided (1) to authorize Eastern on a pendente lite basis to temporarily suspend service at Ocala, conditioned upon the provision of adequate air taxi replacement service; (2) to issue an order to show cause proposing to delete Con-

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] Docket 21821.
[2] Docket 21822.

[3] Florida Trunkline Case, 10 C.A.B. 901 (1949), 11 C.A.B. 943 (1950).

[4] In the New York-Florida Case, 24 C.A.B. 94 (1956), Eastern was authorized to serve Tampa and St. Petersburg/Clearwater on segment 1 of route 6. Thus, Eastern asserts that Condition (7) of Eastern's certificate for route 10 has no effect with respect to service between Orlando and Tampa or St. Petersburg/Clearwater and between Jacksonville and Tampa or St. Petersburg/Clearwater, since Eastern has unrestricted authority in these markets on route 6. Eastern states that removal of Condition (7) would allow new Tallahassee-Jacksonville authority via Gainesville, but since it holds authority between those points via Orlando, it has no intention of providing service over a Tallahassee-Gainesville-Jacksonville routing.

[5] Telegraphic answers in opposition to Eastern's application in Docket 21822 were filed by C. D. Durkin; the Florida Thoroughbred Breeder's Association; Mark A. Dupree, General Manager of Florida's Silver Springs; and Page Robinson.

In addition, on June 10, 1970, the Gainesville parties filed a motion to reopen the record to receive information that the city of Gainesville had purchased and is erecting a control tower at the John R. Alison Municipal Airport. An answer in support of this motion was filed by Eastern. We will grant the motion to reopen the record.

[6] On Sept. 8, 1970, Ocala filed an untimely answer to Eastern's motion. Subsequently, Eastern filed a motion for leave to file a reply. We will receive both documents into the record.

ditions (6) and (7)) of Eastern's certificate for route 10; (3) to grant Eastern a temporary exemption from Conditions (6) and (7) for route 10 insofar as they prohibit nonstop Gainesville-Atlanta service, pending final Board action in the show cause proceeding; and (4) to set for hearing Eastern's application for authority to serve Ocala through the Gainesville airport, which proceeding will consider the issues of whether to amend Eastern's certificate so as to either delete Ocala, or to redesignate the points Ocala and Gainesville as a hyphenated point to be served through the Gainesville airport.

We find that temporary suspension of Eastern's service at Ocala, in combination with authority to operate nonstop Gainesville-Atlanta service, pending a hearing on the question of service to Ocala, is in the public interest.[7] The temporary suspension of Eastern at Ocala will not adversely affect the traveling public at that point since Ocala will continue to receive air taxi service sufficient to meet its transportation needs, and since the community will obtain improved jet service through Gainesville by the provision of Gainesville-Atlanta nonstop jet operations by Eastern.

We further find that a temporary suspension of Eastern's Ocala service is warranted by the relatively low level of traffic at Ocala and the cost to Eastern of continuing to provide service at that point. In this regard, Eastern asserts that elimination of the stop at Ocala will result in an annual net benefit to that carrier of $83,000.[8] In order to insure the continuation of adequate air service at Ocala, we will require, as a condition of Eastern's suspension, that air taxis provide a minimum of two daily round-trip flights between Ocala and Jacksonville (which points are presently served by Florida Airlines), two daily round-trip flights between Ocala and Miami[9] (which points are presently served by Shawnee Airlines) and one daily round-trip flight between Gainesville and Ocala[10] (which points are served by both air taxis). If at any time during the period herein authorized, the air taxi service to Jacksonville, Miami, and/or Gainesville, should for any reason cease or fall below these minimum requirements, we will require Eastern to reinstate service in these markets.

In addition, we tentatively find and conclude that the public convenience and necessity require amendment of Eastern's certificate for route 10 so as to delete therefrom Conditions (6) and (7).

[7] Under the circumstances which obtain here, we are not persuaded that the airport notice procedure should be utilized.

[8] While the economic result of Eastern's service at Ocala is a matter for examination in the subsequent hearing, we believe that, for present purposes, Eastern has adequately demonstrated that its suspension at Ocala will enable the carrier to achieve substantial savings.

[9] Except on weekends when one round trip may be provided.

[10] The flight between Ocala and Gainesville must directly connect with Eastern's jet service to the north.

In support of the foregoing finding, we tentatively find that retention of these conditions in Eastern's certificate would serve no useful purpose; that grant of the requested authority would improve the quality of Eastern's service in Florida, by permitting Atlanta-Gainesville nonstop jet service; that Gainesville/Ocala passengers will benefit substantially by the ability to connect with the nationwide air services available at Atlanta; and that no other air carrier will be adversely affected.[11]

Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objection with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be supported by legal precedent and detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

We also find that grant of exemption authority pendente lite to operate nonstop Gainesville-Atlanta service is warranted. The exemption will permit Eastern to provide important service benefits for Gainesville-Ocala passengers, as discussed above. The relief granted herein is temporary and involves no new stations or equipment for Eastern. Eastern is authorized to serve the markets in question, and the effect of our award will afford Eastern increased operating flexibility without resulting in diversion of revenues from any other carrier. The exemption request is unopposed. In these circumstances, to preclude the carrier from providing Gainesville-Atlanta nonstop service during the pendency of its application for amendment of its certificate would be an undue burden on the carrier by reason of the limited extent of and the unusual circumstances affecting its operations and is not in the public interest.

Finally, we have taken account of the objections raised by Ocala to the relief awarded herein. While these objections are not sufficient to warrant denial of the temporary suspension authorization, Ocala's objections will be given full consideration in the evidentiary hearing which will consider the long-term need for service to Ocala. In this connection, we emphasize that our authorization to suspend service pendente lite is not intended to preclude us from reaching a different result following an evidentiary hearing. We therefore caution Eastern not to place undue reliance on our temporary approval and not to take steps which would preclude it from reinstating the operations it is now being permitted to suspend.

[11] No carrier has objected to Eastern's application.

