

FEDERAL REGISTER

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Part I

(Part II begins on page 16801)

Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Education Office
Federal Aviation Administration
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
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General Services Administration
Interior Department
Interstate Commerce Commission
Justice Department
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Small Business Administration
Social and Rehabilitation Service
Social Security Administration

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Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED

in Volumes 70-79 of the

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1581]

PART 13—PROHIBITED TRADE PRACTICES

Cox Broadcasting Corp. and WIIC-TV Corp.

Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 *Promotional sales plans*: 13.1830-10 Temporary increase of broadcast audience, "hyoping".¹

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cox Broadcasting Corp. et al., Atlanta, Ga., Docket C-1581, Aug. 11, 1969]

In the Matter of Cox Broadcasting Corp., a Corporation, and WIIC-TV Corp., a Corporation

Consent order requiring an Atlanta, Ga., television broadcasting company and its TV station in Pittsburgh, Pa., to cease using "hyoping" practices in the Pittsburgh market area—that is, engaging in unusual promotional schemes designed to temporarily increase the size of their broadcast audience during rating periods.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Cox Broadcasting Corp., a corporation, and WIIC-TV Corp., a corporation, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the broadcasting, and the advertising, offering for sale or sale of broadcast time in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Conducting or participating in any unusual contest or giveaway, or engaging in any unusual advertising or promotional practice, in the Pittsburgh, Pa., market, which is calculated or designed to temporarily increase the size of their broadcast audience only during a rating or survey period or which is calculated or designed to cause any rating or survey company to publish and place in the hands of purchasers thereof, audience rating or other data which may mislead or deceive such purchasers as to the size or composition of respondents' audience.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days

¹ New.

after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 11, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12424; Filed, Oct. 16, 1969; 8:47 a.m.]

[Docket No. C-1583]

PART 13—PROHIBITED TRADE PRACTICES

Motel Managers Training Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.110 *Endorsements, approval and testimonials*; § 13.125 *Limited offers or supply*; § 13.143 *Opportunities*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1665 *Endorsements*; § 13.1670 *Jobs and employment*; § 13.1747 *Special or limited offers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Motel Managers Training Corp. et al., Milwaukee, Wis., Docket C-1583, Sept. 2, 1969]

In the Matter of Motel Managers Training Corp., a Corporation, and Richard D. Kolpin, Individually and as an Officer of Said Corporation, and Kathryn C. Kolpin, as an Officer of Said Corporation

Consent order requiring a Milwaukee, Wis., distributor of correspondence courses in hotel and motel management to cease misrepresenting the employment opportunities of its graduates, that respondent will place graduates regardless of age, that the course has been endorsed by an official of the Home Study Association, and that enrollment is limited.

The order to cease and desist, included further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Motel Managers Training Corp., a corporation, and its officers, and Richard D. Kolpin, individually and as an officer of said corporation, and Kathryn C. Kolpin, as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of courses of instruction in hotel and motel management or any other courses of study or instruction or other services or products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Graduates of respondents' course of instruction in hotel and motel management will be employed as managers of hotels or motels by virtue of completing such course; or misrepresenting, in any manner, the value or effectiveness of respondents' courses of study or instruction in qualifying persons for employment.

2. Many openings as managers of hotels and motels are available to graduates of respondents' course of instruction in hotel and motel management; or misrepresenting, in any manner, the number or kind of job openings or the opportunities available to graduates of respondents' courses of study or instruction.

3. Graduates of respondents' courses of study or instruction will derive any stated amount or gross or net profits or other earnings; or representing, in any manner, the past earnings of graduates of respondents' courses of study or instruction unless in fact the past earnings represented are those of a substantial number of graduates and accurately reflect the average earnings of these graduates under circumstances similar to those of the prospective student to whom the representation is made; or misrepresenting, in any manner, the benefits afforded to graduates of respondents' courses of study.

4. A graduate of respondents' course in hotel and motel management can in all instances obtain employment as a manager of a hotel or motel regardless of his age or the fact that his dependent children will be living with him; or failing to disclose that in certain instances, a person's age or his having dependent children living with him is an obstacle in securing employment as a manager of a hotel or motel.

5. Respondents have a placement service to assist graduates of their course in hotel and motel management to obtain positions as hotel and motel managers unless they do, in fact, maintain a placement service and place graduates in such positions as represented; or misrepresenting, in any manner, the nature, extent or effectiveness of the assistance furnished to persons completing respondents' courses of study or instruction in finding employment.

6. Graduates of respondents' course of instruction in hotel and motel management can obtain positions as managers of hotels and motels in the geographical area of their choice.

7. Respondents' residence training program is a necessary part of the course in hotel and motel management or is essential to obtaining employment as a motel or hotel manager.

8. Respondents' school has various departments or has a staff which is trained and experienced in teaching hotel and motel management; or mis-

representing, in any manner, the size of the school or the qualifications of the staff.

9. Dr. Benjamin Klekner, Executive Director of the Association of Home Study Schools, endorsed respondents' course of instruction as a disinterested person; or falsely representing that any person purporting to endorse respondents' courses of instruction is a disinterested person.

10. Published testimonials of graduates of respondents' course of instruction or others which are not voluntary and genuine expressions of such persons, are unsolicited and spontaneous expressions of these persons.

11. Enrollment in respondents' school is limited; that there is a great demand for enrollment; or that only one interview is granted to each prospective student.

B. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' courses of instruction, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents shall furnish a copy of this order to each of their operating departments or divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 2, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 69-12426; Filed, Oct. 16, 1969;
8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that two additional positions of Senior Assistant for Congressional Relations and seven additional positions of Assistant for Congressional Relations in the Office of the Assistant to the Secretary for Congressional Relations are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (40) and (41) of paragraph (a) of § 213.3384 are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. * * *

(40) Six Senior Assistants for Congressional Relations.

(41) Twelve Assistants for Congressional Relations.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[P.R. Doc. 69-12439; Filed, Oct. 16, 1969;
8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 649]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart 0—Administrative Division

DELEGATING AUTHORITY FOR SUSPENDING OR TERMINATING COLLECTION ACTION UNDER TITLE 4, CODE OF FEDERAL REGULATIONS

Under and by virtue of the authority vested in me by Part 104, Title 4, and §§ 0.75, 0.84, and 0.159 of Title 28 of the Code of Federal Regulations, I hereby delegate to the Director, Office of Budget and Accounts, the authority to suspend or terminate collection action on claims not to exceed \$100.

The provisions of this memorandum shall be effective on the date of the publication of this memorandum in the FEDERAL REGISTER.

L. M. PELLERZI,
Assistant Attorney General
for Administration.

[P.R. Doc. 69-12404; Filed, Oct. 16, 1969;
8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-370; Order No. 390]

PART 154—RATE SCHEDULES AND TARIFFS

Filing Rate Schedule Supplements Reflecting Increase in Production Tax of the State of Texas

OCTOBER 10, 1969.

On September 9, 1969, the State of Texas increased its tax on the business or occupation of producing gas within the State from 7 percent to 7½ percent of the market value thereof as and when produced effective October 1, 1969.¹ As a result many producers making jurisdictional sales of natural gas produced in

¹ Article 3.01, title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

Texas may have the right to collect higher rates under contract provisions requiring the purchaser to reimburse the seller for all or a portion of such increased tax. In such circumstances the Natural Gas Act and the Commission's regulations thereunder require that any such proposed increased rate be filed with the Commission.

To simplify the filing of such proposed increased rates, the Commission deems it proper and in the public interest on its own motion to waive the 30-day notice otherwise required by The Natural Gas Act (18 CFR 154.94(b)) section 4(d) of the Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations, and to waive the requirement for data and information required by § 154.94(f) (2) and (3) of these regulations (18 CFR § 154.94(f) (2) (3)) in support of any proposed change in rate based solely upon the increase in the Texas production tax.² Accordingly, any such proposed increase in rate filed to reflect only the increased production tax shall be filed in the form provided for in § 154.94(f) (1) (18 CFR § 154.94(f) (1)) and if the filing is made on or before October 31, 1969, the 30-day notice period will be waived and an effective date of October 1, 1969, will be granted subject to possible suspension for one day as hereinafter prescribed. In the event a filing is made after October 31, 1969, the filing will be effective not earlier than the date of filing.

Rate increases above the applicable increased rate ceiling set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) pertaining solely to the increase in the Texas production tax will be suspended for 1 day from October 1, 1969, if filed on or before October 31, 1969, and for 1 day from the date of filing, if filed after October 31, 1969, in those situations where the underlying rate is a firm rate. If the underlying rate is under suspension or is being collected subject to refund, then the tax increase will be accepted for filing subject to refund in the existing suspension proceeding as of October 1, 1969, or as of the date of filing if the filing is made after October 31, 1969.

Therefore, in submitting a supplement to any of its effective rate schedules on file with the Commission to reflect the increase in the present Texas production tax as of October 1, 1969, a natural gas company may make such filings as hereinafter provided notwithstanding other provisions of the Commission's rules and regulations.

The Commission finds:

(1) Good cause exists and it is appropriate and in the public interest in the administration of the Natural Gas Act to waive the 30-day notice requirements set forth in section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(f) of the Commission's regulations thereunder (18 CFR 154.94(f)) with respect to the filing,

² The latest effective rate (either subject to refund or not) and any suspended rate not made effective are the only rates that should be revised to reflect the tax increase. However, docket numbers relating to rates in effect subject to refund should be furnished.

as hereinafter ordered, of any appropriate supplement reflecting the increase in the Texas production tax.

(2) The waiver of the requirements relating to notice and to filing supporting statements, herein adopted, relieve a restriction and involve matters of Commission practice and procedure. The notice, hearing and effective date provisions of section 553 of title 5 of the United States Code (sec. 4 of the Administrative Procedure Act, 60 Stat. 238, as codified Sept. 6, 1966, by 80 Stat. 383) are therefore inapplicable.

The Commission, acting pursuant to authority granted by the Natural Gas Act as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; U.S.C. 717c, 717f, 717o) and in accordance with sections 552 and 553 of title 5 of the United States Code (secs. 3 and 4 of the Administrative Procedure Act, as amended and codified, 60 Stat. 238, 80 Stat. 383, 81 Stat. 54) orders:

(A) Rate schedule changes solely reflecting the increase in the Texas production tax may be filed in the form provided for in § 154.94(f) (1) of the Commission's regulations under the Natural Gas Act (18 CFR 154.94(f) (1)) without the supporting statements required by § 154.94(f) (2) and (3) (18 CFR 154.94(f) (2), (3)). The 30 days notice otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(f) of the regulations (18 CFR § 154.94(b)), will be waived. Where such a filing is made on or before October 31, 1969, an effective date of October 1, 1969, will be granted, subject to the Commission's suspension powers, upon request.

(B) This order shall be effective upon issuance.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12447; Filed, Oct. 16, 1969; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISSING PAGES IN BIDS

The regulations are amended as follows:

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.4—Opening of Bids and Award of Contract

1. Section 5A-2.403 is revised to reflect an organizational change, as follows:

§ 5A-2.403 Recording of bids.

GSA Form 289, Abstract of Bids, and GSA Form 289A, Abstract of Bids (Con-

tinued), illustrated in §§ 5A-16.950-289 and 289A, respectively, normally shall be used when recording bids. However, in cases where unusual circumstances require a specialized form for abstracting bids, GSA Form 289 need not be used. If special abstract forms are recurrently needed in a class of cases in lieu of GSA Form 289, a copy of each such form shall be forwarded to the Director, Procurement Policy Division.

2. Section 5A-2.404-2 is revised to include instructions concerning action to be taken when it is found that a page or pages are missing from a bid, as follows:

§ 5A-2.404-2 Rejection of individual bids.

(a) Proposed award to other than low bidder. The GSA Form 2112, Proposed Award To Other Than Low Bidder, shall be used by all buying activities to document a proposed award to other than a low bidder or offeror where the bid or offer on the item(s) proposed for rejection exceeds \$2,500. For each proposed award to other than a low bidder or offeror the pertinent information shall be entered on GSA Form 2112. These entries are generally self-explanatory; however, clarifying instructions follow:

(1) When more than one bid or offer on an item is recommended for rejection, it is necessary to make a price comparison for each of the rejected bids or offers.

(2) When aggregate awards are involved in the rejection of low bids or offers, the price comparison shall be based on the aggregate total, i.e., no price comparison need be made with respect to individual items within an aggregate group. In such cases, the aggregate group number shall be inserted in the block entitled "Item Number(s)."

(3) The previous award total shall be arrived at by multiplying the figures shown in block entitled "Quantity" by the previous unit prices. When the quantity is estimated, the abbreviation "Est." shall be inserted after the figure. When there has been no known previous award, a note to that effect shall be inserted in the block entitled "Previous Award Comparison"; and where the previous award price is not available, an explanation shall be given in that block.

(4) The basis for rejection for each item shall be preceded by the item number when the GSA Form 2112 involves proposed rejection of more than one item.

(b) Missing pages in bids. When it is found that pages are missing from a bid which is in line for award, action shall be taken in accordance with subparagraph (1) or (2), of this paragraph, as appropriate.

(1) If a page or pages are missing from the original, or both the original and any signed copy of a bid, the contracting officer shall ascertain whether this defect constitutes a minor informality or irregularity which may be waived under § 1-2.405, of this title. If it cannot be waived, the bid shall be rejected as nonresponsive. (See § 5A-2.408-1.)

(2) If the defect can be waived, the contractor shall be advised by letter ac-

companying the executed award document and identifying the pages missing from the original bid and/or signed copy of bid. The letter should caution the contractor that failure to submit all pages of a bid could cause rejection of a bid as nonresponsive in a case where a missing page contained substantive matter rather than matter of inconsequential character which may be waived as a minor informality.

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A-72.1—Procurement of Stores Stock Items

Paragraph (a) of the clause in § 5A-72.105-18(b) (1) is revised to change the gross maximum weight from 65 pounds to 80 pounds, as follows:

§ 5A-72.105-18 Packing requirements.

(b) Nonstandard pack items. (1) * * *

NONSTANDARD PACK ITEMS

(a) Except for those items for which packaging and packing requirements are cited in the schedule or included in a referenced specification, items covered by this invitation for bid may be shipped in commercial containers; Provided: (1) Each shipping container of each item in a shipment is of uniform size and content, except for residual quantities, (2) the gross weight of each shipping container does not exceed 80 pounds except when the weight of a single item within the shipping container is of a higher weight, and (3) shipping containers comply with requirements of the Uniform Freight Classification or the National Motor Freight Classification (Issue in effect at time of shipment).

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

Section 5A-73.107-1 is amended to add an additional Federal Supply Schedule covering negotiated, multiple award contracts which may include the Renewal of Contracts clause, as follows:

§ 5A-73.107-1 Contracts to which applicable.

PSC Group 65, Part III, Sec. B. Medical, Dental, and Veterinary Equipment and Supplies—X-ray films.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and 41 CFR 5-1.101(c))

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

Dated: October 10, 1969.

A. F. SAMPSON,
Commissioner,
Federal Supply Service.

[F.R. Doc. 69-12448; Filed, Oct. 16, 1969; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968-70, and Wheat Diversion Program for Crop Years 1969-70

The regulations pertaining to farm acreage allotments, yields, wheat certificate program for crop years 1968-70, and wheat diversion program for crop years 1969-70, (33 F.R. 6508), as amended, are further supplemented by revising sections 728.356 and 728.357 to read as follows; effective as to the 1970 crop of wheat. The material previously appearing in these sections under centerhead "1969 County Acreage Allotments" remain in full force and effect as to the crops to which it was applicable.

1970 COUNTY ACREAGE ALLOTMENTS

§ 728.356 Basis and purpose.

(a) The county acreage allotments for 1970 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to apportion among the counties of each State the respective State wheat acreage allotments less reserves for (1) new farms and (2) appeals, corrections and missed farms as recommended by the respective ASC State committees for 1970.

(b) Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotment for wheat, less a reserve of not to exceed 3 percentum thereof for new farms, shall be apportioned by the Secretary among the counties in the State on the basis of the preceding year's wheat allotment in each county, including all amounts allotted to the county, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

(c) The 1970 State acreage allotments for wheat less reserves for (1) new farms, and (2) appeals, corrections, and missed farms were apportioned among the counties in the various States as follows:

(d) (1) To each 1969 county wheat allotment determined under section 334 (b) of the Act, as amended, and published in the FEDERAL REGISTER of July 26, 1968 (33 F.R. 10627), was added the sum of 1969 allotment acreage allocated to the county in each State from the national acreage reserve and the special

acreage reserve allocated to the county to increase allotments on eligible farms in designated counties where wheat is a major income-producing crop. The resulting preliminary apportionment bases for each county were (i) adjusted to reflect the net plus or minus change in 1969 wheat allotment resulting from the transfer of farms to other counties for administrative purposes and (ii) adjusted downward to the extent of the sum of 1969 wheat allotment removed from farms going out of agricultural production.

(2) Adjustments in county preliminary apportionment bases for established crop rotation practices and other relevant factors were made to the extent deemed necessary to establish a fair and equitable apportionment base for each county. The State wheat acreage allotment less a reserve for new farms and a reserve for appeals and corrections and missed farms was distributed pro rata to counties on the basis of each county's apportionment base determined in accordance with the foregoing.

(e) The tables contained in § 728.357 hereof show the apportionment of the 1970 State wheat acreage allotment to counties. The reserve acreage for new farms and the reserve for appeals, corrections of errors, and missed farms withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld by county committees for appeals, corrections of errors, and missed farms prior to apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

(f) Since farmers in the winter wheat area will begin 1970 wheat planting operations shortly, it is hereby found that the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.357 Apportionment of the 1970 State wheat acreage allotment to counties.

ALABAMA		
County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Autauga	970	
Baldwin	8,401	
Barbour	48	
Bibb	24	
Blount	116	
Bullock	26	
Butler		
Calhoun	182	
Chambers	414	
Cherokee	1,221	
Chilton	59	
Choctaw		
Clarke	110	
Clay	77	
Cleburne	152	
Coffee	203	
Colbert	8,237	
Conecuh	122	
Coosa	29	
Covington	130	
Crenshaw	37	
Cullman	63	
Dale	248	
Dallas	555	
De Kalb	303	

ALABAMA—Continued		
County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Elmore	384	
Escambia	2,145	
Etowah	86	
Fayette	58	
Franklin	491	
Geneva	745	
Greene	23	
Hale	296	
Henry	275	
Houston	741	
Jackson	1,069	
Jefferson	104	
Lamar	58	
Lauderdale	8,067	
Lawrence	4,725	
Lee	228	
Limestone	2,973	
Lowndes	295	
Macon	175	
Madison	3,977	
Marengo	32	
Marion	169	
Marshall	309	
Mobile	491	
Monroe	242	
Montgomery	719	
Morgan	1,360	
Perry	115	
Pickens	152	
Pike	112	
Randolph	205	
Russell	49	
St. Clair	45	
Shelby	100	
Sumter	58	
Talladega	823	
Tallapoosa	56	
Tuscaloosa	48	
Walker	88	
Washington	406	
Wilcox	16	
Winston	5	
Total to counties	54,753	
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	100	
State total	54,953	

ARIZONA		
County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Apache	139	5
Cochise	827	5
Cocconino	1,903	5
Gila		
Graham	45	2
Greenlee	57	1
Maricopa	11,676	10
Mohave	342	1
Navajo	1,107	5
Pima	282	2
Pinal	9,424	10
Santa Cruz		
Yavapai	1,099	5
Yuma	7,062	5
Total to counties	34,563	52
Reserve for new farms, appeals, corrections, and missed farms	7	
State total	34,570	

ARKANSAS		
County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Arkansas	612	
Ashley	47	
Baxter	65	
Benton	2,360	
Boone	116	
Bradley		
Calhoun		
Carroll	90	
Chicot	974	
Clark		
Clay	12,471	
Cleburne	19	
Cleveland		
Columbia		
Conway	1,748	
Craighead	11,561	
Crawford	2,786	
Crittenden	8,545	
Cross	2,651	
Dallas		
Desha	695	
Drew	36	
Faulkner	341	
Franklin	865	
Fulton	56	
Garland	4	

ARKANSAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Grant	23	
Greene	5,258	
Hempstead	33	
Hot Spring	33	
Howard		
Independence	4,762	
Izard	32	
Jackson	3,677	
Jefferson	353	
Johnson	920	
Lafayette	6	
Lawrence	2,415	
Lee	2,818	
Lincoln	48	
Little River	43	
Logan	1,668	
Losoke	694	
Madison	168	
Marion	25	
Miller	23	
Mississippi	24,570	
Monroe	429	
Montgomery	3	
Nevada	3	
Newton	2	
Ouachita		
Perry	381	
Phillips	3,070	
Pike		
Poinsett	4,044	
Polk	4	
Pope	1,235	
Prairie	541	
Pulaski	2,710	
Randolph	2,600	
St. Francis	4,525	
Saline	4	
Scott		
Searay	61	
Sebastian	473	
Sevier		
Sharp	96	
Stone	168	
Union		
Van Buren	30	
Washington	557	
White	579	
Woodruff	1,077	
Yell	1,064	
Total to counties	118,258	
Reserve for new farms, appeals, corrections, and missed farms		75
State total	118,333	

CALIFORNIA

Alameda	1,018
Alpine	5
Amador	160
Butte	6,161
Calaveras	
Colusa	5,429
Contra Costa	995
Del Norte	
El Dorado	
Fresno	11,945
Glenn	2,778
Humboldt	
Imperial	1,511
Inyo	4
Kern	29,793
Kings	1,890
Lake	312
Lassen	5,419
Los Angeles	20,490
Madera	7,722
Marin	325
Mariposa	86
Mendocino	593
Merced	2,668
Modoc	13,626
Mono	6
Monterey	12,889
Napa	699
Nevada	
Orange	379
Placer	7,860
Plumas	446
Riverside	13,720
Sacramento	13,828
San Benito	930
San Bernardino	43
San Diego	461
San Francisco	
San Joaquin	8,579
San Luis Obispo	68,705
San Mateo	23

CALIFORNIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Santa Barbara	7,151	
Santa Clara	71	
Santa Cruz		
Shasta	981	
Sierra	235	
Siskiyou	15,796	
Solano	10,310	
Sonoma	257	
Stanislaus	589	
Sutter	12,749	
Tehama	1,526	
Trinity		
Tulare	22,869	
Tuolumne	4	
Ventura	454	
Yolo	8,780	
Yuba	983	
Total to counties	324,129	
Reserve for new farms		50
Reserve for appeals, corrections, and missed farms		51
State total	324,230	

COLORADO

Adams	101,720	
Alamosa	525	
Arapahoe	49,511	
Archuleta	1,132	
Baer	196,188	
Bent	22,586	
Boulder	8,569	
Chaffee	64	
Cheyenne	110,140	
Clear Creek		
Conejos	910	
Costilla	678	
Crowley	9,283	
Custer	237	
Delta	1,000	
Denver		
Dolores	21,825	
Douglas	8,491	
Eagle	246	
Elbert	50,034	
El Paso	11,629	
Fremont	528	
Garfield	3,525	
Gilpin		
Grand	701	
Gunnison		
Hinsdale		
Huerfano	3,932	
Jackson	364	
Jefferson	6,459	
Kiowa	172,670	
Kit Carson	189,055	
Lake		
La Plata	15,223	
Larimer	17,392	
Las Animas	15,534	
Lincoln	106,545	
Logan	100,910	
Mesa	1,245	
Mineral		
Moffat	25,539	
Montezuma	15,468	
Montrose	3,534	
Morgan	49,434	
Otero	3,279	
Ouray	491	
Park		
Phillips	85,189	
Pitkin	99	
Provers	121,240	
Pueblo	13,251	
Rio Blanco	4,577	
Rio Grande	2,096	
Routt	18,372	
Saguache	447	
San Juan		
San Miguel	2,543	
Sedgwick	49,405	
Summit		
Teller	6	
Washington	180,472	
Weld	147,965	
Yuma	109,059	
Total to counties	2,063,708	
Reserve for new farms		300
Reserve for appeals, corrections, and missed farms		200
State total	2,064,208	

CONNECTICUT

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Fairfield		2
Hartford		88
Litchfield		25
Middlesex		45
New Haven		49
New London		
Tolland		35
Windham		32
Total to counties		276
Reserve for new farms		2
Reserve for appeals, corrections, and missed farms		2
State total		280

DELAWARE

Kent	9,833	15
New Castle	8,447	30
Sussex	4,534	25
Total to counties	22,804	70
Reserve for new farms, appeals, corrections, and missed farms		25
State total	22,829	

FLORIDA

Alachua	451
Baker	12
Bay	
Bradford	
Brevard	
Broward	
Calhoun	541
Charlotte	
Citrus	
Clay	
Collier	
Columbia	266
Dade	
De Soto	
Dixie	
Duval	
Escambia	6,460
Flagler	
Franklin	
Gadsden	50
Gilchrist	349
Glades	
Gulf	
Hamilton	145
Hardee	
Hendry	
Hernando	
Highlands	
Hillsborough	
Holmes	73
Indian River	
Jackson	672
Jefferson	77
Lafayette	44
Lake	
Lee	
Leon	12
Levy	882
Liberty	41
Madison	1,322
Manatee	
Marion	27
Martin	
Monroe	
Nassau	
Okaloosa	1,108
Oksechobee	
Orange	
Osceola	
Palm Beach	
Pasco	
Pinellas	
Polk	
Putnam	
St. Johns	
St. Lucie	
Santa Rosa	1,674
Sarasota	
Seminole	
Sumter	5
Suwannee	659
Taylor	
Union	
Volusia	
Wakulla	
Walton	241

RULES AND REGULATIONS

FLORIDA—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Washington	50	
Total to counties	14,867	
Reserve for new farms	19	
Reserve for appeals, corrections, and missed farms	50	
State total	14,936	

GEORGIA

Appling	32
Atkinson	28
Bacon	16
Baker	364
Baldwin	34
Banks	1,477
Barrow	844
Bartow	2,296
Ben Hill	21
Berrin	200
Bibb	532
Bleckley	379
Brantley	
Brooks	972
Bryan	5
Bulloch	300
Burke	1,389
Butts	1,029
Calhoun	196
Camden	
Candler	337
Carroll	745
Catoosa	157
Charlton	
Chatham	12
Chatahoochee	
Chattooga	151
Cherokee	131
Clarke	1,381
Clay	123
Clayton	210
Clineb	
Cobb	77
Coffee	139
Colquitt	36
Columbia	208
Cook	89
Coweta	244
Crawford	882
Crisp	1,427
Dade	58
Dawson	191
Decatur	125
De Kalb	94
Dodge	244
Dooley	2,710
Dougherty	621
Douglas	109
Early	1,068
Echols	4
Edgingham	72
Eibert	2,963
Emanuel	574
Evans	83
Fannin	21
Fayette	441
Floyd	585
Forsyth	431
Franklin	4,924
Fulton	180
Gilmer	28
Glascock	484
Glynn	
Gordon	665
Grady	293
Greene	278
Gwinnett	1,179
Habersham	167
Hall	428
Hancock	208
Haralson	182
Harris	191
Hart	6,837
Heard	429
Henry	1,440
Houston	4,493
Irwin	30
Jackson	3,007
Jasper	346
Jeff Davis	25
Jefferson	8,904
Jenkins	284
Johnson	570
Jones	48
Lamar	449
Lanier	25
Laurens	1,652
Lee	398
Liberty	

GEORGIA—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Lincoln	229	
Long		
Lowndes	315	
Lumpkin	39	
McDuffie	295	
McIntosh		
Macon	1,937	
Madison	8,015	
Marion	222	
Meriwether	495	
Miller	657	
Mitchell	39	
Monroe	304	
Montgomery	86	
Morgan	833	
Murray	1,060	
Muscogee	8	
Newton	392	
Oconee	2,417	
Oglethorpe	4,476	
Paulding	176	
Peach	1,908	
Pickens	92	
Pike	10	
Polk	993	
Pulaski	813	
Putnam	848	
Quitman	100	
Rabun	29	
Radun	6	
Randolph	304	
Richmond	654	
Rockdale	222	
Schley	192	
Screven	348	
Seminole	499	
Spalding	933	
Stephens	629	
Stewart	49	
Sumter	1,646	
Talbot	101	
Talferro	131	
Tattnall	68	
Taylor	218	
Telfair	18	
Terrell	265	
Thomas	181	
Tift	47	
Toombs	89	
Towns	64	
Treutlen	193	
Troup	36	
Turner	395	
Twiggs	65	
Union	131	
Upson	462	
Walker	435	
Walton	1,069	
Ware		
Warren	1,198	
Washington	3,172	
Wayne		
Webster	77	
Wheeler	715	
White	58	
Whitfield	889	
Wilcox	238	
Wilkes	605	
Wilkinson	144	
Worth	553	
Total to counties	108,997	
Reserve for new farms	50	
Reserve for appeals, corrections, and missed farms	100	
State total	109,147	

IDAHO

Ada	5,472	10
Adams	795	5
Bannock	39,505	25
Bear Lake	17,088	15
Benewah	15,543	50
Bingham	42,481	20
Blaine	6,144	10
Boise	324	3
Bonner	1,088	5
Bonneville	72,697	20
Boundary	7,662	5
Butte	7,896	15
Camas	25,994	25
Canyon	16,020	15
Caribou	42,329	10
Cassia	50,390	10
Clark	4,320	5
Clearwater	6,029	20

IDAHO—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Custer	1,515	15
Elmore	5,607	25
Franklin	28,874	21
Fremont	38,640	5
Gen	2,088	5
Gooding	6,850	20
Idaho	46,531	70
Jefferson	22,631	5
Jerome	12,968	35
Kootenai	19,647	30
Latah	52,884	100
Lemhi	921	5
Lewis	31,468	80
Lincoln	8,316	25
Madison	38,655	10
Minidoka	20,062	40
Nox Perce	51,631	25
Oneida	53,368	5
Owyhee	4,316	8
Payette	4,384	19
Power	74,003	100
Shoshone		
Teton	22,226	50
Twin Falls	30,304	100
Valley	462	2
Washington	14,198	13
Total to counties	954,126	1,078
Reserve for new farms	150	
Reserve for appeals, corrections, and missed farms	97	
State total	954,373	

ILLINOIS

Adams	31,467	100
Alexander	4,472	10
Bond	16,881	100
Boone	1,180	15
Brown	7,078	45
Bureau	2,211	25
Calhoun	4,607	40
Carroll	287	10
Cass	16,147	50
Champaign	37,926	50
Christian	40,347	75
Clark	22,368	200
Clay	15,352	100
Clinton	26,425	75
Coles	22,308	25
Cook	2,654	10
Crawford	17,080	100
Cumberland	15,834	50
De Kalb	1,267	10
De Witt	8,135	50
Douglas	17,839	20
Du Page	4,093	15
Edgar	25,343	25
Edward	9,659	50
Edgingham	20,430	200
Fayette	26,523	250
Ford	3,468	15
Franklin	15,592	50
Fulton	16,963	125
Gallatin	8,056	35
Greene	19,877	100
Grundy	1,487	5
Hamilton	11,419	25
Hancock	24,739	75
Hardin	148	4
Henderson	3,708	25
Henry	736	25
Iroquois	17,559	50
Jackson	15,174	50
Jasper	23,011	150
Jefferson	19,340	50
Jersey	16,130	50
Jo Daviess	22	1
Johnson	1,460	10
Kane	3,303	30
Kankakee	11,625	25
Kendall	1,581	30
Knox	3,184	100
Lake	4,841	25
La Salle	2,685	160
Lawrence	18,043	40
Lee	3,557	25
Livingston	5,470	50
Logan	21,044	150
McDonough	11,298	25
McHenry	3,352	50
McLean	12,196	80
Macon	21,816	200
Macoupin	38,324	200
Madison	43,775	25
Marion	22,554	25
Marshall	3,757	25

ILLINOIS—Continued.

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Mason	26,471	50
Mason	3,008	10
Menard	13,341	50
Merer	982	20
Monroe	28,001	100
Montgomery	34,522	200
Morgan	25,713	50
Montrite	18,783	20
Ogle	1,178	10
Peoria	11,487	30
Perry	15,853	100
Piatt	15,985	25
Pike	10,912	75
Pope	1,631	10
Pulaski	3,988	25
Putnam	1,846	25
Randolph	27,741	100
Richland	13,477	100
Rock Island	795	25
St. Clair	46,554	80
Saline	10,898	70
Sangamon	35,475	125
Schuyler	13,806	50
Scott	11,905	50
Shelby	35,268	50
Stark	1,113	25
Stephenson	134	5
Tazewell	19,164	125
Union	5,907	15
Vermilion	28,071	25
Wabash	11,679	50
Warren	1,331	10
Washington	40,526	32
Wayne	17,266	50
White	20,838	120
Whiteside	3,003	25
Will	12,416	10
Williamson	4,898	25
Winnebago	1,602	10
Woodford	5,230	25
Total to counties	1,428,802	5,907
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	240	
State total	1,429,548	

INDIANA

Adams	14,825	42
Allen	28,932	83
Bartholomew	17,231	49
Benton	13,747	39
Blackford	4,186	15
Boone	10,939	36
Brown	304	5
Carroll	13,522	40
Cass	12,626	36
Clark	5,624	16
Clay	15,207	45
Clinton	16,904	48
Crawford	1,733	14
Davies	18,213	52
Dearborn	4,377	12
Decatur	19,600	60
De Kalb	17,090	49
Delaware	13,242	50
Dubois	10,850	31
Elkhart	18,677	53
Fayette	7,444	30
Floyd	1,406	5
Fountain	15,147	43
Franklin	11,365	37
Fulton	12,163	40
Gibson	20,732	60
Grant	13,329	38
Greene	10,567	30
Hamilton	12,621	36
Hancock	10,914	35
Harrison	6,827	19
Hendricks	11,116	32
Henry	11,825	34
Howard	12,297	35
Huntington	13,357	38
Jackson	13,824	39
Jasper	14,763	40
Jay	11,155	32
Jefferson	4,887	15
Jennings	7,478	22
Johnson	12,127	40
Knott	27,930	80
Kosciusko	19,206	55
Lagrange	14,938	50
Lake	10,738	30
La Porte	26,464	100
Lawrence	2,845	12
Madison	16,378	55
Marion	6,872	20
Marshall	15,396	45

INDIANA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Martin	1,943	15
Miami	11,662	38
Monroe	1,302	15
Montgomery	15,478	45
Morgan	7,812	35
Newton	8,785	30
Noble	14,978	43
Ohio	889	5
Orange	2,945	10
Owen	4,352	13
Parke	12,242	35
Perry	3,733	15
Pike	7,072	20
Porter	16,825	65
Posey	21,034	60
Pulaski	14,345	41
Putnam	9,263	30
Randolph	13,973	40
Ripley	13,861	39
Rush	18,793	53
St. Joseph	19,531	56
Scott	3,674	12
Shelby	18,900	54
Spencer	12,382	35
Starke	9,067	30
Steuben	10,654	31
Sullivan	18,566	75
Switzerland	2,218	6
Tippecanoe	18,732	75
Tipton	11,181	32
Union	8,295	25
Vanderburgh	9,301	27
Vermillion	9,296	26
Vigo	13,717	45
Wabash	15,321	44
Warren	12,335	40
Warrick	8,941	25
Washington	7,969	23
Wayne	11,851	40
Wells	13,917	40
White	14,661	50
Whitley	13,339	38
Total to counties	1,099,234	3,423
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	100	
State total	1,099,634	

IOWA

Adair	331	5
Adams	1,084	7
Allamakee	47	
Appanoose	792	4
Audubon	108	
Benton	194	
Black Hawk	51	
Boone	61	
Bremer	39	
Buchanan	38	1
Buena Vista		
Butler	10	
Calhoun	30	
Carroll	38	
Cass	975	
Cedar	56	
Cerro Gordo	1,368	
Cherokee	19	
Chickasaw	26	
Clarke	202	5
Clay	18	
Clayton	100	1
Clinton	99	
Crawford	388	
Dallas	433	
Davis	1,658	15
Decatur	829	4
Delaware	13	
Des Moines	3,735	10
Dickinson	187	
Dubuque	39	
East Pottawattamie	1,819	
Emmet	32	
Fayette	40	
Floyd	33	
Franklin	26	
Fremont	9,507	25
Greene	7	
Grundy	8	
Guthrie	450	3
Hamilton	488	
Hancock	281	
Hardin	11	
Harrison	12,987	6
Henry	1,180	15
Howard	43	
Humboldt	9	

IOWA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Ida		34
Iowa		82
Jackson		11
Jasper		786
Jefferson	1,497	
Johnson		94
Jones		54
Keokuk		123
Kossuth		1,109
Lee		7,515
Linn		106
Louisia		1,082
Lucas		525
Lyon		378
Madison		1,736
Mahaska		461
Marion		871
Marshall		27
Mills		9,019
Mitchell		453
Monona		12,793
Monroe		649
Montgomery		3,928
Muscatine		991
O'Brien		18
Osceola		913
Page		5,849
Palo Alto		33
Plymouth		782
Pocahontas		20
Polk		2,557
Poweshiek		60
Ringgold		1,942
Sac		4
Scott		171
Shelby		100
Sioux		103
Story		132
Tama		47
Taylor		2,431
Union		297
Van Buren		3,150
Wapello		1,743
Warren		3,100
Washington		192
Wayne		361
Webster		72
West Pottawattamie		5,291
Winnebago		2,702
Winneshek		84
Woodbury		3,731
Worth		1,368
Wright		88
Total to counties	121,364	419
Reserve for new farms, appeals, corrections, and missed farms	391	
State total	121,665	

KANSAS

Allen	24,859	25
Anderson	26,197	60
Atchison	22,990	40
Barber	97,236	60
Barton	191,122	60
Bourbon	19,385	30
Brown	30,311	15
Butler	53,916	50
Chase	15,639	20
Chautauqua	11,924	10
Cherokee	50,582	50
Cheyenne	90,083	20
Clark	79,479	30
Clay	75,583	35
Cloud	95,752	50
Coffey	23,080	30
Comanche	80,139	40
Cowley	81,825	50
Crawford	30,589	30
Decatur	78,072	20
Dickinson	113,870	25
Doniphan	15,207	35
Douglas	25,836	40
Edwards	119,888	30
Elk	11,861	25
Ellis	120,601	50
Ellsworth	92,543	25
Finney	149,699	30
Ford	206,600	50
Franklin	23,964	25
Geary	30,892	25
Gove	92,577	20
Graham	91,413	20
Grant	69,711	20
Gray	156,625	30
Greeley	110,219	20
Greenwood	16,725	25

KANSAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Hamilton	110,682	20
Harper	155,042	50
Harvey	80,598	50
Haskell	115,151	20
Hodgeman	121,407	40
Jackson	29,200	40
Jefferson	25,320	25
Jewell	95,649	50
Johnson	19,992	50
Kearny	81,359	20
Kingman	135,959	50
Kiowa	92,700	25
Labette	48,748	35
Lane	92,149	30
Leavenworth	19,938	50
Lincoln	91,949	25
Linn	22,221	50
Logan	89,751	10
Lyon	31,703	50
McPherson	180,565	50
Marion	96,396	30
Marshall	63,519	50
Meade	128,542	20
Miami	25,589	35
Mitchell	135,748	25
Montgomery	37,939	25
Morris	34,676	25
Morton	68,231	20
Nemaha	28,386	25
Neosho	36,755	25
Ness	168,027	40
Norton	68,306	30
Osage	23,680	30
Osborne	113,969	30
Ottawa	92,236	50
Pawnee	159,584	30
Phillips	76,110	30
Pottawatomie	30,789	25
Pratt	138,909	50
Rawlins	95,521	10
Reno	219,376	50
Republic	73,505	50
Rice	131,265	50
Riley	24,144	25
Rooks	112,735	20
Rush	147,301	30
Russell	118,625	30
Saline	98,487	25
Scott	93,121	30
Sedgwick	153,495	50
Seward	79,980	20
Shawnee	29,790	50
Sheridan	94,079	25
Sherman	120,630	25
Smith	88,039	10
Stafford	134,175	50
Stanton	98,708	20
Stevens	79,627	20
Sumner	230,548	50
Thomas	145,090	10
Trego	101,574	30
Wabunsee	22,807	50
Wallace	66,598	20
Washington	69,537	30
Wichita	86,870	20
Wilson	37,058	30
Woodson	15,222	25
Wyandotte	3,190	20
Total to counties	8,525,303	3,380
Reserve for new farms	504	
Reserve for appeals, corrections and missed farms	500	
State total	8,526,307	

KENTUCKY

Adair	955
Allen	1,623
Anderson	137
Ballard	1,852
Barren	1,475
Bath	983
Bell	
Boone	588
Bourbon	3,872
Boyd	2
Boyle	1,516
Bracken	877
Breathitt	
Breckinridge	4,309
Bullitt	1,110
Butler	796
Caldwell	1,611
Calloway	3,658
Campbell	198

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Carlisle	771	
Carroll	158	
Carter	55	
Casey	435	
Christian	15,307	
Clark	538	
Clay		
Clinton	451	
Crittenden	1,404	
Cumberland	78	
Daviess	5,412	
Edmonson	319	
Elliott		
Estill	10	
Fayette	1,338	
Fleming	815	
Floyd		
Franklin	377	
Fulton	3,098	
Gallatin	108	
Garrard	560	
Grant	72	
Graves	3,784	
Grayson	2,545	
Green	1,229	
Greenup	93	
Hancock	1,211	
Hardin	2,967	
Harlan		
Harrison	1,540	
Hart	292	
Henderson	3,950	
Henry	795	
Hickman	3,548	
Hopkins	3,678	
Jackson	28	
Jefferson	1,304	
Jessamine	579	
Johnson		
Kenton	55	
Knott		
Knox	7	
Larue	1,571	
Laurel	25	
Lawrence		
Lee	6	
Leslie		
Letcher		
Lewis	306	
Lincoln	1,098	
Livingston	510	
Logan	14,135	
Lyon	864	
McCracken	890	
McCreary		
McLean	2,325	
Madison	332	
Magoffin		
Marion	1,171	
Marshall	1,062	
Martin		
Mason	2,877	
Meade	3,186	
Menifee		
Mercer	1,172	
Metcalfe	315	
Monroe	1,666	
Montgomery	690	
Morgan	59	
Muhlenberg	2,331	
Nelson	2,869	
Nicholas	797	
Ohio	939	
Oldham	1,348	
Owen	109	
Owsley		
Pendleton	488	
Perry		
Pike		
Powell	14	
Pulaski	912	
Robertson	135	
Rockcastle	78	
Rowan	19	
Russell	297	
Scott	1,007	
Shelby	2,376	
Simpson	9,987	
Spencer	571	
Taylor	2,947	
Todd	8,835	
Trigg	4,544	
Trimble	1,015	
Union	6,633	
Warren	3,937	
Washington	1,384	
Wayne	1,349	
Webster	4,555	

KENTUCKY—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Whitley		
Wolfe		
Woodford	1,579	
Total to counties	179,841	
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	150	
State total	180,191	

LOUISIANA

Acadia	224
Allen	80
Ascension	
Assumption	
Avoyelles	14
Beauregard	
Bienville	
Bossier	628
Caddo	281
Calcasieu	
Caldwell	152
Cameron	
Catahoula	4
Clabornie	67
Concordia	946
De Soto	13
East Baton Rouge	54
East Carroll	13,384
East Feliciana	1
Evangeline	16
Franklin	387
Grant	
Iberia	
Iberville	
Jackson	3
Jefferson	
Jefferson Davis	93
Lafayette	20
Lafourche	
La Salle	14
Lincoln	
Livingston	
Madison	5,710
Morehouse	1,177
Natchitoches	141
Orleans	
Ouachita	108
Plaquemines	
Pointe Coupee	86
Rapides	85
Red River	456
Richland	623
Sabine	
St. Bernard	
St. Charles	
St. Helena	
St. James	11
St. John the Baptist	
St. Landry	225
St. Martin	
St. Mary	
St. Tammany	
Tangipahoa	
Tensas	6,213
Terrebonne	
Union	
Vermilion	9
Vernon	
Washington	
Webster	65
West Baton Rouge	
West Carroll	2,351
West Feliciana	
Winn	
Total to parishes	33,651
Reserve for new farms	0
Reserve for appeals, corrections and missed farms	0
State total	33,651