Accordingly, it is ordered, That:

1. The motion of the city of Gainesville and the Gainesville Area Chamber of Commerce, and the motion of Eastern Air Lines, Inc., to reopen the record, be and they hereby are granted;

2. The motion of Eastern Air Lines, Inc., for leave to file a reply, be and it hereby is granted;

3. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Eastern's certificate of public convenience and necessity for route 10 so as to delete therefrom Conditions (6) and (7);

4. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

6. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

7. Eastern Air Lines, Inc., be and it hereby is temporarily exempted from section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity, insofar as they would otherwise prevent Eastern from operating nonstop Gainesville-Atlanta service;

8. Eastern Air Lines, Inc., be and it hereby is authorized to temporarily suspend service at Ocala, Fla.;

9. The authority granted in paragraph 8 above, shall be subject to the condition that such suspension shall immediately terminate if the air taxi service to Ocala should for any reason fall below the minimum levels of service described below:

a. Two daily round-trip flights between Ocala and Jacksonville;

b. Two daily round-trip flights between Ocala and Miami (except on weekends when one round trip may be provided);

c. One daily round-trip flight between Ocala and Gainesville, directly connecting with Eastern's jet service to the north.

10. The authority granted in ordering paragraph 7 above, shall be effective until 60 days following final Board decision in the show cause proceedings instituted by paragraphs 3 through 6 hereof;

11. The authority granted in ordering paragraphs 8 and 9 above, shall be effective until 60 days after final Board decision in the proceeding instituted by paragraph 12 hereof;

12. The application of Eastern Air Lines, Inc., Docket 21822, be and it hereby is set for hearing at a time and place to be hereafter designated, which hearing will include the issues of whether Eastern's certificate should be altered, amended, or modified to delete Ocala or to redesignate Ocala and Gainesville as a hyphenated point, to be served through the Gainesville airport;

13. The authority granted herein may be amended or revoked at any time in the discretion of the Board without hearing; and

14. This order shall be served on the city of Ocala and the city of Gainesville and the Gainesville Area Chamber of Commerce.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-17191; Filed, Dec. 21, 1970; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES, INC. 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:

Thomas E. Stakem, Esq., Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street NW., Washington, DC 20006.

Agreement No. 9847-1, between Moore-McCormack Lines, Inc., as one party and Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritime Netumar S.A., as the other party, will amend the basic agreement between the parties by making certain nonsubstantive changes to the language thereof in Articles 2(b), 4(a), 6 (c), (d), 7(b), 10 (d), and (e) in accordance with the terms and conditions set forth in the modification.

Dated: December 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-17199; Filed, Dec. 21, 1970; 8:48 a.m.]

PORT OF PORTLAND AND SEA-LAND SERVICE, INC.

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 10 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:

Mr. George M. Baldwin, General Manager, The Port of Portland, Post Office Box 3529, Portland, OR 97207.

Agreement No. T-31, as amended, between Port of Portland (Port) and Sea-Land Service, Inc. (Sea-Land) is a 20-year lease of certain property to Sea-Land for use as a marine terminal. As ground rental, Sea-Land will pay a fixed rental based upon a percentage of the land valuation. For use of a barge ramp, Sea-Land will pay as rental either (1) a fixed monthly rental or (2) a lump sum payment of the unamortized cost of the barge facility, plus interest. For use of the docking facility Sea-Land will pay monthly rental based upon the sum required to amortize the cost of the dock facility plus interest.

Agreement No. T-31-A, as amended, provides for the lease to Sea-Land of approximately 6 acres for a truck terminal. As ground rental, Sea-Land will pay a fixed monthly sum based upon a percentage of land valuation. Rental for the truck terminal will be based upon the amount required to amortize the total construction cost plus interest.

These agreements were initially filed with the Federal Maritime Commission on September 16, 1963, and determined to be not subject to section 15, Shipping Act, 1916. They are being noticed at this time since they have now become subject to such statute inasmuch as the Port of Portland, previously not a person subject to the Commission's jurisdiction, now becomes so subject due to its assumption of all contracts and obligations of the City of Portland relating to the properties and functions of the Commission of Public Docks.

Date: December 17, 1970.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-17200; Filed, Dec. 21, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3973 etc.]

MOBIL OIL CORP., ET AL.

Findings and Order After Statutory Hearing

DECEMBER 11, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that

initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

The Commission's staff has reviewed each 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, petitions to intervene and notices of intervention were filed in the following dockets:

Docket No.	Interveners
CI63-470	Natural Gas Pipeline Co. of America.
CI69-832	The Public Service Commission of the State of New York; Long Island Lighting Co.; The Brooklyn Union Gas Co.; Philadelphia Gas Works Division of UGI Corp.
CI70-470	Long Island Lighting Co.; The Public Service Commission of the State of New York; Consolidated Edison Co. of New York, Inc.; Philadelphia Gas Works Division of UGI Corp.

The interveners have either withdrawn their objections, have indicated to the Commission that they will not contest the issuance of a certificate at the rates and under the conditions set forth in Opinions Nos. 546 and 546-A, or support the granting of the application.

At a hearing held on December 9, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "naturalgas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are 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 sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates 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 orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, 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 applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are 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 certificates 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 proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. G-3973 and CI63-470 shall be 16.7338 cents per Mcf at 14.65 p.s.i.a. and 16.7295 cents per Mcf at 14.65 p.s.i.a., respectively, subject to refund in Dockets Nos. RI70-499 and RI70-879, respectively.

(b) The initial rate for the sale authorized in Docket No. CI70-1127 shall be 14 cents per Mcf at 14.65 p.s.i.a.

(c) The initial rate for the sale authorized in Docket No. CI71-280 shall be 18.75 cents per Mcf at 15.025 p.s.i.a.

(d) The initial rate for the sale authorized in Docket No. CI71-172 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 90 days from the date of initial delivery applicant shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(e) The initial rates for sales authorized in Dockets Nos. CI70-470 and CI71-238[1] shall be the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, as adjusted for quality of gas, or the contract rates, whichever are lower. Within 90 days from the date of initial delivery applicants shall file three copies of a rate schedule quality statement in the form prescribed in Opinon No. 546.

(f) In Docket No. CI69-832 the total initial rates for the proposed service from Zone 2 shall be 20 cents per Mcf at 15.025 p.s.i.a. for gas well gas and 18.5 cents per Mcf at 15.025 p.s.i.a. for casinghead gas as adjusted for quality consistent with ordering paragraph (A)(d) of Opinion No. 546: *Provided, however*, That the total rates shall in no event exceed the rate set forth in the related rate schedule. These rates each include 1.5 cent per Mcf which shall be collected subject to refund, with interest at 7 percent per annum, pending resolution of the boundary between the Louisiana taxing jurisdiction and the Federal domain and pending final order in Docket No. AR69-1. Applicant shall become entitled to the 1.5 cent per Mcf collected subject to refund for both gas well gas and casinghead gas if applicant's sales are determined to be in the

[1] Gas well gas.