MAINE

Androscoggin	
Aroostook	124
Cumberland	
Franklin	
Hancock	
Kennebec	7
Knox	

MAINE—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Lincoln		
Oxford		
Penobscot	10	
Piscataquis		
Sagadahoc		
Somerset	25	
Waldo	22	
Washington	1	
York	11	
Total to counties	299	
Reserve for new farms	6	
Reserve for appeals, corrections, and missed farms	13	
State total	219	

MARYLAND

Alegany	799	5
Anne Arundel	1,251	10
Baltimore	4,924	10
Calvert	832	3
Caroline	9,023	30
Carroll	14,530	25
Cecil	6,899	15
Charles	3,537	10
Dorchester	8,981	25
Frederick	10,367	30
Garrett	1,217	10
Harford	3,942	30
Howard	3,662	10
Kent	9,240	20
Montgomery	6,626	25
Prince Georges	2,884	2
Queen Annes	13,400	25
St. Marys	4,908	10
Somerset	495	5
Talbot	12,229	20
Washington	11,991	25
Wicomico	267	2
Worcester	902	10
Total to counties	138,118	337
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	51	
State total	138,269	

MASSACHUSETTS

Barnstable		
Berkshires		
Bristol	82	
Dukes	8	
Essex		
Franklin	10	
Hampden	17	
Hampshire	20	
Middlesex	34	
Nantucket		
Norfolk		
Plymouth		
Suffolk		
Worcester	12	
Total to counties	153	
Reserve for new farms	2	
Reserve for appeals, corrections, and missed farms	5	
State total	160	

MICHIGAN

Alcona	2,355	15
Alger	3	
Alegan	30,737	35
Alpena	5,688	5
Antrim	798	5
Arenac	5,077	20
Barry	4	
Bay	18,131	50
Benzie	20,324	25
Branoh	180	1
Branch	13,999	10
Calhoun	21,570	25
Cass	26,473	50
Charlevoix	14,511	40
Cheboygan	884	5
Chippewa	852	5
Clare	626	12
Charlevoix	2,934	25
Clinton	20,711	50

MICHIGAN—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Crawford	10	
Delta	159	2
Dickinson	6	
Eaton	29,131	50
Emmet	990	5
Genesee	24,346	25
Gladwin	4,639	5
Gogebic		
Grand Traverse	1,897	6
Gratiot	30,748	30
Hillsdale	23,404	100
Houghton	27	
Huron	46,096	25
Ingham	22,495	75
Ionia	26,935	100
Iosco	1,577	10
Iron		
Isabella	18,215	10
Jackson	19,660	50
Kalamazoo	30,048	30
Kalkaska	316	2
Kent	19,285	60
Keweenaw		
Lake	666	3
Lapeer	24,406	50
Leelanau	802	5
Lenawee	38,729	25
Livingston	18,144	25
Luce	28	
Mackinac	93	
Macomb	13,136	25
Manistee	944	5
Marquette		
Mason	4,767	
Mecosta	7,103	20
Menominee	171	5
Midland	9,880	15
Missaukee	2,988	10
Monroe	29,367	10
Montcalm	22,239	30
Montmorency	1,261	20
Muskegon	4,386	10
Newaygo	6,244	50
Oakland	11,123	30
Oceana	3,650	10
Ogemaw	2,563	10
Ontonagon	33	1
Osceola	4,809	5
Oscoda	168	
Otsego	347	5
Ottawa	15,146	50
Presque Isle	3,588	20
Roscommon	113	1
Saginaw	40,682	25
St. Clair	27,028	25
St. Joseph	20,028	50
Sauilac	46,240	
Schoolcraft	15	
Shiawassee	29,957	50
Tuscola	42,247	40
Van Buren	10,728	30
Washtenaw	24,390	50
Wayne	6,525	50
Wexford	958	12
Total to counties	950,037	1,725
Reserve for new farms	170	
Reserve for appeals, corrections and missed farms	25	
State total	950,232	

MINNESOTA

Aitkin	191	1
Anoka	115	1
Becker	14,097	25
Beltrami	1,542	5
Benton	157	2
Big Stone	14,623	25
Bine Earth	13,305	10
Brown	5,553	5
Carlton	17	0
Carver	1,867	2
Cass	72	2
Chippewa	8,744	15
Chisago	221	5
Clay	61,177	25
Clearwater	5,082	3
Cook		
Cottonwood	5,935	20
Crow Wing	63	2
Dakota	5,288	20
Dodge	2,838	5
Douglas	9,357	15
East Ottertail	4,796	10
East Polk	17,307	50
Faribault	13,293	10
Fillmore	1,291	5

MINNESOTA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Freeborn	8,733	25
Goodhue	8,975	15
Grant	12,821	10
Hennepin	417	5
Houston	294	2
Hubbard	477	2
Isanti	694	2
Itasca	128	2
Jackson	3,045	10
Kanabec	66	1
Kandiyohi	5,551	15
Kittson	72,248	25
Koochiebiching	1,021	5
Lac qui Parle	16,468	25
Lake		
Lake of the Woods	4,175	10
Le Sueur	9,015	25
Lincoln	3,613	10
Lyon	3,670	15
McLeod	3,599	10
Mahmomen	10,304	15
Marshall	84,640	75
Martin	1,446	5
Meeker	4,300	5
Mille Lacs	176	8
Morrison	649	3
Mower	3,776	5
Murray	2,105	5
Nicollet	5,965	15
Nobles	2,060	5
Norman	40,684	10
North St. Louis	265	2
Olmsted	2,162	10
Pennington	10,188	25
Pine	48	1
Pipestone	207	3
Pope	8,243	15
Ramsey		
Red Lake	8,922	15
Redwood	9,357	20
Renville	13,960	25
Rice	5,316	5
Rock	490	5
Roseau	23,253	25
Scott	2,080	5
Sherburne	623	2
Sibley	8,381	20
South St. Louis	40	1
Stearns	2,457	20
Steele	4,364	10
Stevens	12,056	20
Swift	10,753	20
Todd	1,169	15
Traverse	17,513	20
Wabasha	2,031	10
Wadena	250	1
Waseca	9,692	15
Washington	632	10
Watsonwan	1,787	5
West Ottertail	23,964	20
West Polk	89,138	30
Wilkin	39,832	20
Winona	645	5
Wright	4,132	15
Yellow Medicine	11,614	40
Total to counties	820,677	1,088
Reserve for new farms, appeals, corrections, and missed farms	304	
State total	820,981	

MISSISSIPPI

Adams	19	
Alcorn	27	
Amite		
Attala	11	
Benton	49	
Bollivar	7,518	
Calhoun	6	
Carroll	129	
Chickasaw	74	
Choctaw		
Chalborne	52	
Clarke		
Clay	136	
Coahoma	5,140	
Copiah	17	
Covington	32	
De Soto	3,048	
Forrest		
Franklin		
George	6	
Greene		
Grenada		
Hancock		
Harrison		

RULES AND REGULATIONS

MISSISSIPPI—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Hinds	78	
Holmes	140	
Humphreys	1,988	
Issaquena	789	
Itawamba	49	
Jackson	19	
Jasper	44	
Jefferson	44	
Jefferson Davis	14	
Jones	51	
Kemper	22	
Lafayette		
Lamar		
Lauderdale	4	
Lawrence		
Leake		
Lee	85	
Leflore	886	
Lincoln		
Lowndes	729	
Madison	136	
Marion		
Marshall	123	
Monroe	34	
Montgomery	16	
Neshoba	3	
Newton		
Noxubee	116	
Oktibbeha	42	
Panola	634	
Pearl River		
Perry	10	
Pike	11	
Pontotoc	379	
Prentiss	4	
Quitman	2,168	
Rankin		
Scott	8	
Sharkey	1,840	
Simpson		
Smith		
Stone		
Sunflower	2,927	
Tallahatchie	2,899	
Tate	251	
Tippah	19	
Tishomingo	13	
Tunica	7,703	
Union	58	
Walthall		
Warren	12	
Washington	3,106	
Wayne		
Webster	84	
Wilkinson	8	
Winston		
Yalobusha	62	
Yazoo	3,242	
Total to counties	47,100	
Reserve for new farms	33	
Reserve for appeals, corrections, and missed farms	26	
State total	47,159	

MISSOURI

Adair	6,446
Andrew	10,741
Atchison	9,984
Audrain	21,235
Barry	5,999
Barton	33,934
Bates	29,945
Benton	8,960
Hollinger	5,618
Boone	14,511
Buchanan	10,602
Butler	12,450
Caldwell	12,816
Callaway	14,659
Camden	
Cape Girardeau	14,001
Carroll	34,917
Carter	294
Cass	19,454
Cedar	11,395
Chariton	23,922
Christian	3,567
Clark	10,469
Clay	10,474
Clinton	9,962
Cole	9,445
Cooper	17,638
Crawford	2,123
Dade	18,336
Dallas	3,794
Davies	18,743
De Kalb	12,494

MISSOURI—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Dent	1,601	
Douglas	1,222	
Dunklin	24,550	
Franklin	17,422	
Gasconade	10,440	
Gentry	11,393	
Greene	19,671	
Grundy	6,545	
Harrison	12,106	
Henry	20,635	
Hickory	3,875	
Holt	14,912	
Howard	13,091	
Howell	1,670	
Iron	245	
Jackson	14,091	
Jasper	34,617	
Jefferson	6,160	
Johnson	19,767	
Knox	9,763	
Laclede	3,340	
Lafayette	24,039	
Lawrence	16,884	
Lewis	15,693	
Lincoln	18,883	
Linn	9,403	
Livingston	14,036	
McDonald	2,913	
Macon	11,875	
Madison	1,050	
Marion	5,036	
Mercer	15,692	
Miller	4,283	
Mississippi	6,159	
Moniteau	15,749	
Monroe	10,840	
Montgomery	18,599	
Morgan	16,235	
New Madrid	7,268	
Newton	26,063	
Nodaway	16,062	
Oregon	11,286	
Ozark	1,107	
Osage	9,577	
Ozark	757	
Pemiscot	18,431	
Perry	13,966	
Pettis	20,587	
Phelps	2,899	
Pike	16,079	
Platte	23,458	
Polk	10,586	
Pulaski	971	
Putnam	1,627	
Ralls	13,759	
Randolph	11,117	
Ray	22,496	
Reynolds	512	
Ripley	2,045	
St. Charles	20,050	
St. Clair	15,710	
St. Francois	2,013	
Ste. Genevieve	5,408	
St. Louis	14,033	
Saline	27,332	
Schuyler	1,766	
Scotland	6,013	
Scott	18,714	
Shannon	579	
Shelby	15,805	
Stoddard	30,454	
Stone	898	
Sullivan	3,684	
Taney	124	
Texas	4,124	
Vernon	30,660	
Warren	12,060	
Washington	959	
Wayne	1,384	
Webster	3,754	
Worth	3,994	
Wright	1,645	
Total to counties	1,336,363	
Reserve for new farms	800	
Reserve for appeals, corrections, and missed farms	397	
State total	1,336,560	

MONTANA

Beaverhead	7,426
Big Horn	52,615
Blaine	65,652
Broadwater	20,069
Carbon	23,006
Carter	22,298
Cascade	100,448
Chouteau	259,454

MONTANA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Custer	17,382	
Daniels	152,968	
Dawson	99,532	
Deer Lodge	818	
Fallon	64,041	
Fergus	120,612	
Flathead	20,692	
Gallatin	50,189	
Garfield	32,941	
Glacier	41,999	
Golden Valley	13,874	
Granite	791	
Hill	237,790	
Jefferson	6,967	
Judith Basin	61,325	
Lake	14,667	
Lewis and Clark	11,102	
Liberty	124,524	
Lincoln	596	
McCone	126,534	
Madison	7,999	
Meagher	3,400	
Mineral	6,533	
Missoula	6,405	
Musselshell	12,890	
Park	17,882	
Petroleum	5,042	
Phillips	68,913	
Pondera	114,808	
Powder River	22,705	
Powell	3,655	
Prairie	28,267	
Ravalli	5,364	
Richland	108,406	
Roosevelt	195,052	
Rosebud	18,592	
Sanders	5,220	
Shelburne	160,480	
Silver Bow	41	
Stillwater	40,989	
Sweet Grass	8,610	
Teton	125,798	
Toole	118,789	
Treasure	4,327	
Valley	175,703	
Wheatland	8,150	
Wibaux	41,462	
Yellowstone	65,199	
Total to counties	3,135,772	
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	1,403	
State total	3,137,675	

NEBRASKA

Adams	71,641	50
Antelope	5,324	5
Arthur	8	
Banner	41,659	30
Blaine	1	
Boone	9,635	25
Box Butte	73,332	23
Boyd	1,166	5
Brown	1,729	5
Buffalo	35,486	30
Burt	5,301	5
Butler	37,602	30
Cass	24,880	25
Cedar	198	
Chase	58,232	6
Cherry	907	40
Cheyenne	122,689	50
Clay	67,696	50
Collax	15,438	5
Cuming	1,730	
Custer	42,960	2
Dakota	213	
Dawes	35,290	25
Dawson	15,751	30
Deuel	51,363	19
Dixon	88	
Dodge	21,501	37
Douglas	3,600	50
Dundy	24,172	75
Fillmore	66,687	50
Franklin	35,680	50
Frontier	42,212	50
Furnas	48,818	10
Gage	65,637	30
Garden	31,629	25
Garfield	31,312	1
Gosper	24,134	30
Grant	9,659	55
Greeley	24,621	20
Hall	47,388	50
Hamilton	42,828	50
Harlan		

RULES AND REGULATIONS

NEBRASKA—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Hayes	32,403	20
Hitchcock	54,412	40
Holt	5,046	2
Hooker	1	3
Howard	21,692	30
Jefferson	46,583	50
Johnson	19,184	25
Kearney	55,351	25
Keith	54,018	50
Keya Paha	800	3
Kimball	99,518	30
Knox	2,673	5
Lancaster	56,610	50
Lincoln	44,417	50
Logan	5,976	5
Loup	174	1
McPherson	131	1
Madison	4,798	15
Merrick	19,350	25
Morrill	27,766	50
Nance	17,730	25
Nemaha	20,035	25
Nuckolls	40,812	50
Otoe	32,746	30
Pawnee	13,316	20
Perkins	102,334	50
Pheps	44,831	25
Pierce	1,210	2
Platte	19,358	30
Polk	28,570	50
Redwillow	50,271	30
Richardson	23,271	25
Rock	46	1
Saline	60,089	50
Sarpy	4,972	4
Saunders	31,696	50
Scotts Bluff	13,356	15
Seward	45,441	50
Sheridan	44,839	15
Sherman	13,111	25
Sioux	6,229	5
Stanton	1,408	1
Thayer	60,697	50
Thomas	11	1
Thurston	346	1
Valley	13,621	25
Washington	8,817	25
Wayne	192	2
Webster	36,329	40
Wheeler	57	1
York	42,369	50
Total to counties	2,540,896	2,344
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	199	
State total	2,541,195	

NEVADA

Clarendon	1,417
Clark	49
Douglas	136
Elko	1,047
Esmeralda	36
Eureka	1,440
Hamboldt	3,807
Lander	391
Lincoln	40
Lyon	552
Mineral	36
Nye	519
Ormsby	11
Pershing	3,283
Storey	1
Washoe	734
White Pine	93
Total to counties	13,553
Reserve for new farms, appeals, corrections, and missed farms	
State total	13,553

NEW JERSEY

Atlantic	4
Bergen	
Burlington	2,782
Camden	220
Cape May	41
Cumberland	1,277
Essex	

NEW JERSEY—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Gloucester	757	
Hudson		
Hunterdon	6,851	
Mercer	6,967	
Middlesex	4,854	
Monmouth	8,028	
Morris	372	
Ocean	291	
Passaic		
Salen	2,748	
Somerset	3,330	
Sussex	120	
Union	21	
Warren	2,109	
Total to counties	40,552	
Reserve for new farms	25	
Reserve for appeals, corrections, and missed farms	25	
State total	40,602	

NEW MEXICO

Bernalillo	1,084	
Catron	91	
Chaves	256	
Colfax	6,500	
Curry	157,083	75
De Baca	434	
Dona Ana	6	
Eddy	15	
Grant	87	
Guadalupe	78	
Harding	19,040	25
Hidalgo	116	
Lea	722	
Lincoln	80	
Luna		
McKinley	499	
Mora	1,051	
Otero	40	
Quay	102,312	50
Rio Arriba	5,960	
Roosevelt	47,071	10
Sandoval	770	
San Juan	560	
San Miguel	984	
Santa Fe	2,956	
Sierra	18	
Socorro	3,032	1
Taos	1,192	
Torrance	14,332	
Union	7,025	
Valencia	3,330	
Total to counties	377,314	161
Reserve for new farms, appeals, corrections, and missed farms	350	
State total	377,664	

NEW YORK

Albany	1,415	10
Allegany	3,176	10
Broome	184	4
Cattaraugus	900	
Cayuga	18,237	25
Chautauqua	2,337	2
Chester	1,842	2
Chenango	558	
Columbia	10	
Cortland	1,264	
Crawford	487	
Delaware	42	
Dutchess	491	
Erie	10,186	10
Essex	261	5
Franklin	18	
Fulton	123	2
Genesee	19,193	10
Greene	949	
Hamilton		
Herkimer	624	
Jefferson	1,855	2
Lewis	53	
Livingston	24,213	50
Madison	2,124	
Monroe	22,048	25
Montgomery	1,511	10
Nassau	212	
New York City		
Niagara	18,525	60

NEW YORK—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Oneida	1,675	
Ontario	8,268	11
Oran	23,919	15
Orange	151	
Orleans	14,983	10
Oswego	1,772	
Otsego	363	
Putnam		
Rensselaer	1,183	10
Richmond		
Rockland		
St. Lawrence	74	
Saratoga	646	10
Schenectady	294	
Schoharie	1,351	10
Schuyler	4,721	7
Seneca	14,452	
Steuben	12,141	29
Suffolk	1,662	
Sullivan	43	
Tioga	1,250	
Tompkins	6,034	30
Ulster	1,060	
Warren		
Washington	379	
Wayne	14,219	50
Westchester	38	
Wyoming	9,600	15
Yates	11,356	30
Total to counties	264,852	470
Reserve for new farms, appeals, corrections, and missed farms	48	
State total	264,900	

NORTH CAROLINA

Alamance	7,071
Alexander	2,815
Alleghany	121
Ashe	5,471
Avery	17
Beaufort	4
Beaufort	1,822
Bertie	103
Bladen	1,366
Brunswick	332
Buncombe	273
Burke	1,765
Cabarrus	6,843
Caldwell	1,190
Camden	2,231
Carteret	410
Caswell	6,144
Catawba	11,430
Chatham	4,588
Cherokee	20
Chowan	220
Clay	12
Cleveland	11,762
Columbus	1,282
Craven	1,821
Cumberland	5,975
Currituck	2,308
Dare	
Davidson	8,960
Davie	3,692
Duplin	3,070
Durham	1,466
Edgecombe	2,581
Forsyth	4,659
Franklin	5,714
Gaston	5,564
Gates	815
Graham	
Granville	3,866
Greene	2,594
Gulford	9,479
Halifax	2,523
Harnett	8,533
Haywood	14
Henderson	123
Hertford	629
Hoke	2,927
Hyde	1,362
Iredell	13,694
Jackson	6
Johnston	8,695
Jones	681
Lee	2,914
Lenoir	3,050
Lincoln	8,857
McDowell	496
Macon	22
Madison	106

RULES AND REGULATIONS

NORTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Martin	228	
Mecklenburg	4,638	
Mitchell		
Montgomery	2,436	
Moore	4,638	
Nash	6,826	
New Hanover	147	
Northampton	1,620	
Onslow	577	
Orange	3,519	
Pamlico	878	
Pasquotank	2,339	
Pender	822	
Perquimans	1,399	
Person	5,990	
Pitt	2,985	
Polk	970	
Randolph	9,491	
Richmond	3,150	
Robeson	7,096	
Rockingham	8,523	
Rowan	13,520	
Rutherford	4,543	
Sampson	5,792	
Scotland	1,404	
Stanley	12,098	
Stokes	3,176	
Surry	3,182	
Swain		
Transylvania	9	
Tyrrell	451	
Union	13,109	
Vance	3,414	
Wake	7,826	
Warren	3,952	
Washington	649	
Watauga	31	
Wayne	4,552	
Wilkes	2,449	
Wilson	5,790	
Yadkin	4,738	
Yancey	4	
Total to counties	245,915	
Reserve for new farms, appeals, corrections, and missed farms	377	
State total	246,292	

NORTH DAKOTA

Adams	113,863	150
Barnes	142,000	300
Benson	150,508	400
Billings	29,134	
Bottineau	199,583	230
Bowman	95,881	50
Burke	109,204	150
Burleigh	78,489	222
Cass	151,181	445
Cavalier	166,715	500
Dickey	55,932	100
Divide	141,281	230
Dunn	101,843	75
Eddy	45,338	150
Emmons	104,864	175
Foster	53,067	225
Golden Valley	59,515	
Grand Forks	126,595	300
Grant	107,614	90
Griggs	54,112	210
Hettinger	129,832	155
Kidder	62,313	250
La Moure	105,583	150
Logan	78,690	200
McHenry	150,449	300
McIntosh	92,187	200
McKenzie	121,748	150
McLean	212,670	405
Mercer	77,830	75
Morton	119,469	50
Mountrail	167,979	610
Nelson	92,557	280
Oliver	44,834	60
Pembina	133,611	325
Pierce	116,722	300
Ransom	133,010	150
Ransom	51,768	75
Renville	99,727	155
Richland	71,695	100
Rolette	81,584	175
Sargent	26,140	40
Sheridan	86,225	100
Bismarck	34,191	50
Slope	78,892	30
Stark	125,170	
Steele	63,103	150
Stutsman	195,702	400

NORTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Towner	140,819	200
Traill	78,471	125
Walsh	148,319	400
Ward	205,997	400
Wells	135,083	300
Williams	200,000	300
Total to counties	4,844,689	10,082
Reserve for new farms	400	
Reserve for appeals, corrections, and missed farms	601	
State total	5,845,690	