Louisiana taxing jurisdiction. In the event applicant's sales are determined to be in the Federal domain, applicant shall become entitled to the 1.5 cent per Mcf collected subject to refund only insofar as it relates to gas well gas sales and then only to the extent, if at all, that the area rate for gas well gas determined in Docket No. AR69-1 is higher than the rate now authorized in Opinions Nos. 546 and 546-A for such sales from the Federal domain. Should the Commission by final order in Docket No. AR69-1 determine a just and reasonable rate in excess of the area rate prescribed in Opinions Nos. 546 and 546-A prior to resolution of the boundary dispute, the amounts to be prospectively collected subject to refund by the seller shall be correspondingly modified to reflect the smaller differential between the authorized area rates for the Louisiana taxing jurisdiction and the Federal domain. Additionally, the amounts previously collected subject to refund attributable to such reduction in differential shall no longer be subject to refund by the seller. Within 90 days from the date of initial delivery applicant shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 546.

(g) The certificate in Docket No. CI 69-832 constitutes requisite authorization to exchange gas with the buyer in accordance with section 4 of article II of the contract.

(h) The rate for the sale authorized in Docket No. CI70-469 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment and in all other respects the authorization is consistent with Opinion No. 586; and the initial rates for sales authorized in Dockets Nos. CI69-632, CI71-225, and CI71-287 shall be the applicable area base rates prescribed in Opinion No. 586, as adjusted for quality of gas, or the contract rates whichever are lower. Within 90 days from the date of initial delivery applicants shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(i) No increases in rates shall be filed by applicants in Dockets Nos. CI69-632, CI70-469, CI71-225, and CI71-287 prior to July 1, 1977, at any rate which would exceed the ceiling for the Hugoton-Anadarko area, except as permitted by Opinion No. 586.

(j) If the quality of the gas delivered by Applicants in Dockets Nos. CI69-632, CI69-832, CI70-469, CI70-470, CI71-172, CI71-225, CI71-238, and CI71-287 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, Opinion No. 546, as modified by Opinion No. 546-A, and Opinion No. 586, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(k) In Dockets Nos. G-3973 and CI63-470 the provision contained in article XIV of each contract amendment and in Docket No. CI70-470 the provision contained in section 2 of article 7 of the contract, providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(l) Issuance of the certificates in Dockets Nos. CI70-470 and CI71-172 shall not be construed as constituting approval of the advance payment provisions of the contracts and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(m) Applicant in Docket No. CI71-172 shall advise the Commission of any contemplated processing of the gas for the removal of liquid hydrocarbons.

(n) Applicants in Dockets Nos. CI69-832, CI70-470, CI70-1127, and CI71-172 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas reserves or the specified contract quantities, whichever are the lesser amounts.

(o) The authorizations granted in Dockets Nos. CI69-832, CI70-470, and CI71-172 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(p) The certificates in Dockets Nos. CI70-537, CI70-701, CI70-1072, and CI70-1076 are issued in accordance with Commission Order No. 411, issued October 2, 1970, in Docket No. R-371.

(E) The orders issuing certificates in Dockets Nos. G-3973 and CI63-470 are amended to provide for the sales of increased volumes of gas.

(F) The orders issuing certificates in Dockets Nos. G-12273, G-13304, CI69-632, and CI70-469 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) The order issuing a certificate in Docket No. G-20484 is amended to include the sales of natural gas heretofore authorized in Dockets Nos. G-12072, G-12073, G-12074, G-20482, G-20483, and G-20485 to be made pursuant to FPC Gas Rate Schedule Nos. 86, 92, 90, 208, 209, and 211, respectively. The certificates heretofore issued in the latter dockets are terminated and the related rate schedules are canceled.

(H) Applicant in Docket No. G-20484 shall charge and collect for sales herein authorized to be continued pursuant to its FPC Gas Rate Schedule No. 210 the rates heretofore authorized to be charged and collected pursuant to its FPC Gas Rate Schedules Nos. 86, 90, 92, 208, 209, and 211.

(I) The orders issuing certificates in Dockets Nos. CI65-1256, CI66-882, and CI68-517 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(J) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) Permission for and approval of the abandonments in Dockets Nos. CI71-142 and CI71-288 shall not be construed to relieve applicants of any refund obligations in the rate proceedings pending in Dockets Nos. RI66-244 and RI68-594, respectively.

(L) The certificate heretofore issued in Docket No. G-3895 is terminated only with respect to General American Oil Company of Texas (Operator) et al., FPC Gas Rate Schedule No. 1.

(M) The certificates heretofore issued in Dockets Nos. G-2813, G-4804, G-5622, G-7412, G-7413, G-7414, G-7415, G-7416, G-7417, G-7418, G-8594, G-9795, G-18894, CI62-504, CI62-1300, CI63-1164, CI63-1500, CI63-1580, and CI64-911 are terminated and the related rate schedules are canceled.

(N) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-3973 ..... 9-3-70[1]	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	Amendment 7-13-70[2]	417	16
G-5622[3]	Hays and Co., Agent for Big Cove Oil & Gas Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	(7) (9)	51	.....
G-8594[3]	Hays and Co., Agent for Pratt and Grace Barr.	Consolidated Gas Supply Corp., acreage in Calhoun County, W. Va.	(7) (9)	206	.....
G-9795[3]	Hays and Co., Agent for R. L. Short, et al.	..... do	(7) (9)	118	.....
G-12273 ..... C 10-5-70	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Pictured Cliff Field, Rio Arriba County, N. Mex.	Supplemental agreement 9-25-70[4]	195	26

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-13804 D 9-14-70	Cities Service Oil Co.	Cities Service Gas Co., Beach No. 1 Well, Alfalfa County, Okla.	Notice of partial cancellation 9-8-70.[3] [6]	102	6
G-18894 [3]	Hays and Co., Agent for Len Powell, et al.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	(7) (7)	133	
G-20484 8-17-70 [3]	Mobil Oil Corp.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Letter agreement 5-28-70 [3]	210	11
(G-12072)	do	do	Notice of cancellation 8-14-70.[3] [6a]	86	13
(G-12073)	do	do	Notice of cancellation 8-14-70.[3] [6a]	92	1
(G-12074)	do	do	Notice of cancellation 8-14-70.[3] [6a]	90	13
(G-20482)	do	do	Notice of cancellation 8-14-70.[3] [6a]	208	12
(G-20483)	do	do	Notice of cancellation 8-14-70.[3] [6a]	209	9
(G-20485)	do	do	Notice of cancellation 8-14-70.[3] [6a]	211	14
CI62-504 [3]	Hays and Co., Agent for De Kalb Oil & Gas Co.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	(7) (7)	60	
CI63-470 8-6-70 [3]	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	Amendment 7-13-70 [3]	320	24
CI63-1500 [3]	Frederick V. Blodgett	Consolidated Gas Supply Corp., Greenbrier District, Doddridge County, W. Va.	(7) (7)	1	
CI65-1256 E 9-21-70.	Duquesne Natural Gas Co. (successor to Associated Oil & Gas Exploration, Inc.).	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	Associated Oil & Gas Exploration, Inc., FPC GRS No. 1.	11	
			Notice of succession 9-16-70.[3]		
			Amendment 10-17-66	11	1
			Letter agreement 9-22-69	11	2
			Assignment 1-1-70.[3]	11	3
			Letter agreement 4-23-70	11	4
CI66-882 E 9-8-70.	Patrick Petroleum Co. (successor to Whitestone Petroleum Corp. (Operator) et al.).	Texas Eastern Transmission Corp., Manila Village Field, Jefferson Parish, La.	Whitestone Petroleum Corp. (Operator) et al., FPC GRS No. 1.	3	
			Supplement No. 1	3	1
			Notice of succession 9-3-70		
			Assignment 11-30-66	3	2
CI68-517 E 9-8-70	Donald S. Garvin, et al., d.b.a. Garvin-Summers (successor to Drevzoll, Inc.).	Equitable Gas Co., acreage in Gilmer County, W. Va.	Drevzoll, Inc., FPC GRS No. 2.	6	
			Notice of succession 9-4-70		
			Assignment 6-18-70	6	1
			Effective Date: 8-1-70		
CI69-632 C 9-3-70	D. R. Lauck Oil Co., Inc. (Operator) et al.	Northern Natural Gas Co., Wil Field, Edwards County, Kans.	Agreement 10-13-69 [4] [6]	7	1
CI69-832 A 3-3-69	Mobil Oil Corp [10]	Texas Eastern Transmission Corp., Block 14 Field, East Cameron Area, Offshore Louisiana.	Contract 2-28-69	454	
CI70-469 C 4-1-70 [12]	Gulf Oil Corp. (Operator) et al.[12]	Kansas-Nebraska Natural Gas Co., Inc., West Reydon Field, Roger Mills County, Okla.	Letter agreement 12-1-69	415	2
			Letter agreement 1-5-70	415	3
			Letter agreement 2-11-70 [6]	415	4
CI70-670 A 11-17-69	Texaco, Inc.[13]	Sea Robin Pipeline Co., Block 265 Field, East Cameron Area, Offshore Louisiana.	Contract 10-3-69	449	
			Assignment 10-7-69	449	1
			Letter agreement 9-17-70 [3]	449	2
CI70-537 A 12-10-69	E. C. Ware	United Fuel Gas Co., acreage in Martin County, Ky.	Contract 11-24-69 (No. 7230).[3]	49	

See footnotes at end of document.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI70-708 A 1-30-70	C. F. Shewey	do	Contract 11-19-69 (No. 7229).[3]	7	
CI70-1072 A 6-8-70	James L. Fox Co.	United Fuel Gas Co., acreage in Floyd County, Ky.	Contract 3-25-70 (No. 7296).[3]	1	
CI70-1076 A 6-8-70	George Dansby	do	Contract 5-15-70 (No. 7274).[3]	1	
CI70-1127 A 6-24-70	William D. Johnson [14]	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth-Taft Field, San Patricio County, Tex.	Contract 3-6-70	1	
			Letter agreement 6-19-70	1	1
			Compliance 9-4-70 [3] [15]	1	2
CI71-142 (G-3895) [16] B 8-18-70	General American Oil Co. of Texas (Operator) et al.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Notice of cancellation 9-9-70.[3] [6]	1	13
CI71-172 A 8-27-70	King Resources Co.[17]	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	Contract 5-22-70	24	
CI71-225 A 9-10-70	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Contract 8-1-70	26	
CI71-228 A 9-11-70	Crain Brothers, Inc.	Transcontinental Gas Pipeline Corp., Louisiana Point Field, Cameron Parish, La.	Contract 8-25-70 [3]	1	
CI71-239 (G-7412) B 9-3-70	Pennoil United, Inc.	United Natural Gas Co., acreage in McKean County, Pa.	Notice of cancellation 8-31-70.[3] [6]	7	3
CI71-240 (G-7413) B 9-3-70	do	Pennsylvania Gas Co., acreage in Elk County, Pa.	Notice of cancellation 8-31-70.[3] [6]	1	2
CI71-241 (G-7414) B 9-3-70	do	do	Notice of cancellation 8-31-70.[3] [6]	4	2
CI71-242 (G-7415) B 9-3-70	do	Pennsylvania Gas Co., acreage in Warren County, Pa.	Notice of cancellation 8-31-70.[3] [6]	5	2
CI71-243 (G-7416) B 9-3-70	do	Pennsylvania Gas Co., acreage in Elk County, Pa.	Notice of cancellation 8-31-70.[3] [6]	6	2
CI71-244 (G-7417) B 9-3-70	do	Pennsylvania Gas Co., acreage in Forest County, Pa.	Notice of cancellation 8-31-70.[3] [6]	2	2
CI71-245 (G-7418) B 9-3-70	do	Pennsylvania Gas Co., acreage in Elk County, Pa.	Notice of cancellation 8-31-70.[3] [6]	3	2
CI71-254 A 9-15-70	Eastates Gas Producing Co., Inc.	The Ohio Fuel Gas Co., Lebanon Field, Meigs County, Ohio.	Contract 7-17-70 (No. 9517)	1	
CI71-257 A 9-18-70	Eastern Operating Co.	Carnegie Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 9-2-70 (No. 1237)	1	
CI71-259 (CI64-911) B 9-21-70	Union Oil Co of California.	Northern Natural Gas Co., Northeast Ivanhoe Field, Beaver County, Okla.	Notice of cancellation 9-18-70.[3] [6]	84	2
CI71-260 (G-4804) B 9-21-70	Alma M. Schrader, agent for L. D. Nutter et al.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Notice of cancellation 8-19-70.[3] [6]	1	2
CI67-261 (G-2823) B 9-21-70	do	do	Notice of cancellation 8-19-70.[3] [6]	6	1
CI71-279 (CI63-1260) B 9-25-70	Anadarko Production Co.	Northern Natural Gas Co., Carthage Area, Texas County, Okla.	Notice of cancellation 9-23-70.[3] [6]	73	2
CI71-280 A 9-25-70	Franks Petroleum Inc.[3]	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	Contract 8-28-70 [3]	15	
CI71-287 A 9-30-70	Sohio Petroleum Co.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Contract 7-31-70	155	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI71-288 ..... (CI63-1164) B 9-30-70	Skelly Oil Co	Cities Service Gas Co., Sterling Field, Comanche County, Okla.	Notice of cancellation 9-28-70, [3] [4]	183	2
CI71-290 ..... (CI62-1300) B 10-1-70	Pan American Petroleum Corp.	Texas Gas Transmission Corp., Blackburn Field, Claiborne Parish, La.	Notice of cancellation 9-29-70, [3] [4]	332	3