OHIO

Adams	9,200	25
Allen	21,000	300
Ashland	16,824	30
Ashtabula	8,550	42
Athens	1,011	10
Auglaize	19,519	200
Belmont	2,739	15
Brown	12,323	25
Bryan	14,922	50
Butler	5,771	40
Carroll	18,833	100
Champaign	17,876	25
Clark	6,685	50
Clermont	24,374	25
Clinton	11,331	75
Columbiana	9,078	25
Coshocton	20,888	60
Crawford	605	10
Cuyahoga	31,247	200
Darke	23,181	200
DeLancey	15,582	100
Delaware	12,469	43
Erie	24,773	75
Fairfield	27,308	25
Fayette	17,616	100
Franklin	22,937	100
Fulton	1,372	20
Gallia	3,267	25
Geauga	21,042	50
Greene	2,917	20
Guernsey	2,185	15
Hamilton	32,781	100
Hancock	21,555	100
Hardin	2,216	30
Harrison	29,388	200
Highland	24,301	50
Hocking	2,826	15
Holmes	14,637	25
Huron	24,259	50
Jackson	1,761	10
Jefferson	2,840	25
Knox	18,445	50
Lake	1,243	25
Lawrence	444	5
Licking	30,278	150
Logan	15,815	90
Lorain	12,918	50
Lucas	12,067	25
Madison	24,988	50
Mahoning	7,947	50
Marion	18,072	75
Medina	12,100	50
Melgs	1,500	10
Mercer	23,381	100
Miami	23,150	125
Monroe	1,216	15
Montgomery	16,950	75
Morgan	2,003	25
Morrow	14,385	100
Muskingum	7,730	25
Noble	870	20
Ottawa	15,673	75
Paulding	24,141	100
Perry	7,671	50
Pickaway	33,181	50
Pike	3,289	25
Portage	8,971	50
Preble	19,979	100
Putnam	32,874	200
Richland	17,933	55
Ross	24,238	100
Sandusky	24,617	50
Scioto	2,884	10
Seneca	33,361	25
Shelby	19,656	75
Stark	16,625	75
Summit	3,335	20
Trumbull	6,938	15
Tuscarawas	9,780	25
Union	16,950	65
Van Wert	25,161	150
Vinton	910	10

OHIO—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Warren	13,921	25
Washington	2,901	15
Wayne	26,533	80
Williams	22,180	100
Wood	44,718	200
Wyandot	23,201	35
Total to counties	1,300,519	5,380
Reserve for new farms	250	
Reserve for appeals, corrections, and missed farms	98	
State total	1,300,867	

OKLAHOMA

Adair	606	
Alfalfa	171,412	
Atoka	1,111	
Beaver	206,834	
Beckham	37,408	
Blaine	125,001	
Bryan	4,946	
Caddo	78,869	
Canadian	110,100	
Carter	738	
Cherokee	634	
Choctaw	1,177	
Cimarron	149,671	
Cleveland	8,067	
Coal	354	
Comanche	45,047	
Cotton	80,588	
Craig	16,664	
Creek	1,972	
Custer	128,558	
Delaware	6,475	
Dewey	88,558	
Ellis	92,733	
Garfield	215,402	
Garvin	8,291	
Grady	43,142	
Grant	216,300	
Greer	52,622	
Harmon	49,232	
Harper	104,042	
Haskell	1,413	
Hughes	1,478	
Jackson	107,282	
Jefferson	6,870	
Johnston	630	
Kay	148,588	
Kingfisher	166,066	
Kiowa	147,845	
Lattimer	9	
LeFlore	3,419	
Lincoln	9,650	
Logan	58,099	
Love	1,208	
McCain	10,787	
McCurtain	60	
McIntosh	1,209	
Major	108,327	
Marshall	1,014	
Mayes	8,525	
Murray	1,883	
Muskogee	9,014	
Noble	88,449	
Nowata	9,921	
Okfuskee	1,676	
Oklahoma	19,441	
Oklmulgee	1,103	
Ossage	20,326	
Ottawa	20,490	
Pawnee	15,322	
Payne	17,907	
Pittsburg	876	
Pontotoc	800	
Pottawatomie	9,281	
Pushmataha	8	
Roger Mills	41,300	
Rogers	9,177	
Seminole	1,126	
Sequoyah	4,491	
Stephens	14,547	
Texas	311,964	
Tillman	132,341	
Tulsa	6,613	
Wagoner	11,678	
Washington	5,522	
Washita	128,606	
Woods	138,637	
Woodward	81,963	
Total to counties	3,929,288	
Reserve for new farms	200	

RULES AND REGULATIONS

16605

OKLAHOMA—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for appeals, corrections, and missed farms	400	
State total	3,929,888	
OREGON		
Baker	12,669	25
Benton	4,408	30
Clackamas	7,345	60
Clatsop		
Columbia	137	
Cook		
Curry	2,773	10
Deschutes	993	
Douglas	396	5
Ogilliam	72,749	150
Grant	1,377	
Harnay	1,912	
Hood River	6	
Jackson	849	10
Jefferson	22,191	150
Josephine	25	
Klamath	8,669	50
Lake	12,840	20
Lane	4,278	10
Lincoln		
Linn	6,817	50
Malheur	13,095	75
Marion	10,963	250
Morrow	94,875	300
Multnomah	411	
Polk	11,560	20
Sherman	78,655	100
Tillamook		
Umatilla	159,472	25
Union	34,803	100
Wallowa	19,227	100
Wasco	52,455	
Washington	14,196	
Wheeler	4,818	50
Yamhill	15,469	150
Total to counties	676,543	1,640
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	498	
State total	677,341	

PENNSYLVANIA

Adams	14,855	15
Allegheny	1,875	10
Armstrong	6,832	5
Beaver	3,185	5
Bedford	8,383	25
Berks	23,841	100
Blair	4,676	15
Bradford	2,158	5
Butts	14,486	15
Butler	8,952	3
Cambria	4,905	10
Cameron	21	2
Carbon	2,246	15
Centre	11,712	20
Chester	12,068	40
Clarion	5,815	10
Clearfield	2,154	10
Cleiton	3,745	15
Columbia	12,476	50
Crawford	6,411	30
Cumberland	17,042	30
Dauphin	9,668	30
Delaware	358	10
Elk	226	3
Erie	6,048	14
Fayette	3,271	10
Forest	158	2
Franklin	23,223	50
Fulton	5,672	15
Greene	814	10
Huntingdon	6,644	20
Indiana	7,189	10
Jefferson	3,870	5
Juniata	6,893	15
Lackawanna	95	2
Lancaster	43,526	30
Lawrence	7,029	30
Lebanon	10,759	20
Lehigh	11,801	40
Luzerne	3,232	5
Lyonning	9,976	20
McKean	86	0
Merer	9,247	10
Mifflin	5,729	15
Monroe	1,959	5

PENNSYLVANIA—Continued

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Montgomery	8,690	30
Montour	5,415	10
Northampton	8,409	15
Northumberland	12,011	20
Perry	9,736	60
Philadelphia		
Pike	36	2
Potter	665	5
Schuylkill	7,847	20
Snyder	8,511	40
Somerset	5,193	25
Sullivan	168	8
Susquehanna	141	5
Tioga	1,372	5
Union	6,880	20
Venango	2,543	5
Warren	665	10
Washington	4,533	5
Wayne	37	3
Westmoreland	7,966	25
Wyoming	815	10
York	35,329	50
Total to counties	470,010	1,154
Reserve for new farms, appeals, corrections, and missed farms	176	
State total	470,186	

RHODE ISLAND

Bristol		
Keit		
Newport	64	
Providence		
Washington	74	
Total to counties	138	
Reserve for new farms, appeals, corrections, and missed farms	3	
State total	141	

SOUTH CAROLINA

Abbeville	4,748	
Aiken	5,688	
Allendale	3,247	
Anderson	19,037	
Barnberg	2,168	
Barnwell	2,493	
Beaufort		
Berkeley	294	
Calhoun	6,639	
Charleston	190	
Cherokee	4,842	
Chester	1,482	
Chesterfield	2,709	
Clarendon	2,426	
Colleton	394	
Darlington	5,670	
Dillon	1,907	
Dorchester	180	
Edgefield	2,469	
Fairfield	625	
Florence	3,126	
Georgetown	229	
Greenville	6,622	
Greenwood	2,124	
Hampton	1,869	
Horry	1,181	
Jasper	43	
Kershaw	2,204	
Lancaster	1,286	
Laurens	6,929	
Lee	5,033	
Lexington	4,094	
McCormick	571	
Marion	713	
Marlboro	2,228	
Newberry	3,848	
Oconee	4,408	
Orangeburg	9,495	
Pickens	3,523	
Richland	3,427	
Saluda	3,262	
Spartanburg	12,156	
Sumter	5,175	
Union	1,272	
Williamsburg	1,053	
York	3,121	
Total to counties	155,945	
Reserve for new farms	50	
Reserve for appeals, corrections, and missed farms	75	
State total	156,070	

SOUTH DAKOTA

County	Acres apportioned to counties from State allotments	County reserve for appeals and corrections
Aurora	9,446	15
Beadle	64,885	50
Bennett	37,201	20
Bon Homme	4,126	10
Brookings	6,292	15
Brown	149,198	100
Brule	10,522	30
Buffalo	4,145	15
Butte	12,121	10
Campbell	67,618	30
Charles Mix	27,520	50
Clark	51,662	25
Clay	4,277	25
Codington	24,588	25
Corson	90,328	25
Custer	2,985	10
Davison	1,876	10
Day	60,473	25
Deuel	4,788	25
Dewey	47,552	30
Douglas	6,168	10
Edmunds	100,111	50
Fall River	12,608	15
Faulk	66,401	35
Grant	14,589	50
Gregory	13,225	30
Haakon	29,119	10
Hamlin	10,408	25
Hand	55,579	50
Hanson	1,094	10
Harding	32,687	25
Hughes	37,209	30
Hutchinson	6,765	25
Hyde	15,997	25
Jackson	10,728	20
Jerrild	16,782	25
Jones	37,101	20
Kingsbury	25,698	25
Lake	2,798	5
Lawrence	3,859	
Lincoln	2,731	10
Lynn	70,678	50
McCook	1,372	10
McPherson	73,166	10
Marshall	43,738	25
Meade	44,826	30
Mellette	21,305	25
Miner	4,576	15
Minnelaha	467	
Moody	515	
Pennington	35,870	
Perkins	110,839	75
Potter	78,871	50
Roberts	39,942	50
Sanborn	4,251	10
Shannon	15,885	10
Spink	185,711	100
Stanley	21,579	30
Sully	85,850	100
Todd	8,271	10
Tripp	60,542	50
Turner	2,904	15
Union	7,299	10
Walworth	67,377	20
Washabaw	11,822	20
Yankton	1,988	20
Ziebach	28,510	20
Total to counties	2,208,664	1,795
Reserve for new farms	1,000	
Reserve for appeals, corrections, and missed farms	1,000	
State total	2,210,664	

TENNESSEE

Anderson	54
Bedford	4,928
Benton	736
Bledsoe	681
Blount	2,534
Bradley	842
Campbell	134
Cannon	439
Carroll	793
Carter	2,576
Cheatam	1,517
Chester	134
Chalborhe	2,029
Clay	502
Cocke	1,227
Coffee	2,976
Crockett	577
Cumberland	173
Davidson	696
Decatur	60
De Kalb	773
Dickson	1,063
Dyer	5,147

RULES AND REGULATIONS

TENNESSEE—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Fayette	8	
Fentress	329	
Franklin	5,778	
Gibson	2,089	
Giles	3,280	
Granger	1,389	
Greene	6,117	
Grundy	513	
Hamblen	3,225	
Hamilton	857	
Hancock	625	
Hardeman	185	
Hardin	712	
Hawkins	3,775	
Haywood	465	
Henderson	2,009	
Henry	562	
Hickman	437	
Houston	859	
Humphreys	152	
Jackson	4,305	
Jefferson	339	
Johnson	871	
Knox	2,405	
Lake	1,840	
Lauderdale	4,906	
Lawrence	96	
Lewis	3,561	
Lincoln	2,083	
Loudon	1,025	
McMinn	33	
McNairy	1,029	
Macon	238	
Madison	315	
Marion	2,987	
Marshall	8,148	
Meigs	798	
Monroe	2,666	
Montgomery	5,466	
Moore	282	
Morgan	123	
Obion	7,071	
Overton	883	
Perry	178	
Pickett	405	
Polk	462	
Putnam	1,009	
Rhea	598	
Roane	521	
Robertson	17,253	
Rutherford	3,174	
Scott		
Sequatchie	190	
Sevier	2,447	
Shelby	718	
Smith	489	
Stewart	390	
Sullivan	1,537	
Sumner	4,171	
Tipton	1,665	
Trousdale	374	
Unicoi	74	
Union	179	
Van Buren	155	
Warren	2,452	
Washington	3,091	
Wayne	639	
Weakley	3,398	
White	1,285	
Williamson	4,468	
Wilson	1,162	
Total to counties	165,836	
Reserve for new farms, appeals, corrections, and missed farms	199	
State total	166,035	

TEXAS

Anderson	
Andrews	
Angelina	
Araucaria	
Archer	23,371
Armstrong	67,387
Atascosa	175
Austin	
Bailey	14,456
Bandera	27
Bastrop	16
Baylor	62,263
Bee	27
Bell	6,897
Bexar	1,295
Blanco	580
Borden	1,091
Bosque	4,085
Bowie	174

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Brazoria		
Brazos	7	
Brewster		
Briscoe	40,502	
Brooks		
Brown	13,385	
Burleson		
Burnet	1,010	
Caldwell	5	
Calhoun		
Callahan	15,409	
Cameron		
Camp		
Carson	120,112	
Cass		
Castro	78,960	
Chambers		
Cherokee	4	
Childress	34,908	
Clay	23,249	
Clayton	2,609	
Cochran	1,594	
Coke	21,246	
Coleman	42,186	
Collin	20,405	
Collingsworth	4	
Colorado	340	
Comal	1,549	
Comanche	18,727	
Concho	18,738	
Cooke	10,397	
Coryell	20,342	
Cottle		
Crane		
Crockett		
Crosby	27,980	
Culberson	10	
Dallam	50,019	
Dallas	19,550	
Dawson	804	
Deaf Smith	147,839	
Delta	1,025	
De Witt	27,628	
De Witt	4	
Dickens	18,062	
Dimmit	4	
Donley	12,594	
Duval		
Eastland	3,613	
Ector		
Edwards	4	
Ellis	14,442	
El Paso		
Erath	837	
Falls	1,507	
Fannin	16,132	
Fayette		
Fisher	23,459	
Floyd	100,917	
Foard	54,158	
Fort Bend		
Franklin		
Freestone		
Frio	42	
Gaines	1,922	
Galveston		
Garza	1,041	
Gillespie	6,107	
Glasscock	296	
Goldard		
Gonzales	9	
Gray	66,230	
Grayson	40,149	
Gregg		
Grimes		
Guadalupe	858	
Hale	48,280	
Hall	10,006	
Hall	5,491	
Hamilton	177,187	
Hansford	68,576	
Hardeman		
Hardin		
Harris		
Harrison		
Hartley	68,233	
Haskell	40,193	
Hays	39	
Hays	27,296	
Hempshall	57	
Henderson		
Hidalgo		
Hill	7,657	
Hockley	771	
Hood	171	
Hopkins	61	
Houston	7	
Howard	1,516	
Hudspeth		
Hunt	9,537	
Hutchinson	51,562	
Irion	40	
Jack	3,182	
Jackson	36	

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Jasper		
Jeff Davis		
Jefferson		
Jim Hogg		
Jim Wells		
Johnson	3,723	
Jones	48,032	
Karnes	1,138	
Kaufman	4,192	
Kendall	1,838	
Kenedy		
Keut	4,199	
Kerr	1,298	
Kimble	198	
King	4,459	
Kinney		
Kleberg		
Knox	41,000	
Lamar	3,557	
Lamb	5,621	
Lampasas	2,297	
La Salle		
Lavaca	2	
Lee		
Leon	7	
Liberty		
Limestone	103	
Lipscomb	86,475	
Live Oak	69	
Llano	61	
Loving		
Lubbock	3,825	
Lynn	714	
Lynn	11,094	
McCulloch	10,631	
McLennan		
McMullen		
Madison		
Marion		
Martin	324	
Mason	63	
Matagorda		
Maverick	32	
Medina	564	
Menard	877	
Midland	19	
Milam	976	
Mills	2,324	
Mitchell	5,737	
Montague	2,334	
Montgomery		
Moore	112,649	
Morris		
Morley	8,278	
Nacogdoches		
Navarro	2,729	
Newton		
Nolan	11,537	
Nuoes		
Ochiltree	192,622	
Oldham	48,274	
Orange		
Palo Pinto	2,529	
Panola		
Parker	444	
Parmer	82,953	
Pecos	78	
Polk		
Potter	24,775	
Presidio	7	
Rains	28	
Randall	103,612	
Reagan	8	
Real		
Red River	286	
Reeves	97	
Refugio		
Roberts	23,450	
Robertson		
Rockwall	4,751	
Runnels	29,070	
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio	1,634	
San Saba	493	
Schleicher	8,643	
Scurry	13,548	
Shackelford		
Shelby	134,790	
Sherman		
Smith	42	
Somervell		
Starr	9,944	
Stephens	241	
Sterling	10,870	
Stonewall		
Sutton		
Swisher	94,346	
Tarrant	2,783	
Tarrant	80,054	
Taylor		

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Tarrant	7,264	
Texas	25,908	
Titus		
Tom Green	2,109	
Travis	65	
Trinity		
Tyler		
Upham		
Upton		
Uvalde	97	
Vai Verde		
Van Zandt	326	
Victoria	1	
Walker	6	
Waller	41	
Ward		
Washington	11	
Webb		
Wharton	93	
Wheeler	17,383	
Wichita	44,145	
Wilbarger	69,966	
Willacy		
Williamson	999	
Wilson	628	
Winkler		
Wise	3,616	
Wood		
Yoakum	1,746	
Young	28,678	
Zapata		
Zavala	69	
Total to counties	3,264,383	
Reserve for new farms, appeals, corrections, and missed farms		1,003
State total	3,265,386	

UTAH

Beaver	1,131
Box Elder	74,959
Cache	26,492
Carbon	936
Daguerre	19
Duchesne	2,955
Emery	1,559
Garfield	1,891
Grand	882
Iron	4,546
Juab	15,765
Kane	557
Millard	21,571
Morgan	1,620
Platte	119
Rich	2,763
Salt Lake	14,513
San Juan	25,014
Sanpete	8,607
Sevier	2,921
Summit	764
Tooele	5,050
Uintah	2,277
Utah	13,169
Wasatch	136
Washington	5,066
Wayne	137
Weber	2,461
Total to counties	237,259
Reserve for new farms	100
Reserve for appeals, corrections, and missed farms	200
State total	237,559

VERMONT

Addison	
Bennington	259
Caledonia	
Chittenden	
Essex	79
Franklin	
Grand Isle	33
Lamoille	
Orange	
Orleans	
Rutland	11
Washington	
Windsor	8
Total to counties	390

VERMONT—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms, appeals, corrections, and missed farms		5
State total	395	

VIRGINIA

Accomack	849
Albemarle	1,210
Alleghany	71
Amelia	5,272
Ambert	1,235
Appomattox	4,807
Augusta	7,487
Bath	143
Bedford	5,159
Bland	736
Botetourt	1,182
Brunswick	4,110
Buchanan	3
Buckingham	4,049
Campbell	6,829
Caroline	4,907
Carroll	459
Charlottesville	2,345
Charlotte	5,889
Chesapeake	2,113
Chesterfield	1,335
Clarke	2,316
Craig	293
Culpeper	1,641
Cumberland	3,299
Dickenson	1
Dinwiddie	2,669
Essex	5,293
Fairfax	839
Fauquier	4,180
Floyd	980
Fluvanna	1,347
Franklin	4,421
Frederick	2,931
Giles	361
Gloucester	580
Goochland	1,680
Grayson	256
Greene	928
Greensville	422
Halifax	11,942
Hampton	31
Hanover	5,997
Henrico	1,621
Henry	937
Highland	152
Isle of Wight	559
James City	628
King and Queen	2,347
King George	2,153
King William	2,077
Lancaster	1,139
Lee	1,207
Loudoun	6,569
Louis	3,232
Lunenburg	3,051
Madison	1,648
Mathews	291
Mecklenburg	8,345
Middlesex	1,499
Montgomery	846
Nansemond	1,228
Nelson	1,030
New Kent	1,141
Newport News	
Northampton	165
Northumberland	3,665
Nottoway	2,434
Orange	1,892
Page	2,756
Patrick	597
Pittsylvania	17,586
Powhatan	1,134
Prince Edward	5,142
Prince George	1,350
Prince William	1,553
Radcliff	699
Rappahannock	629
Richmond	3,586
Roanoke	648
Rockbridge	2,097
Rockingham	7,381
Russell	1,213
Scott	1,164
Shenandoah	3,663
Smyth	1,127
Southampton	1,373
Spotsylvania	1,766
Stafford	1,232
Stafford	327
Stafford	1,960
Sussex	1,130
Tazewell	

VIRGINIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Virginia Beach	3,187	
Warren	1,235	
Washington	2,772	
Westmoreland	5,479	
Wise	4	
Wythe	2,297	
York	144	
Total to counties	236,424	
Reserve for new farms, appeals, corrections, and missed farms		300
State total	236,724	

WASHINGTON

Adams	210,758	300
Asotin	22,115	50
Benton	82,504	50
Chelan	3,656	
Clallam	58	
Clerk	350	
Columbia	53,700	35
Cowlitz	11	
Douglas	132,755	50
Ferry	3,098	
Franklin	79,133	35
Garfield	52,083	50
Grant	110,651	100
Grays Harbor	35	
Island	733	
Jefferson	10	
King		
Kitsap		
Kittitas	7,159	5
Klickitat	48,831	50
Lewis	2,227	
Lincoln	216,290	100
Mason		
Okanogan	21,137	50
Pacific		
Pend Oreille	762	
Pierce	11	
San Juan	124	
Skagit	1,216	
Skamania		
Snohomish	87	
Spokane	90,844	90
Stevens	16,352	50
Thurston	320	
Wahkiakum		
Walla Walla	130,241	
Whatcom	219	
Whitman	268,614	100
Yakima	22,430	50
Total to counties	1,387,484	1,165
Reserve for new farms		750
Reserve for appeals, correction, and missed farms		250
State total	1,388,484	

WEST VIRGINIA

Barbour	138
Berkeley	2,613
Boone	
Braxton	3
Brooke	267
Cabell	52
Calhoun	
Clay	
Doddridge	
Fayette	69
Gilmer	
Grant	993
Greenbrier	1,105
Hampshire	1,296
Hancock	303
Hardy	1,226
Harrison	9
Jackson	134
Jefferson	5,874
Kanawha	1
Lewis	9
Lincoln	
Logan	
McDowell	
Marion	7
Marshall	335
Mason	1,190
Mercer	201
Mineral	548
Mingo	
Monongalia	57
Monroe	2,161

WEST VIRGINIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Morgan	1,324	
Nicholas	242	
Ohio	176	
Pendleton	1,431	
Pleasants	14	
Pocahontas	334	
Preston	769	
Putman	185	
Raleigh	46	
Randolph	139	
Ritchie	3	
Roane	11	
Sourthern	317	
Taylor	43	
Tucker	16	
Tyler	14	
Upshur	64	
Wayne	11	
Webster	1	
Wetzel	14	
Wirt	19	
Wood	263	
Wyoming		
Total to counties	24,156	
Reserve for new farms, appeals, corrections, and missed farms		99
State total	24,255	

WISCONSIN

Adams	162
Ashland	13
Barron	44
Bayfield	157
Brown	314
Buffalo	487
Burnett	41
Calumet	1,227
Chippewa	71
Clark	144
Columbia	1,616
Crawford	59
Dane	1,425
Dodge	1,788
Door	965
Douglas	92
Dunn	127
Eau Claire	140
Florence	2
Fond du Lac	1,090
Forest	26
Grant	300
Green	69
Green Lake	529
Iowa	202
Iron	2
Jackson	126
Jefferson	905
Jonestown	82
Kenosha	2,818
Kewaunee	863
La Crosse	121
Lafayette	56
Laporte	121
Lincoln	61
Manitowoc	814
Marathon	370
Marquette	160
Marrquette	475
Menominee	
Milwaukee	1,243
Monroe	100
Oconto	219
Oneida	61
Outagamie	252
Ozaukee	2,040
Peplin	477
Pierce	1,537
Polk	153
Portage	229

WISCONSIN—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Price	12	
Racine	6,593	
Richland	78	
Rock	2,440	
Rusk	13	
St. Croix	691	
Sauk	772	
Sawyer	7	
Shawano	204	
Sheboygan	1,740	
Taylor	26	
Trempealeau	564	
Vernon	24	
Vilas	3	
Walworth	2,414	
Washburn	21	
Washington	3,280	
Waukesha	1,688	
Waupaca	128	
Waushara	315	
Winnebago	1,167	
Wood	33	
Total to counties	46,456	
Reserve for new farms		100
Reserve for appeals, corrections, and missed farms		100
State total	46,656	

WYOMING

Albany	
Big Horn	723
Campbell	23,252
Carbon	8,068
Converse	4,480
Crook	21,193
Fremont	1,845
Goshen	46,051
Hot Springs	56
Johnson	4,061
Laramie	51,858
Lincoln	2,795
Natrona	69
Niobrara	7,071
Park	1,861
Platte	29,791
Sheridan	8,692
Sublette	
Sweetwater	745
Teton	51
Uinta	100
Washakie	6,749
Weston	
Total to counties	219,418
Reserve for new farms, appeals, corrections, and missed farms	75
State total	219,493

(Secs. 334, 375, 52 Stat. 53, as amended by 79 Stat. 1199, 66, as amended; 7 U.S.C. 1334, 1375)

Effective date. These regulations shall be effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 7, 1969.

CLIFFORD M. HARDIN,
Secretary.

[P.R. Doc. 69-12271; Filed, Oct. 16, 1969; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture
SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.6, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1969

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended) hereinafter called the "Act", for the purpose of amending Sugar Regulation 813.6 (34 F.R. 6321) which established allotments of the sugar quota for the domestic beet sugar area for the calendar year 1969.

This amendment is necessary (1) to substitute final data on 1968 crop production, 1968 sugar marketings and January 1, 1969, sugar inventories on the basis of data which have become part of the official records of the Department, (2) to determine allotments of the entire domestic beet sugar area quota on the basis of such final data, and (3) to reflect an increase in the domestic beet sugar area quota of 47,667 short tons, raw value (34 F.R. 6469).

Findings heretofore made by the Secretary (34 F.R. 6321) include the provision that this order shall be revised, without further notice or hearing, for the purposes stated above.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

In accordance with paragraph (6) of the findings and conclusions set forth in S.R. 813.6 (34 F.R. 6321) and pursuant to paragraph (e) of such regulation, paragraphs (4) and (5) of such findings and conclusions are amended as follows:

(4) The determination of allotments in finding (3), are set forth in the following table. They have been computed on the basis of final data on 1968 beet sugar crop processings, 1968 beet sugar marketings, January 1, 1969, sugar inventories and recent estimates of acreage planted to beets as set forth in finding (5) of this order as applied to the domestic beet sugar area quota of 3,215,667 short tons, raw value.

Processors	Processings of sugar from 1968 crop beets		Average marketings within the quota 1965-68		Percent of total (col. 2X 0.75 + col. 4X 0.25)	Base allotments Short tons, raw value (col. 5X quota) ¹	January 1, effective inventories hundredweight, refined		Adjustments to base allotments ²		Allotments Short tons, raw value (col. 6 + or - col. 11)	
	Hundred-weight refined	Percent of total	Hundred-weight refined	Percent of total			1969	1965-68 adjusted average to col. 7 total	Inventories imbalances col. 7 - col. 8	Hundred-weight refined		Short tons raw value
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The.....	8,673,018	13.2856	7,172,684	12.8792	13.1840	420,467	7,505,334	6,674,905	+830,429	+40,735	+2,179	422,646
American Crystal Sugar Co.....	8,621,152	13.2061	7,032,062	12.6267	13.0612	416,550	6,485,461	5,890,916	+594,545	+1,363	+73	416,623
Buckeye Sugars, Inc.....	544,042	.8334	428,672	.7697	.8178	26,072	252,825	206,563	+46,262	+6,402	+343	26,415
Great Western Sugar Co.....	15,559,394	23.8344	13,164,670	23.6384	23.7854	738,569	11,969,847	12,027,614	-57,767	-1,782	-95	738,474
Holly Sugar Corp.....	10,588,533	16.2198	9,295,999	16.0918	16.3378	521,048	8,204,792	8,766,397	-566,605	-17,299	-926	520,122
Layton Sugar Co.....	367,995	.5637	339,329	.6033	.5751	18,341	329,182	341,931	-12,749	-393	-21	18,330
Maine Sugar Ind., Inc. ³												16,742
Michigan Sugar Co.....	2,292,375	3.5115	1,887,426	3.3890	3.4699	111,014	1,708,361	1,694,979	+13,382	0	0	111,014
Monitor Sugar Co. ⁴	995,496	1.5249	839,109	1.6864	1.8653	49,921	699,342	847,655	-148,313	-4,577	-245	49,676
New York Sugar Industries, Inc. ³												9,795
Speckels Sugar Co.....	8,552,064	13.1093	7,345,982	13.1094	13.1228	418,515	5,050,448	5,872,966	-821,618	-16,096	-861	417,654
Union Sugar Division, Consolidated Foods Corp.....	2,715,686	4.1600	2,367,696	4.2514	4.1828	123,399	2,010,786	1,923,655	+87,131	0	0	123,399
Utah-Idaho Sugar Co.....	6,371,624	9.7603	5,718,369	10.2677	9.8872	315,324	4,927,964	5,198,661	-270,697	-8,353	-447	314,877

¹ Column (5) X quota less allotments of 16,742 tons for Maine Sugar Industries, Inc., and 9,795 tons for New York Sugar Industries, Inc.
² Plus (+) adjustments in column 10 = (Extent (+) quantities in col. 9 exceeds 10 percent of col. 5) X (25 percent); minus (-) adjustments in col. 10 = total of (+) adjustments in column 10, prorated to processors on the basis of minus (-) quantities in column 9. Plus (+) and minus (-) adjustments in column 11 = (col. 10 adjustments) X (0.6335).
³ These processors not included in the basic allotment method computations. The

allotments established for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., are based on their respective effective inventories on Jan. 1, 1969, of 11,472 tons and 5,500 tons plus 25 percent of their estimated 1969 crop beet sugar production. Estimated 1969 crop sugar production is based on 13,175 acres planted for Maine and 10,513 acres planted for New York.
⁴ Without the application of the alternative measure of "processings", 1968 crop processings were 924,945 hundredweights and Jan. 1, 1969, effective inventory was 628,791 hundredweights for Monitor Sugar Co.

(5) Based on information available to the Department on September 29, 1969, 13,175 acres and 10,513 acres, respectively, were contracted for and planted to 1969 crop beets for Maine Sugar Industries, Inc., and New York Sugar Industries, Inc., prior to July 1, 1969. Also on the basis of information available to the Department the National Sugar Manufacturing Co. will not process beets from the 1969 crop.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.6 of this chapter, paragraph (a) of § 813.6 is amended to read as follows:

§ 813.6 Allotment of the 1969 sugar quota for the domestic beet sugar area.

(a) *Allotments.* The 1969 calendar year sugar quota for the domestic beet sugar area of 3,215,667 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundred-weight refined beet sugar
Amalgamated Sugar Co., The..	442,646	7,809,925
American Crystal Sugar Co....	416,623	7,787,346
Buckeye Sugars, Inc.....	26,415	493,738
Great Western Sugar Co., The..	738,474	14,177,084
Holly Sugar Corp.....	520,122	9,721,967
Layton Sugar Co.....	18,330	342,430
Maine Sugar Industries, Inc.....	16,742	312,935
Michigan Sugar Co.....	111,014	2,075,928
Monitor Sugar Co.....	49,676	928,523
New York Sugar Industries, Inc.....	9,795	181,402
Speckels Sugar Co.....	417,654	7,896,617
Union Sugar Division, Consolidated Foods Corp.....	123,399	2,493,439
Utah-Idaho Sugar Co.....	314,877	5,885,551
Total.....	3,215,667	60,105,925

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order for almost all allottees are

larger than the allotments established in S.R. 813.6 (34 F.R. 6321). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby 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 consequently, this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 9, 1969.

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

[F.R. Doc. 69-12383; Filed, Oct. 16, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,440]

PART 556—STATEMENTS OF POLICY

Mergers

OCTOBER 8, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending its Statement of Policy relating to mergers involving Federal savings and loan associations for the purpose of providing for a temporary increase in the number of directors of a surviving Federal association in connection with a merger, hereby amends § 556.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR

556.2) by revising subparagraph (2) of paragraph (e) thereof to read as follows:

§ 556.2 Mergers.

(e) *Factors relating to fairness of the plan.* The Board will review the fairness of all merger proposals on the basis of the following criteria:

(2) *Considerations as to directors, officers, attorneys, consultants, and employees; advisory boards or committees.*

(i) Retention through contracts or otherwise of directors, officers, consultants, attorneys, and employees of the disappearing institution by the surviving institution should be consistent with the size, functions, need, and earning capacity of the surviving institution. Any compensation to such persons by the surviving institution should be commensurate with the duties performed and in line with its compensation schedule. Any compensation to advisory boards or committees containing such persons should be explained and justified.

(ii) If an increase in the board of directors of a surviving Federal association to a number in excess of that permitted by the association's charter is proposed in connection with a merger, the Board will entertain an application for such charter amendment: *Provided*, That the maximum number of directors thereunder shall not exceed 25 and that no subsequent vacancies on such board shall be filled until the number of directors has been reduced to less than 15.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
 Assistant Secretary.

[F.R. Doc. 69-12440; Filed, Oct. 16, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9895; Amdt. 671]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to establish low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	65 knots
Neptune Int/9-mile DME Fix.....	City Int/3.8-mile DME Fix (final).....	Via LGA, R 056°.....	1500	T-dn.....	300-1	300-1	200-1 1/2
				C-dn.....	700-1	700-2	700-2
				A-dn.....	800-2	800-2	800-2

Radar required.

Procedure turn not authorized. Final approach crs, 235°.

Minimum altitude on final approach crs (LGA R-056) over Neptune (9-mile DME fix), 1500'; over City Int. (3.8-mile DME Fix), 1500'; over facility, 721'.

Crs and distance, facility to airport, 168°—0.4 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LGA VOR, climb to 2500' on LGA VOR R 230° to Prospect Int. Hold SW, 1 minute, left turn, inbound crs, 040°.

NOTE: Dual VOR receivers or VOR/DME receivers required for this procedure.

MSA within 25 miles of facility: 010°-100°—2000'; 100°-190°—1600'; 190°-280°—2000'; 280°-010°—2000'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class, L-VOR/DME; Ident., LGA; Procedure No. VOR-3, Amdt. Orig.; Eff. date, 6 Nov. 69

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Elmira, N.Y.—Chemung County, ADF 1, Amdt. 5, 28 May 1966 (established under Subpart C).

Elmira, N.Y.—Chemung County, VOR 1, Amdt. 10, 17 July 1965 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Fremont, Ohio—Fremont, NDB (ADF) 1, Orig., 9 Nov. 1963, canceled, effective 6 Nov. 1969.

Worcester, Mass.—Worcester Municipal, NDB (ADF) 1, Amdt. 10, 29 Oct. 1966, canceled, effective 6 Nov. 1969.

4. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Flint, Mich.—Bishop Airport, TerVOR-5, Amdt. 4, 12 Nov. 1966, canceled, effective 6 Nov. 1969.

Flint, Mich.—Bishop Airport, TerVOR-23, Amdt. 4, 24 Sept. 1966, canceled, effective 6 Nov. 1969.

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Elmira, N.Y.—Chemung County, ILS Runway 24, Amdt. 7, 28 May 1966 (established under Subpart C).

6. By amending § 97.17 of Subpart B to cancel instrument landing system (ILS) procedures as follows:

Worcester, Mass.—Worcester Municipal, ILS-33, Amdt. 10, 29 Oct. 1966, canceled, effective 6 Nov. 1969.

7. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.1 miles after passing ATL VORTAC.	
Chattahoochee Int.	ATL VORTAC	Direct	2500	Climbing right turn to 2500' to REG	
ATL NDB	ATL VORTAC	Direct	2500	VORTAC and hold.	
R 235°, ATL VORTAC CW	R 195°, ATL VORTAC	8-mile Arc	2500	Supplementary charting information:	
R 067°, ATL VORTAC CW	R 195°, ATL VORTAC	8-mile Arc	2500	Hold E, 1 minute, right turns, 270°	
8-mile Arc	ATL VORTAC (NOPT)	ATL, R 195°	2500	Inbnd.	
				HIRL's Runways 9R, 9L, 15, 27R, 27L.	
				Runway 3, TDZ elevation, 1008'.	

Procedure turn E side of crs. 195° Outbnd, 015° Inbnd, 2500' within 10 miles of ATL VORTAC. FAF, ATL VORTAC. Final approach crs. R 015°. Distance FAF to MAP, 8.1 miles. Minimum altitude over ATL VORTAC, 2500'; over Riverdale Int., 2000'.

MSA: 000°-090°-3100'; 090°-180°-2300'; 180°-270°-2400'; 270°-360°-2900'.
 NOTES: (1) ASR. (2) This procedure authorized for dual VOR or VOR/DME equipped aircraft only.
 % RVR 24' authorized Runways 9L, 33; RVR 18' authorized Runway 9R for Categories A, B, and C; RVR 20' authorized Runway 9R for Category D.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	1300	1	292	1300	1	292	1300	1	292	1300	1	292
C	1500	1	475	1500	1	475	1500	1½	475	1580	2	556
A	Standard.			T2-eng. or less—Standard. %			T over 2-eng.—Standard. %					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, ATL; Procedure No. VOR Runway 3, Admt. Orig.; Eff. date, 6 Nov. 69

Terminal routes

Missed approach

From—	To—	Via	Minimum altitudes (feet)	MAP: 6.6 miles after passing ELM VORTAC.
R 175°, ELM VORTAC CW	R 246°, ELM VORTAC (NOPT)	10-mile Arc Elm, R 235° lead radial.	3900	Climb to 3500', left turn direct ELM VORTAC and hold.
R 066°, ELM VORTAC CCW	R 246°, ELM VORTAC (NOPT)	10-mile Arc ELM, R 257° lead radial.	3500	Supplementary charting information: Holding SW, 1 minute, right turns, 066° Inbnd, 2549' tower 3 miles S of airport, 2000' tower 6 miles W of airport, High terrain N and S of airport, Runway 6, TDZ elevation, 945'.

Procedure turn N side of crs. 246° Outbnd, 066° Inbnd, 3500' within 10 miles of ELM VORTAC. FAF, ELM VORTAC. Final approach crs. 066°. Distance FAF to MAP, 6.6 miles. Minimum altitude over ELM VORTAC, 2900'.

MSA: 000°-090°-3600'; 090°-360°-3700'.
 NOTES: (1) Air carrier will not reduce landing visibility or takeoff visibility due to local conditions. (2) Sliding scale not authorized.
 Departure procedures: % Runway 6: Climb Outbnd on LOC crs through 2500' before proceeding as cleared. This departure requires a minimum rate of climb of 200' per nautical mile. Runway 24: Climb toward ELM VOR via R 066° (246° Inbnd) through 2500' before proceeding as cleared. This departure requires a minimum rate of climb of 200' per nautical mile. Runway 28: Make left-climbing turn, intercept and climb toward ELM VOR via R 066° (246° Inbnd) through 2500' before proceeding as cleared. Runway 19: Make left-climbing turn, proceed direct Alpine NDB until through 2500' before proceeding as cleared. Runways 1/19: Not authorized for IFR departures.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4	2220	2	1275	2220	2½	1275	2220	2½	1275	2220	2½	1275
C	2220	2	1369	2220	2½	1369	2220	2½	1369	2220	2½	1369
A	Categories A, B, C 1300-2½; Category D 1300-2½.			T 2-eng. or less—Runways 6/24, 500-1; Runways 10/28, 800-2. %			T over 2-eng.—Runways 6/24, 500-1; Runways 10/28, 800-2. %					

City, Elmira; State, N. Y.; Airport name, Chemung County; Elev., 951'; Facility, ELM; Procedure No. VOR Runway 6, Amdt. 11; Eff. date, 6 Nov. 69; Sup. Amdt. No. VOR 1, Amdt. 10; Dated, 17 July 65

RULES AND REGULATIONS

8. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: BZN VOR.	
BZN NDB.....	BZN VOR.....	Direct.....	6500	Climbing right turn to 6500' on R 290° within 10 miles, return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline at 3550' from threshold. TDZ elevation, 4421'.	

Procedure turn S side of crs, 290° Outbnd, 110° Inbnd, 6500' within 10 miles of BZN VOR. Final approach crs, 110°. MSA: 090°-090°-10,700'; 090°-180°-12,100'; 180°-270°-12,100'; 270°-360°-0500'. NOTES: (1) Final approach from holding pattern not authorized. Procedure turn required. (2) Runways 3/21 unlighted. Holding scale not authorized. %IFR departure procedures: Takeoff all runways: Climb in a right-hand holding pattern on BZN VOR R 290° or 290° bearing from NDB to depart the VOR or NDB on crs at or above the following AMSL altitudes: Southeastbound 9300'; northwestbound 7400'; southbound and eastbound 10,500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-12#.....	5000	1	639	5000	1	639	5000	1 1/4	639	5000	1 1/4	639
C.....	5000	1	599	5000	1	599	5000	1 1/4	599	5000	2	599
A.....	Standard.			T 2-eng. or less—Standard. %			T over 2-eng.—Standard. %					

City, Bozeman; State, Mont.; Airport name, Gallatin Field; Elev., 4461'; Facility, BZN; Procedure No. VOR Runway 12, Amdt. 5; Eff. date, 6 Nov. 69; Sup. Amdt. No. 4; Dated, 3 Oct. 68

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.8 miles after passing CVA VOR.	
ML LOM.....	CVA VOR.....	Direct.....	2600	Climb to 2300', left turn to CVA VOR. Supplementary charting information: Chart 767 windmill 1500' NW. Runway 3, TDZ elevation, 700'.	