[1] Amendment to the certificate to reflect increase in daily contract quantity.
[2] Effective date: Date of this order.
[3] No filing made by producer. The certificate will be terminated and the related rate schedule canceled on the Commission's own motion since all efforts to obtain 7(b) filings were unsuccessful and buyer states it is not buying gas from the subject properties.
[4] Source of gas depleted.
[5] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[6] Applicant requests that its certificate in Docket No. G-20484 be amended to include thereunder the sales now authorized in Dockets Nos. G-12072, G-12073, G-12074, G-20482, G-20483, and G-20485 to be made pursuant to FPC GRS Nos. 86, 92, 90, 208, 209, and 241, respectively, and that the certificates in the latter dockets be terminated.
[6a] Cancels the rate schedule so that sales thereunder may now be covered under the certificate in Docket No. G-20484 and FPC GRS No. 210.
[7] Associated Oil & Gas Exploration, Inc., was dissolved Dec. 31, 1967, and Associated Programs, Inc., acquired all its property and assets. The notice of succession includes a copy of the Certificate of Dissolution and The Articles of Dissolution.
[8] Assigns acreage from Associated Programs, Inc., to applicant.
[9] Acreage committed is limited to all depths shallower than the base of the Mississippian System.
[10] By letter filed Oct. 12, 1970, applicant requests a permanent certificate on the same terms and conditions as contained in the temporary certificate dated June 27, 1970, as amended.
[11] Amendment to the certificate filed to include interest of coowners.
[12] By letter dated Nov. 9, 1970, applicant advised of willingness to accept permanent authorization in accordance with the commitment that it made in the original application.
[13] By letter filed Aug. 17, 1970, applicant indicated willingness to accept a permanent certificate at Opinion No. 546 rate levels.
[14] Applicant agrees to accept a permanent certificate under the same conditions imposed by the temporary certificate.
[15] Other sales covered under the certificate in Docket No. G-3895, therefore, the certificate in said docket will be terminated only with respect to applicant's FPC GRS No. 1.
[16] By letter filed Oct. 12, 1970, applicant agreed to accept a permanent certificate under the same conditions imposed by the temporary certificate.
[17] Production of gas no longer economically feasible.
[18] Contract rate is 20 cents, however, applicant states willingness to accept a permanent certificate conditioned at 18.75 cents per Mcf at 15.025 p.s.i.a.

[F.R. Doc. 70-17122; Filed, Dec. 21, 1970; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Temporary Reg. D-24]

SECRETARY OF TRANSPORTATION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to manage the parking facilities in Federal Office Building 10A and Nassif Building, Washington, D.C.

2. *Effective date.* This regulation is effective November 3, 1970.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is delegated to the Secretary of Transportation to perform all functions in connection with the management of the parking facilities located in Federal Office Building 10A and Nassif Building, Washington, D.C.

b. This authorization shall include authority to contract directly or indirectly through others for the management of such parking facilities with such organizations, corporations, trustees, or other entities as the Secretary may deem appropriate to serve Federal Office Building 10A and Nassif Building.

c. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

d. This delegation of authority is temporary and may be revoked or changed at such time as legislation is enacted which authorizes an overall parking program, or at any other time the Administrator of General Services determines that revocation or change is in the best interest of the Government.

e. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, and policies, procedures, and controls prescribed by the General Services Administration.

4. *Effect on other issuances.* Temporary Regulation D-14 dated April 3, 1969, is revoked.

ROBERT L. KUNZIG,
Administrator of General Services.

DECEMBER 16, 1970.

[F.R. Doc. 70-17181; Filed, Dec. 21, 1970; 8:46 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (70-5)]

PERSONS ON NASA OPERATED AIRCRAFT

Information on Insurance Coverage

(a) This notice is to advise all persons who may have occasion to fly on NASA operated aircraft that: (1) Aircraft owned or operated by or for NASA are either (i) operated as public aircraft and, as such, do not require or have a certificate of airworthiness issued by the Federal Aviation Administration or (ii) are leased from commercial sources. In either event they are probably not aircraft operated by an owner licensed as a common, irregular, nonscheduled or air taxi carrier for hire. In addition, even if they are military aircraft, they are not generally operated by one of the military air transport commands or services on a scheduled route. (2) As a consequence, many commercially available accidental death and double indemnity for accidental-death riders to whole or term life insurance policies may not provide protection for flights on such NASA operated aircraft.

(b) Persons, who may have an occasion to fly on NASA operated aircraft and are concerned about insurance, are advised to carefully read the policy on any insurance they now hold (particularly the exclusion provisions), or consult their insurance agent.

(c) NASA has arranged for the availability of insurance which may be purchased by individuals desiring to do so at their own expense on an annual or trip-by-trip basis, which does offer protection for almost all flights on NASA operated aircraft. Applications and further information may be obtained through the NASA Employees Benefit Association or at any NASA travel, aircraft operations or similar office and through the air or ground crew servicing any NASA operated aircraft.

BERNARD MORITZ,
Deputy Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

[F.R. Doc. 70-17160; Filed, Dec. 21, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 07/07-5084]

COMBINED OPPORTUNITIES, INC.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et. seq.) (Act), has been filed by Combined Opportunities, Inc. (applicant), with the Small Business Administration (SBA) pursuant to section 107.102 of the SBA Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326).