Procedure turn W side of crs, 230° Outbnd, 040° Inbnd, 2300' within 10 miles of CVA VOR. FAF, CVA VOR. Final approach crs, 040°. Distance FAF to MAP, 9.8 miles. Minimum altitude over CVA VOR, 2300'. MSA: 000°-090°-2300'; 090°-180°-2900'; 180°-270°-2700'; 270°-360°-2400'. NOTES: (1) Use Moline, Ill., altimeter setting. (2) Radar vectoring. (3) IFR departure procedures: Runway 32, maintain runway heading to 900' MSL before turning on crs.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3.....	1300	1	660	1300	1	660	1300	1 1/4	660	1300	1 1/4	660
C.....	1300	1	653	1300	1	653	1300	1 1/4	653	1300	2	653
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Clinton; State, Iowa; Airport name, Clinton Municipal; Elev., 707'; Facility, CVA; Procedure No. VOR Runway 3, Amdt. 1; Eff. date, 6 Nov. 69; Sup. Amdt. No. Orig.; Dated, 1 May 69

RULES AND REGULATIONS

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STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: FLL VOR.	
New River VHF Int.	FLL VOR	Direct	1500	Climb to 2000', left turn to Martin Int via	
Bradley VHF Int.	FLL VOR	Direct	1500	R 084° FLL VOR.	
Martin VHF Int.	FLL VOR	Direct	1500	Supplementary charting information:	
Dania VHF Int.	FLL VOR	Direct	2000	TDZ elevation, 7.	
Miami VORTAC	FLL VOR	Direct	2000		
Guppy LP Int.	FLL VOR	Direct	1500		

Procedure turn N side of crs, 306° Outbd, 126° Inbd, 1500' within 10 miles of FLL VOR.
 Final approach crs, 126°.
 Minimum altitude over FLL VOR, 540'.
 MSA: 090°-270°-2100'; 270°-090°-1400'.
 Note: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
E-13	540	1	533	540	1	533	540	1	533	540	1½	533
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	670	680	1	670	680	1½	670	680	2	670
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Fort Lauderdale; State, Fla.; Airport name, Fort Lauderdale-Hollywood International; Elev., 10'; Facility, FLL; Procedure No. VOR Runway 13, Amdt. 10; Eff. date, 6 Nov. 69; Sup. Amdt. No. 9; Dated, 18 July 68

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 10 miles after passing HSV VOR.	
Bethel Int.	HSV VOR	Direct	3000	Climb to 3000' direct to DCU VOR and hold; or, when directed by ATC, climbing right turn to 2000' to CWH NDB and hold N, 1 minute, right turns 179°, Inbd. Supplementary charting information: Hold W, 1 minute, right turns, 090° Inbd. MAP 0.5 mile before reaching airport. HIRL's runways 18 L&R/36 L&R.	
Market Int.	HSV VOR (NOPT)	Direct	3000		

Procedure turn W side of crs, 635° Outbd, 215° Inbd, 2000' within 10 miles of HSV VOR.
 FAF, HSV VOR. Final approach crs, 215°. Distance FAF to MAP, 10 miles.
 Minimum altitude over HSV VOR, 2000'; over Atlas Int, 1700'.
 MSA: 090°-180°-3100'; 180°-270°-2000'.
 Note: Procedure unusable when R-210MA active.
 *Applies to Dual VOR or VOR/NDB minimums only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1700	1½	1071	1700	1½	1071	1700	2	1071	1700	2½	1071
	Dual VOR—VOR/NDB Minimums:											
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1160	1	531	1160	1	531	1160	1½	531	1180	2	551
A	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, HSV; Procedure No. VOR-2, Amdt. 2; Eff. date, 6 Nov. 69; Sup. Amdt. No. 1; Dated, 12 June 69

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: MEE VOR.	
				Climb straight ahead to 2500' within 10 miles, return to MEE VOR. Supplementary charting information: Final approach crs lies within 500' S of runway centerline extended at 3000' from end of runway. TDZ elevation, 819'.	
<p>Procedure turn N side of crs, 100° Outbd, 280° Inbd, 2500' within 10 miles of MEE VOR. Final approach crs, 280°. Minimum altitude over Michael Fan Marker, 1300'.* (*1480' when control zone not effective.) MSA: 045°-135°-3600'; 135°-225°-2900'; 225°-045°-2200'. NOTES: (1) Use Traverse City altimeter setting when control zone not effective; circling and straight-in MDA increase 180' except for operators with approved weather reporting service. (2) Inoperative table does not apply to REILs. § Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.</p>					

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1300	1	681	1300	1	681	1300	1 1/4	681	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	681	1300	1	681	1300	1 1/4	681	NA
Fan Marker Minimums:										
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-27	1020	1	401	1020	1	401	1020	1	401	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1100	1	481	1100	1	481	1180	1 1/4	561	NA
A	Standard.‡			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Manistee; State, Mich.; Airport name, Manistee-Blocker; Elev., 619'; Facility, MEE; Procedure No. VOR Runway 27, Amdt. 1; Eff. date, 6 Nov. 69; Sup. Amdt. No. Orig.; Dated, 8 May 69

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.5 miles after passing BNA VOR TAC.	
BN NDB/LOM	BNA VORTAC	Direct	2000	Climbing left turn to 3000' direct to BN NDB/LOM and hold.	
R 042°, BNA VORTAC CW	R 133°, BNA VORTAC	Via 10-mile DME Arc	2000	Supplementary charting information:	
10-mile DME Arc	BNA VORTAC (NOPT)	R 133°	1700	Hold S, 1 minute, right turns, 016° Inbd.	
				HRL Runways 2L/20R. VASI Runway 20R. TDZ elevation, 574'.	

Procedure turn N side of crs, 133° Outbd, 313° Inbd, 2000' within 10 miles of BNA VORTAC.
 FAF, BNA VORTAC. Final approach crs, 313°. Distance FAF to MAP, 4.5 miles.
 Minimum altitude over BNA VORTAC, 1700'.
 MSA: 000°-180°-2400'; 180°-360°-3100'.
 NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1000	1	426	1000	1	426	1000	1	426	1000	1	426
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	443	1060	1	463	1060	1 1/4	463	1160	2	563
A	Standard.			T 2-eng. or less—RVR 24', Runway 2L; Standard all other runways.			T over 2-eng.—RVR 24', Runway 2L; Standard all other runways.					

City, Nashville; State, Tenn.; Airport name, Nashville Metropolitan; Elev., 597'; Facility, BNA; Procedure No. VOR Runway 31, Amdt. 16; Eff. date, 6 Nov. 69; Sup. Amdt. No. 15; Dated, 24 Oct. 68

9. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and EA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes		Missed approach		
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.3 miles after passing Kedzie/MX LOM.
APIVOR.....	MX LOM.....	Direct.....	2300	Climbing left turn to 2300' and proceed to
Big Run Int.....	MX LOM.....	Direct.....	2300	EON VORTAC via R 001°.
CGT VORTAC.....	Calumet Int.....	Direct.....	2300	Supplementary charting information:
Calumet Int.....	MX LOM (NOPT).....	Direct.....	1300	MX LOM named Kedzie.
				Add REIL's to Runway 4R.
				2049' tower 8.6 miles NE of airport; 770' tank 1.6 miles SE of airport; 819' tank 0.6 mile SSW of airport; 968' stacks 2.3 miles NNE of airport; 807' stacks 1.5 miles NW of airport; 750' tank 1 mile NW of airport. 7:1 drift down applied to 838' towers at 41°44'15" 87°42'00".
				Runway 31L. TDZ elevation 611'.

Procedure turn N side of crs, 132° Outbd, 312° Inbd, 2000' within 10 miles of Kedzie/MX LOM. FAF, Kedzie/MX LOM. Final approach crs, 312°. Distance FAF to MAP, 3.3 miles. Minimum altitude over MX LOM, 1500'. Distance to runway threshold at OM, 3.3 miles; at MM, 0.6 mile. MSA: 090°-180°-2300'; 180°-270°-2400'; 270°-090°-3100'.
NOTES: (1) ASR. (2) Sliding scale not authorized. (3) Inoperative component table does not apply to HIRL and REIL's Runway 31L. (4) Final approach from holding pattern at MX LOM not authorized; procedure turn required. (5) Back crs unusable.
CAUTION: Tall buildings and towers to 2049' at 8 miles NE. Plan departure to avoid this area.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-31L.....	1040	1	429	1040	1	429	1040	1	429	1040	1	429
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1120	1	501	1120	1	501	1120	1½	501	1180	2	561
A.....	Standard.		T 2-eng. or less-200-RVR 24', Runway 13R; 200-1 all others.			T over 2-eng.-200-RVR 24', Runway 13R; 200-½ all others.						

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Facility I-MXT; Procedure No. LOC Runway 31L, Amdt. 1; Eff. date, 6 Nov. 69; Sup. Amdt. No. Orig.; Dated, 25 Sept. 69

RULES AND REGULATIONS

10. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 7 miles after passing Alpine NDB.
Sayre Int.	Alpine NDB	Direct	3500	Climb to 3500' direct to ELM VORTAC and hold. Supplementary charting information: Holding SW, 1 minute, right turns, 060° Inbd. 2549' tower 3 miles S of airport. 2549' tower 0.7 miles NE of Alpine NDB (proposed). High terrain N and S of airport. Runway 24, TDZ elevation, 947'.
Elmira VOR	Alpine NDB	Direct	3500	
Int V-252/V-35	Alpine NDB	Direct	3500	
Int V-252/239° bearing to ALP NDB	Alpine NDB (NOPT)	Direct	3500	
Thurston Int.	Alpine NDB	Direct	3500	
ITH VOR	Alpine NDB (NOPT)	Direct	3500	

Procedure turn N side of crs, 059° Outbd, 239° Inbd, 3500' within 10 miles of Alpine NDB.

FAF, Alpine NDB. Final approach crs, 239°. Distance FAF to MAP, 7 miles.

Minimum altitude over Alpine NDB, 3500'.

MSA: 000°-090°-3600'; 090°-180°-3300'; 180°-270°-3600'; 270°-360°-3200'.

NOTES: (1) Air carrier will not reduce landing visibility or takeoff visibility due to local conditions. (2) Sliding scale not authorized.

Departure procedures: 5. Runway 6: Climb Outbd on LOC crs through 2500' before proceeding as cleared. This departure requires a minimum rate of climb of 200' per nautical mile. Runway 24: Climb toward ELM VOR via R 066° (246° Inbd) through 2500' before proceeding as cleared. This departure requires a minimum rate of climb of 260' per nautical mile. Runway 28: Make left-climbing turn, intercept and climb toward ELM VOR via R 066° (246° Inbd) through 2500' before proceeding as cleared. Runway 10: Make left-climbing turn, proceed direct Alpine NDB until through 2500' before proceeding as cleared. Runways 1/19: Not authorized for IFR departures.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	2080	1 1/4	1133	2080	2	1133	2080	2 1/4	1133	2080	2 1/2	1133
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2080	1 1/4	1129	2080	2	1129	2080	2 1/4	1129	2080	2 1/2	1129
A	Categories A, B, C, 1200-2 1/4; Categories D 1200-2 1/2.		T 2-eng. or less—Runways 6/24, 500-1; Runways 10/28, 800-2 1/2.				T over 2-eng.—Runways 6/24, 500-1; Runways 10/28, 800-2 1/2.					

City, Elmira; State, N.Y.; Airport name, Chemung County; Elev., 951'; Facility, ALP; Procedure No. NDB (ADF) Runway 24, Amdt. 6, Eff. date, 6 Nov. 66; Sup. Amdt. No. ADF 1, Amdt. 5; Dated, 28 May 66

Terminal routes			Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: FRO NDB.
Bay Int.	FRO NDB	Direct	2300	Right turn, climb to 2300' on 270° crs, return to FRO NDB and hold.* Supplementary charting information: *Hold W, 1 minute, right turns, 090° Inbd. Final approach crs intercepts runway centerline 4329' from threshold. Runway 9, TDZ elevation, 662'.
Lindsey Int.	FRO NDB	Direct	2300	
Bradner Int.	FRO NDB (NOPT)	Direct	1380	

Procedure turn S side of crs, 270° Outbd, 090° Inbd, 2300' within 10 miles of FRO NDB.

Final approach crs, 090°.

MSA: 000°-090°-2000'; 090°-180°-2500'; 180°-270°-2400'; 270°-360°-3100'.

NOTES: (1) Radar vectoring. (2) Use Toledo, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-9	1280	1	618	1280	1	618	1280	1	618	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1280	1	618	1280	1	618	1340	1 1/2	618	NA
A	Not authorized.		T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Fremont; State, Ohio; Airport name, Progress Field; Elev., 662'; Facility, FRO; Procedure No. NDB (ADF) Runway 9, Amdt. Orig.; Eff. date, 6 Nov. 60

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: MMS NDB.	
V-6	MMS NDB	090° bearing FM MMS	2100	Climbing left turn to 2000' to MMS NDB and hold. Supplementary charting information: Hold S, 1 minute, right turns, 010° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. UNICOM 122.0, 0700-1830 e.s.t.	
V-9W	MMS NDB	270° bearing FM MMS	2000		
V-9W	MMS NDB (NOPT)	190° bearing FM MMS	620		

Procedure turn E side of crs, 190° Outbnd, 010° Inbnd, 3000' within 10 miles of MMS NDB.
Final approach crs, 010°.
MSA: 000°-270°-1700'; 270°-360°-1800'.
NOTE: When local altimeter setting not available, use GRW FSS altimeter and increase MDA 200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	VIS			VIS		
S-2	620	1	460	620	1	460	NA			NA		
	MDA	VIS	HAA	MDA	VIS	HAA						
C	620	1	460	620	1	460	NA			NA		
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.					

City, Marks; State, Miss.; Airport name, Riverside Industries; Elev., 160'; Facility, MMS; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 6 Nov. 60

11. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.8 miles after passing BGM NDB.	
BGM VORTAC	BGM NDB	Direct	3700	Climb to 3700' on crs 338° left turn, direct BGM NDB and hold. Supplementary charting information: Hold SE, 1-minute right turns, 338° Inbnd. 2549' tower 3.9 miles SW BGM NDB. 1949' tower 2.1 miles NE BGM NDB. TDZ elevation, 1600'.	
Greene Int.	BGM NDB	Direct	3700		
Tyler Int.	BGM NDB	Direct	3700		

Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 3700' within 10 miles of BGM NDB.
FAF, BGM NDB. Final approach crs, 338°. Distance FAF to MAP, 6.8 miles.
Minimum altitude over BGM NDB, 3700'.
MSA: 000°-090°-3600'; 090°-180°-3800'; 180°-360°-3600'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	2040	1	434	2040	1	434	2040	1	434	2040	1	434
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2040	1	411	2080	1	451	2080	1 1/2	451	2180	2	551
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629'; Facility, BGM; Procedure No. NDB (ADF) Runway 34, Amdt. 10; Eff. date, 6 Nov. 69; Sup. Amdt. No. 8; Dated, 20 May 69

RULES AND REGULATIONS

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADP)—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: BZN NDB.	
BZN VOR.....	BZN NDB.....	Direct.....	6500	Climbing right turn to 6500' on bearing of 290° from NDB within 10 miles, return to NDB. Supplementary charting information: Final approach crs crosses threshold of Runway 34.	

Procedure turn S side of crs, 290° Outbd, 110° Inbd, 6500' within 10 miles of BZN NDB.

Final approach crs, 110°.

MSA: 000°-090°-10,700'; 090°-180°-12,100'; 180°-270°-12,100'; 270°-360°-9500'.

NOTES: (1) Final approach from holding pattern not authorized. Procedure turn required. (2) Runways 3/21 unlighted.

% IFR departure procedures: Takeoff all runways: Climb in a right-hand holding pattern on BZN VOR R 290° or 250° bearing from NDB to depart the VOR or NDB on crs at or above the following AMSL altitudes: Southeastbound 9300'; northwestbound 7400'; Southbound and eastbound 10,500'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	5100	1	630	5100	1	630	5100	1½	630	5100	2	630
A.....	Standard.			T 2-eng. or less—Standard. %			T over 2-eng.—Standard. %					

City, Bozeman; State, Mont.; Airport name, Gallatin Field; Elev., 4461'; Facility, BZN; Procedure No. NDB (ADF)-1, Amdt. 4; Eff. date, 6 Nov. 69; Sup. Amdt. No. 3 Dated, 3 Oct. 68

12. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RV R.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1449'; LOC 7 miles after passing ALP NDB.	
Sayre Int.....	Alpine NDB.....	Direct.....	3500	Climb to 3500' direct to ELM VORTAC	
Thurston Int.....	Alpine NDB.....	Direct.....	3500	and hold.	
Elmira VOR.....	Alpine NDB.....	Direct.....	3500	Supplementary charting information:	
Int V-352/V-35.....	ELM LOC crs (NOPT)	154°-9 miles.....	3500	Holding SW, 1 minute, right turns, 090°	
Int V-352/ELM LOC crs.....	Alpine NDB (NOPT)	LOC crs.....	3500	Inbd.	
ITH VOR.....	ELM LOC crs (NOPT)	ITH R 222°.....	3500	2549' tower 3 miles S of airport. 2549' tower 9.7 miles NE Alpine NDB (proposed). High terrain N and S of airport. Runway 24, TDZ elevation, 947'.	

Procedure turn N side of crs, 050° Outbd, 230° Inbd, 3500' within 10 miles of Alpine NDB.

FAF, Alpine NDB. Final approach crs, 230°. Distance FAF to MAP, 7 miles.

Glide slope altitude at ALP NDB, 3267'.

Minimum glide slope interception altitude, 3300'. Glide slope altitude at OM, 2234'; at MM, 1179'.

Distance to runway threshold at ALP NDB, 7 miles; at OM, 3.5 miles; at MM, 0.6 mile.

MSA: 000°-090°-3600'; 090°-180°-3300'; 180°-270°-3600'; 270°-360°-3200'.

NOTES: (1) Air carrier will not reduce landing visibility or takeoff visibility due to local conditions. (2) Sliding scale not authorized.

Departure procedures: % Runway 6: Climb outbound on LOC crs through 2500' before proceeding as cleared. This departure requires a minimum rate of climb of 200' per nautical mile. Runway 24: Climb toward ELM VOR via R 066° (246° Inbd) through 2500' before proceeding as cleared. This departure requires a minimum rate of climb of 300' per nautical mile. Runway 28: Make left-climbing turn, intercept and climb toward ELM VOR via R 066° (246° Inbd) through 2500' before proceeding as cleared. Runway 10: Make left-climbing turn, proceed direct Alpine NDB until through 2500' before proceeding as cleared. Runways 1/19: Not authorized for IFR departures.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-24.....	1449	1	502	1449	1	502	1449	1	502	1449	1	502
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-24.....	1620	1	673	1620	1	673	1620	1½	673	1620	1½	673
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1950	1½	1089	2040	1½	1089	2040	2	1089	2040	2½	1089
A.....	Categories A, B, C, 1100-2; Category D 1100-24.			T 2-eng. or less—Runways 6/24, 500-1; runways 10/28, 800-2. %			T over 2-eng.—Runways 6/24, 500-1; runways 10/28, 800-2. %					

City, Elmira; State, N. Y.; Airport name, Chemung County; Elev., 951'; Facility, I-ELM; Procedure No. ILS Runway 24, Amdt. 3; Eff. date, 6 Nov. 69; Sup. Amdt. No. ILS-24, Amdt. 7; Dated, 28 May 66

RULES AND REGULATIONS

16619

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes		Via	Minimum altitudes (feet)	Mixed approach
From—	To—			MAP: ILS DH, 574'; LOC 5.7 miles after passing NZJ OM.
OCN VOR 301/15-mile DME.....	I-NZJ OM.....	OCN R 301° and I-NZJ LOC 5 crs 9.3 miles.	2300	Climb straight ahead to 750', then climbing left turn to 2500' heading 180° and NZJ VOR R 200° within 10 miles.
SLI VOR.....	SLI R 150°/24-mile DME.....	Direct.....	2500	Supplementary charting information: Chart 1104' tower at 33°36'22"/117°48'25". Chart 887' terrain at 33°34'20"/117°44'35". Chart 1760' terrain at 33°48'45"/117°41'55". Chart nonstandard ALS Runway 34R (2000').
R 100° SLI VOR CCW.....	R 122° SLI VOR.....	24-mile DME Arc.....	2500	Chart Category E minimums on JAL procedures. Runway 34R, TDZ elevation, 324'.
24-mile Arc.....	I-NZJ OM.....	Direct.....	2300	

Procedure turn not authorized. Approach crs (profile) starts at NZJ OM. FAF, OM. Final approach crs, 345°. Distance FAF, to MAP, 5.7 miles. Minimum altitude over NZJ OM, 2300'; over SNA R 103°, 1140'. Minimum glide slope interception altitude, 2200'. Glide slopes altitude at OM, 2200'; at MM, 515'. Distance to runway threshold at OM, 5.7 miles; at MM, 0.5 mile. Notes: (1) ASR/P.A.R. (2) Inoperative table does not apply to HIRL and ALS Runway 34R. (3) Prior permission required. % West IFR departures: 800-1 takeoff all runways except 25 L/R. Climb heading 200° to V-23 then direct SLI VOR. % South IFR departures: 800-1 takeoff all runways except 16 L/R. Climb southbound on LOC crs to V-23. CAUTION: High terrain N clockwise through SW of airport.

DAY AND NIGHT MINIMUMS

Cnd.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34R.....	574	3/4	250	574	3/4	250	574	3/4	250	574	3/4	250
Localizer	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34R.....	1140	1 3/4	816	1140	1 3/4	816	1140	1 3/4	816	1140	1 3/4	816
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1140	1 3/4	757	1140	1 3/4	757	1200	1 3/4	877	1480	2	1097
	Localizer/VOR Minimums:											
S-34R.....	660	1	336	660	1	336	660	1	336	660	1	336
	Category E:											
	DH	VIS	HAT									
S-34R.....	574	3/4	250									
	Localizer:											
	MDA	VIS	HAT									
S-34R.....	1140	1 3/4	816									
	MDA	VIS	HAA									
C.....	2080	2	1097									
	Localizer/VOR Minimums:											
	MDA	VIS	HAT									
S-34R.....	660	1	336									
A.....	Categories, A, B, 800-2; T 2-eng. or less—%.						T over 2-eng.—%:					
	Category C 900-2; Category D 1100-2; Category E 1700-2.											

City, Santa Ana; State, Calif.; Airport name, El Toro MCAS; Elev., 383'; Facility, I-NZJ; Procedure No. ILS Runway 34R, Amdt. Orig.; Eff. date, 6 Nov. 69

RULES AND REGULATIONS

13. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVE. If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1856'; LOC 5.8 miles after passing BGM NDB.	
BGM VORTAC.....	BGM NDB/River Int.....	Direct.....	3700	Climb to 3700' left turn direct BGM VOR TAC and hold.	
Greene Int.....	BGM NDB.....	Direct.....	3700	Supplementary charting information:	
Tyler Int.....	BGM NDB.....	Direct.....	3700	Hold W, 1-minute right turns, 095° Inbd. 2549' tower 3.9 miles SW BGM NDB. 1949' tower 2.1 miles NE BGM NDB. TDZ elevation, 1096'.	

Procedure turn E side of crs, 158° Outbd, 338° Inbd, 3700' within 10 miles of BGM NDB. FAF, BGM NDB/River Int. Final approach crs, 338°. Distance FAF to MAP, 6.8 miles. Glide slope altitude at NDB, 3700'. Minimum glide slope interception altitude, 3700'. Glide slope altitude at OM, 2763'; at MM, 1773'. Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile. MSA within 25 miles of BGM NDB: 000°-090°-3600'; 090°-180°-3800'; 180°-360°-3600'. NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-34.....	1856	¼	250	1856	¼	250	1856	¼	250	1856	¼	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*	1860	1	254	1860	1	254	1860	1	254	1860	1	254
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2040	1	411	2080	1	451	2080	1½	451	2180	2	551
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Binghamton; State, N.Y.; Airport name, Broome County; Elev., 1629'; Facility, I-BGM; Procedure No. ILS Runway 34, Amdt. 13; Eff. date, 6 Nov. 69; Sup. Amdt. No. 12; Dated, 29 May 69

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 829'; LOC 7.3 miles after passing CWH NDB.	
HSV VOR.....	CWH NDB.....	Direct.....	2600	Climb to 3000' on S crs of I-HSV LOC to Bluff Int and hold; or, when directed by ATC, climbing right turn to 3000' direct to DCU VOR and hold W, 1 minute, right turns, 090° Inbd.	
Owens Int.....	CWH NDB.....	Direct.....	2600	Supplementary charting information:	
Bluff Int.....	CWH NDB.....	Direct.....	2600	Hold S, 1 minute, left turns, 359° Inbd. HIRL's Runways 1S L&R, 56 L&R. Runway 18R, TDZ elevation, 629'.	
DCU VOR.....	CWH NDB.....	Direct.....	2600		
Tanner Int.....	CWH NDB.....	Direct.....	2600		
Bethel Int.....	Toney Int.....	Direct.....	2600		
Toney Int.....	CWH NDB (NOPT).....	Direct.....	2600		
Dellrose Int.....	CWH NDB (NOPT).....	Direct.....	2600		

Procedure turn W side of crs, 359° Outbd, 179° Inbd, 2600' within 10 miles of CWH NDB. FAF, CWH NDB. Final approach crs, 179°. Distance FAF to MAP 7.3 miles. Minimum glide slope interception altitude, 2600'. Glide slope altitude at OM, 1935'; at MM, 847'. Distance to runway threshold at OM, 4.3 miles; at MM, 0.6 mile. MSA: 000°-180°-3100'; 180°-360°-2600'. *When ALS inoperative, increase visibility ¼ mile.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-18R.....	829	¼	200	829	¼	200	829	¼	200	829	¼	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R*	1160	¼	531	1160	¼	531	1160	¼	531	1160	¼	531
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1160	1	531	1160	1	531	1160	1½	531	1180	2	551
	LOC/FM Minimums:											
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-18R*	1060	¼	431	1060	¼	431	1060	¼	431	1060	¼	431
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1080	1	451	1080	1	451	1080	1½	451	1180	2	551
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Huntsville; State Ala.; Airport name, Huntsville-Madison County; Elev., 629'; Facility, I-HSV; Procedure No. ILS Runway 18R, Amdt. 4; Eff. date, 6 Nov. 69; Sup. Amdt. No 2; Dated, 12 June 69

RULES AND REGULATIONS

16621

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

From—	Terminal routes			Minimum altitudes (feet)	Missed approach MAP: ILS DH 211; LOC 4.9 miles after passing Elizabeth LOM.
	To—	Via			
Chatham NDB	Elizabeth LOM	Direct		2000	Climb to 2000' on crs 037° proceed Morris-town Int via LGA VOR R 292° and hold. Supplementary charting information: Hold SW, 1 minute, left turns, 061° Inbnd. 510' tower 1.2 miles SE of Elizabeth LOM. 580' tower 3.8 miles S of Elizabeth LOM. 263' building 3.3 miles N of Elizabeth LOM. 598' building 2.2 miles N of airport. 313' tower 1 mile W of airport. Runway 4 TDZ elevation, 11'.
Amboy VHF Int	Elizabeth LOM (NOPT)	Direct		1600	

Procedure turn W side of crs, 217° Outbnd, 037° Inbnd, 1600' within 10 miles of Elizabeth LOM. FAF, Elizabeth LOM. Final approach crs, 037°. Distance FAF to MAP, 4.9 miles. Minimum glide slope interception altitude, 1600'. Glide slope altitude at OM, 1554'; at MM, 249'. Distance to runway threshold at OM, 4.9 miles; at MM, 0.6 mile. MSA: 000°-060°-2600'; 060°-180°-1700'; 180°-270°-1800'; 270°-360°-2900'. NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
8-4	211	RVR 20	200	211	RVR 20	200	211	RVR 20	200	211	RVR 20	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
8-4	520	RVR 40	500	520	RVR 40	500	520	RVR 40	500	520	RVR 40	500
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	620	1	602	620	1	602	620	1 1/2	602	900	2	882
A	900-2			T 2-eng. or less—RVR 20', Runways 4-22; Standard runways 11-20.				T over 2-eng.—RVR 20', Runways 4-22; Standard runways 11-20.				

City, Newark; State, N.J.; Airport name, Newark Airport; Elev., 18'; Facility, I-EWR; Procedure No. ILS Runway 4, Amdt. 21; Eff. date, 6 Nov. 69; Sup. Amdt. No. 30; Dated, 18 Sept. 69

14. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR. If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
As established by MEM ASR minimum altitude vectoring chart.										1. Approach crs from 000° CW to 360°. 2. Descend aircraft to MDA after FAF 4 miles from airport. 3. Missed approach point over airport.

Missed approach: Climb to 1800' reverse crs direct to AWM NDB and hold N on the 347° bearing, right turns, 1 minute, 167° Inbnd. Use Memphis approach control altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	
C	700	1	488	700	1	488	700	1	488	NA	
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.				

City, West Memphis; State, Ark.; Airport name, West Memphis Municipal; Elev., 212'; Facility, MEM ASR; Procedure No. ASR-1, Amdt. 3; Eff. date, 6 Nov. 69; Sup. Amdt. No. 2; Dated, 28 Aug. 69

These procedures shall become effective on the dates specified therein. (Secs. 307(e), 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348(e), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 1, 1969.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 69-12072; Filed, Oct. 16, 1969; 8:45 a.m.]

[Docket No. 0900]

PART 185—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Miscellaneous Amendments

The purpose of this amendment to the Federal Aviation Regulations is to revise Part 185, that has prescribed the rules of the FAA with respect to testimony of its employees and the release or disclosure of FAA materials and records, in legal proceedings, and the service of legal process and pleadings. On July 11, 1969, the Secretary of Transportation issued a revised Part 9 of the regulations of his Office, effective July 16, 1969 (34 F.R. 11972), that prescribes for the entire Department the policies and procedures with respect to testimony of its employees as witnesses in legal proceedings, the acceptance of service and pleadings in legal proceedings involving the Department, and the production of records of the Department pursuant to subpoena.

Part 9 authorizes the General Counsel or appropriate counsel of the operating administration concerned to take the same actions and make the same determinations, in legal proceedings concerning that administration, that have been prescribed in Part 185. "Appropriate counsel of the operating administration concerned" is defined in Part 9 to include the General Counsel or Chief Counsel of that administration and any person to whom he has delegated his authority under Part 9.

This amendment limits the scope of Part 185 to naming the General Counsel of the FAA, and the other officials designated by him, as the persons (1) upon whom legal process or pleadings may be served, and who have authority to acknowledge the service and take further action thereon, and (2) who otherwise take actions and make determinations, in legal proceedings concerning the FAA. The FAA officials in each case are those previously named in Part 185.

Since this amendment merely deletes obsolete regulatory material and relates to agency organization, management, and personnel, notice of rule making and public procedure thereon are not required and the action may be made effective less than 30 days after its publication.

In consideration of the foregoing, Part 185 of the Federal Aviation Regulations is amended effective October 17, 1969, to read as follows:

- Sec. 185.1 Purpose.
185.3 Acceptance of service on behalf of the Secretary of Transportation or the Administrator.
185.5 Testimony by employees and production of records in legal proceedings.

AUTHORITY: The provisions of §§ 185.1, 185.3 and 185.5 are issued under secs. 303(d) and 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1344, 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); Part 9 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 9) as amended (34 F.R. 11972).

§ 185.1 Purpose.

(a) The purpose of this part is to name the FAA officials who, pursuant to Part 9 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 9) as amended (34 F.R. 11972, July 16, 1969), are those:

(1) Upon whom legal process or pleadings may be served in any legal proceeding concerning the FAA, and who have authority to acknowledge the service and take further action thereon; and

(2) Who otherwise perform the functions prescribed by Part 9 in legal proceedings concerning the FAA with respect to testimony by FAA employees and production of FAA records in legal proceedings.

(b) For purposes of this part, "legal proceeding" includes any proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding.

§ 185.3 Acceptance of service on behalf of the Secretary of Transportation or the Administrator.

Legal process or pleadings in any legal proceeding concerning the FAA may be served, at the option of the server, on the General Counsel, Deputy General Counsel, Associate General Counsel, Litigation Division, of the FAA, or any other FAA official designated by the General Counsel, with the same effect as if served upon the Secretary of Transportation or the Administrator. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

§ 185.5 Testimony by employees and production of records in legal proceedings.

The General Counsel, and each regional counsel, the Aeronautical Center counsel, and the NAFEC counsel, with respect to matters arising within his respective jurisdiction, and any other FAA official designated by the General Counsel, perform the functions in legal proceedings (other than one described in § 185.3 of this part) as prescribed by Part 9 of the regulations of the Office of the Secretary of Transportation, with respect to testimony by FAA employees and production of FAA records in legal proceedings.

Issued in Washington, D.C., on October 10, 1969.

J. H. SHAFFER, Administrator.

[P.R. Doc. 69-12406; Filed, Oct. 16, 1969; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4716]

[I-2332]

IDAHO

Withdrawal for National Forest Streamside Zone

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

St. Joe River—Sherlock Creek—California Creek Streamside Zone

T. 42 N., R. 9 E.,

Sec. 1, W 1/4 NE 1/4 and W 1/2 of lot 1, SE 1/4 SE 1/4 SW 1/4 NE 1/4, W 1/2 NE 1/4 SE 1/4 NE 1/4, W 1/2 SE 1/4 NE 1/4 NE 1/4, NE 1/4 SE 1/4 SW 1/4, S 1/2 NE 1/4 SE 1/4 SW 1/4, NE 1/4 SW 1/4 SE 1/4 SW 1/4, S 1/2 SW 1/4 SE 1/4 SW 1/4, SE 1/4 SE 1/4 SW 1/4, W 1/2 NE 1/4 NE 1/4 SE 1/4, NW 1/4 NE 1/4 SE 1/4, N 1/2 NE 1/4 SE 1/4, SW 1/4 SW 1/4 NE 1/4 SE 1/4, E 1/2 NW 1/4 SE 1/4, SE 1/4 SW 1/4 NW 1/4 SE 1/4, N 1/2 SW 1/4 SE 1/4, N 1/2 SW 1/4 SW 1/4 SE 1/4, SW 1/4 SW 1/4 SE 1/4, NW 1/4 NW 1/4 SE 1/4 SE 1/4;

Sec. 3, S 1/2 SW 1/4 SW 1/4 SE 1/4, SW 1/4 SE 1/4 SW 1/4 SE 1/4;

Sec. 5, SW 1/4 NW 1/4 SW 1/4 NW 1/4, SW 1/4 SW 1/4 NW 1/4, S 1/2 SE 1/4 SW 1/4 NW 1/4, SW 1/4 SW 1/4 SE 1/4 NW 1/4, NW 1/4 NW 1/4 NE 1/4 SW 1/4, S 1/2 NW 1/4 NE 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4, N 1/2 NW 1/4 NW 1/4 SW 1/4, E 1/2 SE 1/4 NW 1/4 SW 1/4, E 1/2 E 1/2 SW 1/4 SW 1/4, W 1/2 SE 1/4 SW 1/4;

Sec. 6, NW 1/4 NW 1/4, S 1/2 NW 1/4, SW 1/4, NW 1/4 SE 1/4, and S 1/2 SE 1/4 of lot 1, NE 1/4 and NE 1/4 SE 1/4 of lot 2, NE 1/4 SE 1/4 NE 1/4, N 1/2 NW 1/4 SE 1/4 NE 1/4, SE 1/4 NW 1/4 SE 1/4 NE 1/4, N 1/2 SE 1/4 SE 1/4 NE 1/4, SE 1/4 SE 1/4 SE 1/4 NE 1/4;

Sec. 7, E 1/2 NE 1/4 NE 1/4 SE 1/4, SE 1/4 NE 1/4 SE 1/4, E 1/2 NE 1/4 SW 1/4 SE 1/4, SE 1/4 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

Sec. 8, NW 1/4 NE 1/4 NW 1/4, N 1/2 SW 1/4 NE 1/4 NW 1/4, SW 1/4 SW 1/4 NE 1/4 NW 1/4, E 1/2 NW 1/4 NW 1/4, E 1/2 SW 1/4 NW 1/4 NW 1/4, E 1/2 NW 1/4 SW 1/4 NW 1/4, SW 1/4 SW 1/4 NW 1/4, W 1/2 NW 1/4 SE 1/4 NW 1/4, N 1/2 NE 1/4 NW 1/4 SW 1/4, SW 1/4 NE 1/4 NW 1/4 SW 1/4, W 1/2 NW 1/4 SW 1/4, NW 1/4 SE 1/4 NW 1/4 SW 1/4, W 1/2 NW 1/4 SW 1/4 SW 1/4, NW 1/4 SW 1/4 SW 1/4 SW 1/4;

Sec. 9, E 1/2 SE 1/4 NE 1/4 SE 1/4, S 1/2 SE 1/4 SW 1/4 SE 1/4, NE 1/4 SE 1/4 SE 1/4, SE 1/4 NW 1/4 SE 1/4 SE 1/4, S 1/2 SE 1/4 SE 1/4;

Sec. 10, SW 1/4 SW 1/4 NE 1/4 NE 1/4, E 1/2 NW 1/4 NE 1/4, E 1/2 SW 1/4 NE 1/4, N 1/2 SW 1/4 SW 1/4 NE 1/4, NE 1/4 NE 1/4 SE 1/4 NE 1/4, S 1/2 NE 1/4 SE 1/4 NE 1/4, NW 1/4 NW 1/4 SE 1/4 NE 1/4, S 1/2 NW 1/4 SE 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NE 1/4 NE 1/4 NE 1/4 NW 1/4, S 1/2 NE 1/4 NE 1/4 NW 1/4, S 1/2 NW 1/4

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-1; Sub-No. 7]

PART 1048—COMMERCIAL ZONES

St. Louis, Mo.—East St. Louis, Ill.; Decision and Order

At a session of the Interstate Commerce Commission, Review Board Number 2, Members Mills, Boyle, and Parker, held at its office in Washington, D.C., on the 2d day of October 1969.

It appearing, that by petition filed June 4, 1969, Norfolk and Western Railway Co. seeks redefinition of the limits of the zone adjacent to and commercially a part of St. Louis, Mo.—East St. Louis, Ill., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from points beyond the zone, is partially exempt from certain requirements of the Interstate Commerce Act under the provisions of section 203(b) (8) thereof. The St. Louis, Mo.—East St. Louis, Ill., commercial zone was originally defined in 1 M.C.C. 656; corrected in a supplemental report, 2 M.C.C. 285; and redefined and expanded in six reports, 61 M.C.C. 489 (1953), 76 M.C.C. 418 (1958), 95 M.C.C. 519 (1964), 96 M.C.C. 691 (1964), 105 M.C.C. 193 (1967), and 106 M.C.C. 844 (1968) (49 CFR § 1048.3). Petitioner seeks redefinition of the zone so as to include therein the petitioner's yard and trailer-on-flatcar ramp facilities, located contiguous to the corporate limits of Madison, Ill., and the present limits of the zone.

It further appearing, that pursuant to the Administrative Procedure Act, notice of the filing of the petition was published in the FEDERAL REGISTER on July 16, 1969 (34 F.R. 11984), which notice stated that no oral hearing was contemplated, and that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the relief sought.

It further appearing, that no representations were filed in this proceeding, but that the statements contained in the petition filed herein are sufficient upon which to base our determination of the issue presented.

And it further appearing, that the petitioner's yard and trailer-on-flatcar ramp facilities, adjacent to, but not now within the St. Louis, Mo.—East St. Louis, Ill., commercial zone, are, in fact, economically and commercially a part of East St. Louis;

Wherefore, and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration.

It is further ordered, That § 1048.3 as prescribed in the order entered in this proceeding on March 5, 1968 (49 CFR

1048.3) be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 1048.3 St. Louis, Mo.—East St. Louis, Ill.

(a) The zone adjacent to and commercially a part of St. Louis, Mo.—East St. Louis, Ill., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203 (b) (8) of the Interstate Commerce Act (49 U.S.C. 303(b) (8)), includes and is comprised of all points as follows: (1) All points within the corporate limits of St. Louis, Mo.; (2) all points in St. Louis County, Mo., within a line drawn 0.5 mile south, west, and north of the following line, but not including any point north of the Meramec River and west of Kirkwood, Mo., west of the right-of-way of proposed Circumferential Expressway (Interstate Highway 244), north of a line formed by Dorsett Road and the right-of-way of the Chicago, Rock Island and Pacific Railroad, south of Lackland Avenue, or points beyond the established corporate boundaries of Kirkwood, Huntleigh, and St. Ferdinand, Mo. (except that area bounded on the east by the western boundary of Kirkwood, on the south by Marshall Road, on the west by Treecourt Avenue, and on the north by Big Bend Road); Beginning at the Jefferson Barracks Bridge across the Mississippi River and extending westerly along Missouri Highway 77 to its junction with U.S. Highway 61 Bypass, thence along U.S. Highway 61 Bypass to its junction with U.S. Highway 66, thence westerly along U.S. Highway 66, to its junction with Bowles Avenue, thence northerly along Bowles Avenue, actual or projected, to the Meramec River, thence easterly along the south bank of the Meramec River to a point directly south of the western boundary of Kirkwood, thence across the Meramec River to and along the western boundary of Kirkwood to Marshall Road, thence westerly along Marshall Road to its junction with Treecourt Avenue, thence northerly along Treecourt Avenue to its junction with Big Bend Road, thence easterly along Big Bend Road to the western boundary of Kirkwood, thence along the western and northern boundaries of Kirkwood to the western boundary of Huntleigh, Mo., thence along the western and northern boundaries of Huntleigh to junction U.S. Highway 66, thence in a northerly direction along U.S. Highway 66 (Lindberg Boulevard) to its junction with Lackland Avenue, thence in a westerly direction along Lackland Avenue to its junction with the right-of-way of proposed Circumferential Expressway (Interstate Highway 244), thence in a northerly direction along said right-of-way to its junction with the right-of-way of the Chicago, Rock Island and Pacific Railroad, thence in an easterly direction along said right-of-way to its junction with Dorsett Road, thence in an easterly direction along

- NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 11, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 12, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 43 N., R. 9 E.
- Sec. 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- T. 43 N., R. 10 E.
- Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
- Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ (less the portion overlapping the south boundary of the Contention Claim, Patented Solace Group (MS 2396) approximately 0.8 acre), W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ (less the portion overlapping the south boundary of the Contention Claim, Patented Solace Group (MS 2396) approximately 2 acres), W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 35, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 1,784 acres in Shoshone County.
2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 10, 1969.
[P.R. Doc. 69-12381; Filed, Oct. 16, 1969; 8:45 a.m.]

Dorsett Road to its junction with U.S. Highway 66, thence in a northerly direction along U.S. Highway 66 to its junction with Natural Bridge Road, thence in an easterly direction along U.S. Highway 66 to the western boundary of St. Ferdinand (Florissant), Mo., thence along the western, northern, and eastern boundaries of St. Ferdinand to junction U.S. Highway 66 and thence along U.S. Highway 66 (Taylor Road) to the corporate limits of St. Louis (near Chain of Rocks Bridge); and (3) all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill.; that part of the village of Cahokia, Ill., bounded by Illinois Highway 3 on the east, First Avenue and Red House (Cargill) Road on the south and southwest, the east line of the right-of-way of the Alton and Southern Railroad on the west, and the corporate limits of Monsanto, Ill., on the northwest and north; that part of Centerville, Ill., bounded by a line beginning at the junction of 26th Street and the corporate limit of East St. Louis, Ill., and extending northeasterly along 26th Street to its junction with Bond Avenue, thence southeasterly along Bond Avenue to its junction with Owen Street, thence southwesterly along Owen Street to its junction with Church Road, thence southeasterly along Church Road to its junction with Illinois Avenue, thence southwesterly along Illinois Avenue to the southwesterly side of the right-of-way of the Illinois Central Railroad Co., thence along the southwesterly side of the right-of-way of the Illinois Central Railroad Co. to the corporate limits of East St. Louis, Ill., thence along the corporate limits of East St. Louis, Ill., to the point of beginning; and that area bounded by a line commencing at the intersection of the right-of-way of the Alton and Southern Railroad and the Madison, Ill., corporate limits near 19th Street, and extending east and south along said right-of-way to its intersection with the right-of-way of Illinois Terminal Railroad Co., thence southwesterly along the Illinois Terminal Railroad Co. right-of-way, to its intersection with Illinois Highway 203, thence northwesterly along said highway to its intersection with the Madison, Ill., corporate boundary near McCambridge Avenue, thence northerly along the Madison, Ill., corporate boundary to the point of beginning.

(b) The exemption provided by section 203(b)(8) of the Interstate Commerce Act in respect of transportation by motor vehicle, in interstate or foreign commerce, between Belleville, Ill., on the one hand, and, on the other, any other point in the commercial zone, the limits of which are defined in (a) of this section, is hereby removed, and the said transportation is hereby subjected to all applicable provisions of the Interstate Commerce Act.

(49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on the 17th day

of November 1969, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12432; Filed, Oct. 16, 1969;
8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Tennessee National Wildlife Refuge, Tenn., and Catahoula National Wildlife Refuge, La.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER. These special regulations provide access across and through certain portions of National Wildlife Refuges. These access routes are delineated on maps available at the respective refuge office.

§ 28.28 Special regulations, public access, use, and recreation: for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

A corridor open to the transportation of unloaded and encased shotguns by vehicle and boat across certain following described lands and waters of the Tennessee National Wildlife Refuge is hereby proclaimed. The period open to firearm transportation shall run concurrently with any and all legal waterfowl seasons designated for the counties of Perry and Decatur in the State of Tennessee.

The land portion of the corridor shall consist of the "Marina Ridge Road" from where said road enters the Tennessee National Wildlife Refuge southward to the Sugar Tree Marina, including the marina parking area.

A water corridor shall follow the meanders of Morgan Creek in an easterly direction from the Sugar Tree Marina dock to the mouth of Morgan Creek and thence due east to midchannel of the Tennessee River.