The officers and directors of the applicant are as follows:

W. Clement Stone, 5050 North Broadway, Chicago, IL 60640, Chairman of the Board and Director.

Matthew T. Walsh, 5050 North Broadway, Chicago, IL 60640, Vice Chairman of the Board and Director.

Edmund G. Pabst, 5050 North Broadway, Chicago, IL 60640, President and Director.

Wallace T. Buya, 5050 North Broadway, Chicago, IL 60640, Vice President and Director.

Donna S. Bradshaw, 5050 North Broadway, Chicago, IL 60640, Vice President and Director.

Robert Peterson, 5050 North Broadway, Chicago, IL 60640, Treasurer.
Lloyd L. Ciucas, 5050 North Broadway, Chicago, IL 60640, Secretary.
Neil R. Cossman, 5050 North Broadway, Chicago, IL 60640, Executive Director.

The applicant, an Illinois corporation with its principal place of business located at 5050 North Broadway, Chicago, IL 60640, will begin operations with $150,000 of paid-in capital and surplus, consisting of 150 shares of common stock. The issued and outstanding stock will be owned 100 percent by the Combined Insurance Company of America. W. Clement Stone together with members of his family, directly or indirectly, control 26.36 percent of the Combined Insurance Company of America's voting securities.

Applicant intends to invest in diversified business enterprises. According to the company's stated investment policy, it is to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under such management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

DECEMBER 17, 1970.

[F.R. Doc. 70-17262; Filed, Dec. 21, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 212]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 16, 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 30837 (Sub-No. 415 TA), filed December 9, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Mailing: Post Office Box 160, 53141, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from Cleveland, Ohio; to points in the United States (except Hawaii) and the return of *damaged, rejected, undeliverable*, and *repossessed vehicles*, to the point of origin, for 150 days. Supporting shipper: Action-Age, Inc., 18780 Cranwood Parkway, Cleveland, OH 41128 (Darrell D. Savage, Manager of Manufacturing). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 107295 (Sub-No. 474 TA), filed December 10, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842 (Illinois Corp.). Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels, panels combined with plastic, packages of hardware consisting of aluminum flashings, screws and various tapes and accessories used in the installation thereof;* from Dallas, Tex., to points in Arkansas, California, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Control Building Systems, 2422 Butler, Dallas, TX 75235. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107912 (Sub-No. 15 TA), filed December 9, 1970. Applicant: REBEL MOTOR FREIGHT, INC., 3060 Gill Road, Post Office Box 9384, Memphis, TN 38109. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate points on Mississippi Highway 6, between Batesville and Oxford, Miss., including without limitation, the plantsite of Lawrence Brothers Decorating Center, Batesville, Miss., located at the intersection of Mississippi Highway 6 and Mississippi Highway 315. NOTE: Applicant intends to tack this authority with its existing authority in MC-107912 and to interline with other carriers, for 180 days. Supporting shipper: Lawrence Brothers Decorating Center, Batesville, Miss. 38606. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 113024 (Sub-No. 105 TA), filed December 10, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Dupont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and plastic pipe*, from Wilmington, Del., to Atlanta, Ga., and (2) *Cotton and Nylon yarn*, from Porterdale, Ga., to Wilmington, Del., for 180 days. Supporting shipper: Electric Hose & Rubber Co., Post Office Box 910, Wilmington, DE 19899, F. H. Evick, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 113855 (Sub-No. 229 TA), filed December 9, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, Van Osdel, Foss, Johnson, and Miller, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (except truck tractors) and (2) *attachments for, and equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and Alaska. Restriction: Restricted to traffic originating at Eau Claire, Wis., for 180 days. Supporting shipper: International Harvester Co., 101 North Michigan Avenue, Chicago, IL 60611. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S.

Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 126367 (Sub-9 TA), filed December 10, 1970. Applicant: EVERGREEN TRUCKING COMPANY, Jewell Route, Box 39, Seaside, OR 97138 (Oregon Corporation). Applicant's representative: Fred Slanger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood veneer*, from points in Lewis County, Wash., to points in Clatsop County, Oreg., for 180 days. Supporting shipper: Cleve Ramsey, General Manager, Astoria Plywood Corp., Post Office Box 117, Astoria, OR 97103. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 129086 (Sub-No. 11 TA), filed December 10, 1970. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254A Route No. 2, Geyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from points in Frederick County, Va., to points in Delaware, Maryland, North Carolina, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: Unisil Corp., 345 Park Avenue, New York, NY 10022. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 531 Hawley Building, Wheeling, WV 26003.

No. MC 133496 (Sub-No. 2 TA), filed December 10, 1970. Applicant: DIEHL LUMBER TRANSPORTATION CO., 1756 South Sixth West Street, Salt Lake City, UT 84104, a corporation. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, from points in Salt Lake County, Utah; to points in Idaho, Wyoming, Nevada, California, Arizona, Colorado, and Montana, for 180 days. Supporting shipper: Utah Components and Manufacturing Co., 1726 South Sixth West, Salt Lake City, UT 84104. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 135073 (Sub-No. 1 TA), filed December 10, 1970. Applicant: HOWARD COMPANY, INC., 854 Richards Streets, Salt Lake City, UT 84101. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Module homes*, from Clearfield, Utah, to points in Wyoming, Colorado, Nevada, and Idaho, for 150 days. Supporting shipper: Module Constructions Systems, Inc., Post Office Box 1508, Building D–2, Freeport Center, Clearfield, UT 84016. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 135088 (Sub-No. 1 TA), filed December 9, 1970. Applicant: STREETER MOVING & STORAGE CO., INC., 1051 Market Road, Columbia, SC 29201. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in South Carolina, North Carolina, and Rabun, Habersham, Stephens, Franklin, Hart, Elbert, Lincoln, Columbia, Richmond, Burke, Screven, Effingham, and Chatham Counties, Ga.; Polk, Monroe, Blount, Sevier, Cocke, Greene, Unicot, Carter, and Johnson Counties, Tenn.; and Norfolk, Nansemond, South Hampton, Greenville, Brunswick, Mecklenburg, Halifax, Pittsylvania, Henley, Patrick, Carroll, Grayson, and Washington Counties, Va. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to the unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. Supported by: Applicant is being supported by the Director of Personal Property MTMTS, Washington, D.C. Attention: Mr. Frank Gioschio. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 135117 (Sub-No. 1 TA), filed December 10, 1970. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA. Applicant's representative: Wallace W. Huff, 314 Security Bank Building, Sioux City, IA 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Hides, skins, or pelts*, green or salted (a) from points located within an area as follows, in Minnesota points on and lying south of U.S. Highway 14, and all of Nebraska and Iowa, to Sioux City, Iowa; and (b) from Sioux City, Iowa, to Red Wing, Minn., over U.S. Highway 75 to U.S. Highway 60 to Minnesota Highway 58 to Red Wing, Minn., and return over the same route, for 180 days. Supporting shipper: Phillips & Co., Inc., Post Office Box 473, Sioux City, IA 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 135143 TA, filed December 9, 1970. Applicant: H. T. NIXON, doing business as CITY TRANSFER, Post Office Box 696, Montesano, WA 98563. Applicant's representative: Joseph O. Earp, 411 Lyons Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and new furniture*, from Portland, Oreg., to Chehalis, Wash., for 180 days. Supporting shipper: Moduline Industries, Inc., Chehalis Industrial Park, Post Office Box 209, Chehalis, WA 98532. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135145 TA, filed December 9, 1970. Applicant: LUTHER TRANSFER & WAREHOUSE CO., INC., 1841 Industrial Avenue, Post Office Box 1009, San Angelo, TX 76901. Applicant's representative: Robert L. Strickland, 715 Frost Bank Building, San Angelo, TX 78205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission; (1) between San Angelo, Tex., on the one hand, and, on the other, points in Texas within a 15-mile radius of San Angelo; (2) between Del Rio, Tex., on the one hand, and, on the other, points in Texas within a 25-mile radius of Del Rio. Restriction: Restricted to transportation of traffic having a prior or subsequent movement in containers beyond points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic for the U.S. Government, for 150 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: H. C. Morrison, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70–17185; Filed, Dec. 21, 1970; 8:47 a.m.]

[Notice 213]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 17, 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 15881 (Sub-No. 16 TA), filed December 10, 1970. Applicant: FERGUSON TRANSPORTATION CO., 445 East Seventh Street, Post Office Box 372, Bloomsburg, PA 17815. Applicant's representative: James W. Hagar, Post Office Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, components of lamps, and lamp shades*, from Berwick, Pa., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Fulton Manufacturing Co., Inc., Berwick Pa. 18603. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 41240 (Sub-No. 14 TA), filed December 10, 1970. Applicant: NELSON TRUCKING SERVICE, INC., Box 161, Mediapolis, IA 52637. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from South Bend, Ind., to Davenport, Iowa; and *empty containers* on return, for 180 days. Supporting shipper: Meyer Distributing Co., Inc., 604 North Division Street, Davenport, IA 52802. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 111812 (Sub-No. 412 TA), filed December 10, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products* as described in sections A and C of the *Descriptions Cases*, 61 M.C.C. 209 and 766, from Kansas City, Kans., and Glenwood, Iowa, to points in the States of Montana, Oregon, and Washington, for 180 days. Supporting shipper: Swift Processed Meat Co., 115 West Jackson Boulevard, Chicago, IL 60604, Trevor H. Tucker, Director of Distribution. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 112520 (Sub. No. 227 TA), filed December 10, 1970. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from the plantsite of Occidental Chemical Co., near White Springs, Fla., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Mississippi, Tennessee, Kentucky, Louisiana, Pennsylvania, and New Jersey, for 180 days. Supporting shipper: Occidental Chemical Co., Houston, Tex. 77001. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112520 (Sub-No. 228 TA), filed December 11, 1970. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, in bulk, from Jay, Fla., to Le Moyne, Ala., for 180 days. Supporting shipper: Enjay Chemical Co., Post Office Box 201, Florham Park, NJ 07932. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112617 (Sub-No. 284 TA), filed December 9, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road, 40219, Louisville, KY 40221. Applicant's representative: Charles R. Dunford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, methyl acetate, and cleaning compounds and synthetic latices* in mixed truck loads, in bulk, in tank vehicles, from plantsite of W. R. Grace & Co., near Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Illinois (except East St. Louis commercial zone), Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri (except St. Louis commercial zone), North Carolina, Ohio, Oklahoma, South Carolina, Tennessee (except Kingsport and Elizabeth), Texas (except dry chemicals to Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties), and Wisconsin, for 180 days. Supporting shipper: Kenneth E. Murley, Manager, Traffic and Production Control, W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 114312 (Sub-No. 20 TA), filed December 11, 1970. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Applicant's representative: A. Charles Tell, Esq., 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer products*, (1) from Dansville, Ill., to points in Michigan and Ohio; and (2) from Washington Court House, Ohio, to points in Mercer, Lawrence, Butler, Beaver, Allegheny, Washington, Westmoreland, Greene, and Fayette Counties, Pa., for 150 days. Supporting shipper: Agrico Chemical Co., Post Office Box 280, Washington Court House, Ohio 43160. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 116254 (Sub-No. 119 TA), filed December 10, 1970. Applicant: CHEMHAULERS, INC., 1510 Martin Avenue, Post Office Box 245, Sheffield, AL 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol Sulfonic acid*, 65 percent, in bulk, in tank vehicles, from Birmingham, Ala., to Fontana and Pittsburg, Calif., for 180 days. Supporting shipper: United States Pipe and Foundry Co., 300 First Avenue, North Birmingham, AL 35202. Attention: C. A. Moultis, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, AL 35202.

No. MC 117940 (Sub-No. 34 TA), filed December 11, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lamp components, lamp shades, and light fixtures*, from Berwick, Pa., to points in Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Los Angeles, Calif., for 150 days. Supporting shipper: Fulton Manufacturing Co., Inc., Berwick, Pa. 18603. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 119931 (Sub-No. 5 TA), filed December 10, 1970. Applicant: DEWEY FREIGHT SYSTEMS, INC., 7921 Grandview Street, Overland Park, KS 66203. Applicant's representative: Charles A. Darby, Suite 1215 Commerce Building, 922 Walnut Street, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Beloit and Salina, Kans., and *return empty malt beverage containers*, from the above specified destination points to St. Louis, Mo., for 180 days. Supporting shippers: Pestinger Distributing Co., Post Office Box 198, Beloit, KS 67420; Vidricksen Distributing Co., 1402 North Fifth Street, Salina, KS 67401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 120800 (Sub-No. 31 TA), filed December 11, 1970. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley Capitol Truck Line, Inc. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon*, from La Porte, Tex., to points in Alabama, Florida, Georgia, and Louisiana, for 150 days. Supporting shipper: American Cryogenics, Inc., No. 1 Embarcadero Center, San Francisco, CA 94111. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 124199 (Sub-No. 4 TA), filed December 10, 1970. Applicant: CHESAPEAKE BULK TERMINALS, INC., 2767 Wilkens Avenue, Baltimore, MD 21223. Applicant's representative: Donald C. Gibeau (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Baltimore, Md., to Philadelphia, Pa., for 150 days. Supporting shipper: T. F. Shaughnessy, District Sales Manager, Peavey Co. Flour Mills, 2 Overhill Road, Scarsdale, NY 10583. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 124212 (Sub-No. 53 TA), filed December 10, 1970. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, Thompson, Hine and Flory, National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plantsite of Lehigh Portland Cement Co. at Union Bridge, Md., to Frackville, King of Prussia, and Philadelphia, Pa., for 180 days. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, PA 18105. Send protests to: District Supervisor G. J. Baccei, 181 Federal Office Building, Cleveland, OH 44199.

No. MC 129645 (Sub-No. 32 TA), filed December 10, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as Smeester Brothers Trucking, 1330 South Jackson Street, Iron Mountain, MI 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, and accessories and supplies* used in installation thereof (on flatbed equipment, only) from plant and warehouse sites of Robbins Flooring Co. at or near Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia and East of U.S. 183 in Nebraska. NOTE: No interline nor tacking intended, for 180 days. Supporting shipper: Robbins Flooring Co., Ishpeming, Mich. 49849. By A. W. Schroeder, Traffic Manager). Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, MI 48933.

No. MC 133840 (sub-No. 3 TA), filed December 10, 1970. Applicant: TROY L. SMITH, doing business as TROY L. SMITH TRUCKING COMPANY, 2228 South Santa Fe, Post Office Box 94788, Oklahoma City, OK 73109. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Creamery butter*, (not frozen) from Cushing, Okla., to Los Angeles, Calif., for 180 days. Supporting shipper: A. A. Burkey, Burkey Creamery, Post Office Box 1127, Cushing, OK 74023. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 134996 (Sub-No. 1 TA), filed December 11, 1970. Applicant: ROY HICKS, doing business as HICKS TRUCKING COMPANY, Post Office Box 1361, Farmington, NM 87401. Applicant's representative: Edwin E. Piper, Jr., Suite 715, Simms Building, Albuquerque, NM. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated module building*, in sections from plantsite of Econobilt Manufacturing Co., Inc., near Gallup, N. Mex., to points on the Navajo, Hopi, Apache, and Zuni Indian Reservation, Ariz., for 180 days. Supporting shipper: Econobilt Manufacturing Co., Inc., Post Office Box 457, Gallup, NM 87301. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10515 Federal Building, U.S. Courthouse, Albuquerque, NM 87101.

No. MC 135144 TA, filed December 9, 1970. Applicant: GENERAL WAREHOUSE COMPANY, Jean Ribaut Road, Port Royal, SC 29935. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in South Carolina. Restriction: The operations authorized herein are subject to the following conditions; said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Applicant is being supported by the Director of Personal Property MTMTS, Washington, D.C. Attention: Mr. Frank Gioschio. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 135163 (Sub-No. 1 TA), filed December 10, 1970. Applicant: BROWARD AIR FREIGHT TERMINAL, INC., 3333 Southwest Second Avenue, Fort Lauderdale, FL 33315. Applicant's representative: Judson D. Hawley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, commodities in bulk, commodities requiring special equipment and household goods, from points in and between Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by air or water, for 180 days. Supporting shippers: Bendix Avionics Division, Fort Lauderdale, Fla.; Reeves Instrument Division, Boynton Beach, Fla.; ABC International Inc., Fort Lauderdale, Fla.; Domestic Air Express, Inc., Jamaica, N.Y.; Erickson Tool Co., Solon, Ohio; Aeromarine Manufacturing Co., Delray Beach, Fla.; United Forwarders Service, Miami, Fla.; Jalbert Aerology Laboratory, Inc., Boca Raton, Fla.; Sentry Airfreight Corp., Miami, Fla.; Westinghouse Electric Corp., Pompano Beach, Fla. Send protests to: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, Room 105, 5720 Southwest 17th Street, Miami, FL 33155.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-17186; Filed, Dec. 21, 1970; 8:47 a.m.]

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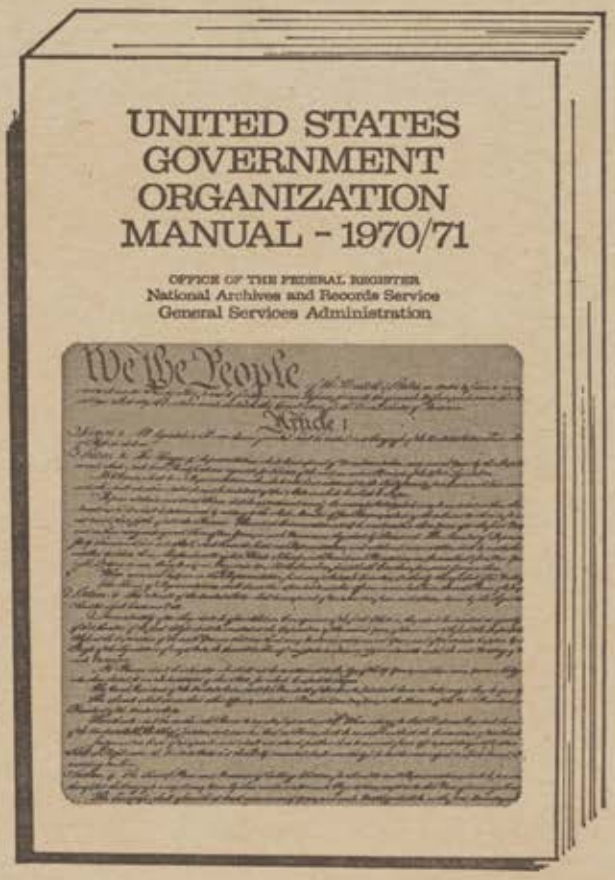

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