The water corridor width is set forth as that water area up to 100 feet on either side of the channel marker buoy from Sugar Tree Marina to the mouth of Morgan Creek, except that no boat bearing firearms shall be permitted nearer than 20 feet to any mainland. From the mouth

of Morgan Creek to the midchannel of the Tennessee River, the water corridor width is set forth as that water area up to 250 feet on either side of an imaginary line running due east from midchannel of Morgan Creek inlet to midchannel of the Tennessee River.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

A corridor open for the transportation of unloaded and encased firearms by vehicle and boat during any and all legal waterfowl hunting season as follows:

That portion of Catahoula Refuge between and including refuge road on south side of French Fork and Catahoula Lake in secs. 8 and 9, T. 6 N., R. 4 E.; refuge road along east and south boundary of Bureau owned land in sec. 2, T. 6 N., R. 4 E.; Bureau owned land in secs. 3 and 4, T. 6 N., R. 4 E.

Bureau owned lands in secs. 15 and 22, T. 7 N., R. 4 E. and that portion of refuge road along Old River in sec. 14, T. 7 N., and R. 4 E.

These special regulations supplement the regulations governing transportation of firearms on National Wildlife Refuges generally which are set forth in Code of Federal Regulations, Title 50, Part 28, and are effective through the 1969-70 waterfowl hunting season.

C. EDWARD CARLSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 8, 1969.

[F.R. Doc. 69-12429; Filed, Oct. 16, 1969;
8:47 a.m.]

PART 32—HUNTING

Loxahatchee National Wildlife Refuge, Fla., et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxahatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

1. Only temporary blinds constructed of native vegetation are permitted.
2. Hunter must enter and leave the refuge by either the S-39 landing or the headquarters landing and must use the following designated routes of travel to

and from the hunting area; those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S-39 landing lying between the hunting area and portions of canals described above. No hunting is permitted in or over these designated routes of travel.

3. While using designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or cased.

4. Air-thrust boats may be authorized for use only by special permit issued by the Refuge Manager.

5. The possession or use of shotgun shells with shot size larger than No. 4 shot is prohibited.

6. All public use within the refuge during the hunting season is limited to the period each day from 1½ hours before sunrise to 1 hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1970.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Fla., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 18,636 acres, are delineated on a map available at the refuge headquarters, Titusville, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

1. A refuge permit is required of all hunters in both areas.
2. Air thrust boats are not permitted on the refuge.
3. Hunters under 16 years of age must be accompanied by an adult, 21 years of age or older.

4. In addition to applicable Federal and State waterfowl regulations, special refuge regulations will be provided each hunter at the time of permit issuance.

5. Hunting Area No. 1:

a. Hunting will be permitted only from one-half hour before sunrise until noon, 4 days per week, Sunday, Tuesday, Thursday, and Saturday, during the Florida waterfowl season, except there will be no hunting on Christmas Day.

b. Guns must be unloaded at all times except while in the blind and they must be left in the blind when recovering dead or crippled waterfowl.

6. Hunting Area No. 2:

a. Subject to security requirements deemed necessary by the Director, Kennedy Space Center, hunting will be permitted 4 days per week, Sunday, Tuesday, Thursday, and Saturday, during the Florida waterfowl season, except there will be no hunting on Christmas Day.

b. No shooting is permitted from or across the railroad right-of-way or any hard-surfaced roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1970.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on the map which is available at the refuge headquarters, Hardeeville, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

1. Hunting will be permitted only on Thursdays, Fridays, and Saturdays, from

one-half hour before sunrise to 2 p.m. during the period November 20, 1969, through January 15, 1970. Snipe season extends from December 13, 1969, to January 15, 1970.

2. Hunting will not be permitted in or on Front, Middle, and Back Rivers, nor closer than 50 yards to the shoreline of these rivers.

3. Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

4. Guns must be unloaded while being carried to and from the hunting area, and shot size larger than number 4 will not be permitted on the refuge.

5. Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds, furnish their own boats and decoys.

6. Dogs used to retrieve waterfowl must be under complete control at all times.

7. Before entering the hunting area, hunters are required to obtain a permit at the refuge check station, located on U.S. Highway 17 at the Middle River bridge. All hunters must check out at the check station as soon as possible after completing their hunt and must present all bagged game for inspection.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1970.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is suspended for the 1969 season due to a serious decline in numbers of wintering geese in the refuge area.

C. EDWARD CARLSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

OCTOBER 7, 1969.

[F.R. Doc. 69-12428; Filed, Oct. 16, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 12]

LACASSINE NATIONAL WILDLIFE, REFUGE, LA.

Hunting of Migratory Birds at Lacassine National Wildlife Refuge; Proposed Designation of Closed Area

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Lacassine National Wildlife Refuge and to improve the effectiveness of the refuge for the purposes for which it was established by the United States.

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

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, that land and water area in Cameron Parish, La., within the Lacassine National Wildlife Refuge more particularly described as follows:

All of the land and water areas in Section 16, T. 12 S., R. 5 W., and containing, in all, approximately 652.51 acres.

WALTER J. HICKEL,
Secretary of the Interior.

OCTOBER 9, 1969.

[F.R. Doc. 69-12490; Filed, Oct. 16, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

[947.328 Amdt. 1]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Amendment to Limitation of Shipments

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, hereinafter set forth, upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, and other available information. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1969 crop of Oregon-Northern California potatoes and the marketing prospects for this season. Harvesting of summer crop potatoes has been completed and the harvest is now underway for the fall crop potatoes.

The grade, size, cleanliness, and maturity requirements, as amended, provide for an additional reduction in the supplies of less desirable potatoes for distribution in the fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designed to meet additional different requirements for such outlets.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend the introductory text and paragraphs (a), (b), and (c) of § 947.328 (34 F.R. 11136) to read as follows:

§ 947.328 Limitation of shipments.

During the period November 15, 1969, through October 14, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Grade, size and cleanliness requirements*—(1) *Grade*. All varieties—U.S. No. 2, or better grade.

(2) *Size*. All varieties—6 ounces minimum weight: *Provided*, That potatoes which are 2 inches minimum diameter or 4 ounces minimum weight may be shipped if U.S. No. 1 grade or better.

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

(b) *Maturity (skinning) requirements*. (1) All varieties—"Slightly skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

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

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, or prepeeled products, potato chips, or potato sticks.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Export: *Provided*, That all varieties of potatoes handled pursuant to this subparagraph shall be at least U.S. No. 1 grade and 1¾ to 2¼ inches in diameter.

(7) Potato chipping: *Provided*, That all potatoes handled for chipping shall be at least "U.S. No. 2 Potatoes for Processing" grade 1¾ inches minimum diameter.

(8) Dehydration.

(9) Prepeeling.

(10) Potato sticks (French fried shoe-string potatoes): *Provided*, That all varieties of potatoes handled pursuant to subparagraphs (8) through (10) of this paragraph shall be 1 1/4 to 2 1/4 inches in diameter and at least 85 percent U.S. No. 1 grade.

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

Dated: October 14, 1969.

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

[F.R. Doc. 69-12442; Filed, Oct. 16, 1969; 8:48 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959, both as amended (7 CFR Part 959; 34 F.R. 6439). This marketing program regulates the handling of onions grown in designated counties in south Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for the public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 959.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1970, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$55,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one cent (\$0.01) per 50-pound container of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1970, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: October 13, 1969.

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

[F.R. Doc. 69-12408; Filed, Oct. 16, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Agreements With and Functions of Providers, Intermediaries, Carriers, and State Agencies; Prepayment Requirements and Other Charges

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be promulgated by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to prepayment requirements and other charges made by providers of services under the Federal Health Insurance for the Aged program.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed Federal Health Insurance for the Aged regulations are to be issued under the authority contained in sections 1102, 1816, 1842, 1861(u), 1864, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 297-299; 79 Stat. 309-312; 79 Stat. 322; 79 Stat. 326; 79 Stat. 327-329; 79 Stat. 331; 42 U.S.C. 1302; 1395 et seq.

1. It is proposed that paragraph (c) of § 405.608 be revised to read as follows:

§ 405.608 Allowable charges; deductible, coinsurance and copayment.

(c) A provider may charge an individual entitled to hospital or medical insurance benefits for items and services described in § 405.610 which it has furnished such individual at his request subject to the conditions set forth in § 405.610, but may not charge such individual more than the amount customarily charged by such provider for such items and services.

2. It is proposed that § 405.610 be revised to read as follows:

§ 405.610 Allowable charges; noncovered and partially covered items or services; prepayment requirements and other charges.

(a) *Noncovered and partially covered items and services.* Where items or services furnished by a provider of services at the request of an individual (or his family) are more expensive than, or in excess of, items and services covered under Subparts A and B of this Part 405, the provider may charge such individual an amount not exceeding the difference between that amount which the provider customarily charges for such items or services and the amount customarily charged by it for the items or services with respect to which payment can be made under title XIII of the Act. A provider of services may not charge for such items or services unless they have been requested by the individual (or his family), nor require the individual or his family to request such items or services as a condition of admission. To avoid misunderstanding and disputes, the provider will inform the individual when he requests an item or service for which a charge will be made, that there will be a specified charge for such item or service, and may not thereafter charge him more for the item or service than the amount specified.

(b) *Prepayment requirements and other charges.* A provider of services may not require an individual entitled to benefits under Subpart A of this Part 405 to prepay in part or in whole for inpatient services as a condition of admitting him as an inpatient, except where it is clear upon admission that payment under Subpart A cannot be made. A provider of services may not deny covered inpatient services to an individual entitled to have payment made for such services on the ground of his inability or failure to pay a requested amount at or before admission. A provider may not evict, or threaten to evict, such an individual for inability to pay a deductible or a coinsurance amount provided under Subpart A or Subpart B of this Part 405. (See § 405.420.) A provider of services may not charge an individual for (1) its agreement to admit or readmit him on some specified future date for covered inpatient services; or (2) for his failure to remain an inpatient for any agreed-upon length of time or for failure to give advance notice of his departure from the provider's facilities.

Dated: August 12, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: September 5, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-12421; Filed, Oct. 16, 1969; 8:47 a.m.]

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

Composition of Utilization Review Committees in Hospitals and Extended Care Facilities

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would preclude physicians who have a financial interest in a hospital or extended care facility or power, directly or indirectly, significantly to influence or direct the actions or policies of the hospital or facility from serving on its utilization review committee effective January 1, 1970.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1861, 1863, 1864, and 1871, 49 Stat. 647, as amended, 79 Stat. 314; 42 U.S.C. 1302, 1395 et seq.

Dated: July 12, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: August 15, 1969.

ROBERT H. FINCH,
Secretary of Health,
Education, and Welfare.

Regulation No. 5 of the Social Security Act, as amended (20 CFR 405), are further amended as follows:

1. Paragraphs (e) (1) and (2) (iii) of § 405.1035 are revised to read as follows:

§ 405.1035 Condition of participation—utilization review plan.

(e) (1) *Standard; conduct of function by committees.* The utilization review function is conducted by one or a combination of the following:

(i) By a staff committee or committees of the hospital, each of which is composed of two or more physicians, with or without the inclusion of other professional personnel; or

(ii) By a committee(s) or group(s) outside the hospital composed as in subdivision (i) of this subparagraph which is established by the local medical society and some or all of the hospitals and extended care facilities in the locality; or

(iii) Where a committee(s) or group(s) as described in subdivision (i) or (ii) of this subparagraph has not been established to carry out all the utilization review functions prescribed

by title XVIII, by a committee(s) or group(s) composed as in subdivision (1) of this subparagraph, and sponsored and organized in such manner as approved by the Secretary of Health, Education, and Welfare.

(2) *The factors explaining the standard are as follows.* * * *

(iii) The committee(s) is broadly representative of the medical staff. Despite this requirement, however, no physician with a financial interest in a hospital or with power, directly or indirectly, significantly to influence or direct the action or policies of the hospital may serve on the utilization review committee of that hospital.

2. Subparagraph (e) (2) of § 405.1137 is amended by revising subdivisions (iii) and (iv) to read as follows:

§ 405.1137 Condition of participation—utilization review plan.

(e) *Standard; conduct of review.* * * *

(2) *The factors explaining the standard are as follows:*

(iii) No physician with a financial interest in an extended care facility or with power, directly or indirectly, significantly to influence or direct the actions or policies of the facility may serve on the utilization review committee of that facility.

(iv) Under subparagraph (1) (iii) of this paragraph, any sponsorship of a utilization review committee or group is ordinarily acceptable if it is composed as in subparagraph (1) (i) of this paragraph.

Effective date. The foregoing regulations shall become effective January 1, 1970.

[F.R. Doc. 69-12422; Filed, Oct. 16, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. B-369]

RATE SCHEDULES AND TARIFFS

Refunds, Natural Gas Pipeline; Independent Producer, Interest Rate

OCTOBER 10, 1969.

In the matter of interest on refunds, rates of independent gas producers and pipelines in effect at end of suspension period; Docket No. R-369.

1. On April 2, 1968, we issued Order No. 362, Changing Method of Computing Interest To Be Paid on Refunds Under the Natural Gas Act, 39 FPC 412, which by the prescription of a new § 154.67 and the addition of a new paragraph (g) to § 154.102 of Part 154, regulations under the Natural Gas Act provided that the amount of interest payable on amounts refunded by natural gas companies pursuant to section 4(e) of the Natural Gas

Act would be computed at the prescribed rate of interest compounded monthly.

2. On June 12, 1969, the U.S. Court of Appeals for the Third Circuit held in *Texaco Inc. v. Federal Power Commission* (Nos. 17379 and 17540) that adoption of Order No. 362 without giving any prior notice thereof violated the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. section 553). The court thus set aside Order No. 362, without prejudice to the right of the Commission to proceed in accordance with section 4 in establishing a general rule.

3. In accordance with the court's mandate in the *Texaco* case, we propose to reconsider the question of imposing a compound interest requirement. For the purpose of eliciting comments on this matter, we propose to amend the Commission's regulations by prescribing a new § 154.67 and amending § 154.102 to require interest payable on amounts refunded by natural gas companies, pursuant to section 4(e) of the Act, to be compounded on a monthly basis.

4. During the period between the issuance of Order No. 362 and *Texaco*, supra, the compound interest requirement of § 154.102 was specifically included in Commission orders and notices authorizing the collection by independent producers of previously suspended increased rates, subject to refund (under section 4(e) of the Natural Gas Act) where the proposed rates were made effective on or after April 30, 1968. In our order issued January 17, 1969, in *Humble Oil & Refining Co., Dockets Nos. RI68-554 and RI68-584* denying *Humble's* request for waiver, we stated that we would relieve *Humble*, as well as other producers, of the requirements of Order No. 362 if it were determined in the *Texaco* case that the Commission had no authority to require the compounding of interest monthly. While the *Texaco* opinion does not reach the question of our authority since the court held the rule procedurally defective, we are of the opinion that our statement in *Humble* may have misled producers from taking action to protect their rights and we propose to impose any compound interest requirement which may result from the issuance of this rule-making proceeding prospectively.

5. The annual rate of interest on refunds required in section 4(e) proceedings, as provided in § 154.102(c) of the Commission's regulations under the Natural Gas Act, was increased from 6 percent to 7 percent by Order No. 215A issued on March 1, 1960, 23 FPC 474. In view of the high current cost of money (the prime interest rate is now 8.5 percent) there is a question of whether the present 7 percent interest rate adequately compensates the consumer for the loss of his money during the period an independent producer has collected and holds amounts which are subsequently determined in a section 4(e) proceeding to have been excessive. Therefore, while we do not here propose any specific change

¹ The 7 percent interest rate was approved in *Permian Basin Area Rate Cases*, 390 U.S. 747, 825-6.

in the 7 percent figure presently incorporated in the rules governing independent producers, we intend this rule-making proceeding to redetermine the appropriate annual interest rate to be utilized in § 154.102(c) after review of relevant data, and request that the comments submitted by interested persons address themselves to this matter.

6. The appropriate annual interest rate with respect to refunds required by pipelines in section 4(e) proceedings in the past has been determined in each case on an ad hoc basis. We propose to continue that policy in the future. Accordingly, this rulemaking proceeding will not involve any question as to the proper annual interest rate for pipelines. We believe, however, that since a number of recent orders in individual pipeline cases have specified that the compounding of any refunds, is subject to the further proceedings in this docket, it would be appropriate to handle this issue by general rule, subject to individual requests for waiver thereof.

7. Additionally, it is proposed to amend § 154.102(c) to eliminate the requirement that reports of monies collected subject to refund in section 4(e) proceedings be made monthly or quarterly and under oath, and to revise the language of the section to set the provisions forth more clearly.

8. Therefore, for all of the above reasons, notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) that the Commission proposes, subject to consideration of comments by interested parties, to amend its regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 154.67, amending and revising paragraph (c) to § 154.102, and adding a new paragraph (g) to § 154.102 to read as follows:

§ 154.67 Interest on refunds.

With respect to any rate suspension proceeding initiated under section 4(e) of the Natural Gas Act, wherein a change in rate, charge, classification, or service is made effective on or after [date to be determined], the amount of interest required to be paid on any refund shall be computed at the annual rate of interest prescribed in the Commission order allowing the suspended rate to become effective, compounded monthly.

§ 154.102 Suspended changes in rate schedules; motion to make effective at end of period of suspension; procedure.

(c) Upon an increased rate being made effective pursuant to the provisions of this section the independent producer shall be obligated to keep accurate accounts in detail of all amounts received by reason of the increased rates or charges for each billing period, and for each purchaser; the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of

the change, and under the rates which become effective pursuant to the motion, together with the differences in the revenues so computed; and to refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of any increased rate found by the Commission in that proceeding not justified, together with interest thereon at the rate of [amount to be determined] percent per annum from the date of payment to the producer until refunded, except as provided in paragraph (f) of this section; and to bear all costs of any such refunding.

(g) With respect to any change in rate, charge, classification, or service made effective on or after (date to be determined), the amount of interest required to be paid on any refund shall be computed at the annual rate of interest prescribed in paragraph (c) of this section, compounded monthly.

9. These amendments to the regulations under the Natural Gas Act are proposed to be issued under the authority granted the Commission by the Natural Gas Act, as amended, particularly sections 4, 16, and 20 thereof (52 Stat. 822, 830, 832; 76 Stat. 72; 15 U.S.C. 717c, 717o, 717s).

10. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before November 24, 1969, data, views, and comments in writing concerning the amendments proposed herein and the appropriate effective dates of such amendments and the redetermination of the appropriate annual interest rate. An original and 14 copies of any submittals must be filed. The Commission will consider any such submittals before acting on the proposed amendments, determining the appropriate effective dates of such amendments, and making a redetermination of the appropriate annual interest rate.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12446; Filed, Oct. 16, 1969;
8:49 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

CREDIT BY BROKERS AND DEALERS

Certain Credit by Insurance Companies; Proposal and Extension of Temporary Suspension

Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors is considering amending Part 220 in the following respects:

Section 220.7 would be amended by adding paragraph (f) to read as follows:

§ 220.7 Miscellaneous provisions.

(f) *Credit by insurance companies that issue variable annuity contracts.* (1) Except as provided in subparagraph (2) of this paragraph, Part 207 of this chapter (Regulation G) rather than this part shall apply to any credit extended, maintained, or arranged for by a life insurance company which (i) meets the definition of "insurance company" set forth in section 2(a)(17) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(17)), (ii) is engaged in the offer or sale of any variable annuity, or any interest in a separate account established by such insurance company, registered under the Securities Act of 1933 (15 U.S.C. 77) or exempt therefrom by Rule 156 of the Securities and Exchange Commission (17 CFR 230.156), and (iii) is required to register as a broker or dealer pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) by virtue of the activity described in subdivision (ii) of this subparagraph, and has registered as a broker or dealer.

(2) The provisions of this part shall apply to transactions between a customer and a life insurance company described in subparagraph (1) of this paragraph in connection with the conduct of its business as a broker or dealer, including

(i) The offer or sale of any security or securities registered under the Securities Act of 1933 (15 U.S.C. 77) or exempt therefrom by Rule 156 of the Securities and Exchange Commission (17 CFR 230.156), by (a) such insurance company, or (b) an investment company registered pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8) for which the insurance company or an affiliated person thereof is an underwriter, investment advisor, or dealer; and

(ii) Those activities normally associated with a broker or dealer or which, in accordance with the usage of the trade, would be considered part of a securities business.

The proposed change in § 220.7 would permit certain life insurance companies registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) as a consequence of the offer or sale of a variable annuity to extend, maintain, or arrange for credit subject only to any applicable provisions of Part 207 (Regulation G) rather than this Part 220 (Regulation T), where the credit is unrelated to transactions involving a variable annuity or a general securities business.

Insurance companies who are also registered as brokers or dealers have become subject to the requirements of Regulation T as a result of a recent change in that regulation making all brokers and dealers subject thereto (FEDERAL REGISTER of June 11, 1969 (34 F.R. 9196)). Several of these insurance companies had previously registered with the Board of Governors under Regulation G in connection with their conventional lending operations which include

loans secured by margin securities, as defined by § 207.2(d) of that regulation. Inasmuch as extensions of credit pursuant to certain normal lending activities of such insurance companies would be in violation of Regulation T, although distinct from any broker-dealer activity of the companies and permissible under Regulation G, the proposed amendment would functionally allocate the lending operations of such companies between Regulations G and T.

If the proposal is adopted, extensions of credit related to transactions involving the offer or sale of the insurance companies' variable annuities, or connected with the activity of the companies as broker or dealer, would be subject to Regulation T in the same manner as are the financial relations between any broker or dealer and his customers. Extensions of credit normally associated with conventional lending practices of such insurance companies, however, would be governed by the provisions of Regulation G to the extent they are applicable. This functional allocation would apply where an insurance company has

dealings with the same customer in connection with both types of activities. For example, the fact that a person is a holder of a variable annuity would not of itself cause credit extended to such person by the insurance company as part of the company's mortgage, commercial, or industrial loan operations to be subject to Regulation T.

In order to provide relief pending the promulgation of this proposal, the Board of Governors ordered the provisions of Regulation T suspended for 90 days, effective July 19, 1969, as they apply to credit, extended by insurance companies registered as broker-dealers, which is unrelated to transactions involving variable annuities offered or sold by such insurance companies or affiliated persons thereof (34 F.R. 12132). The notice of suspension further provided for compliance with the registration and other requirements of Regulation G to the extent that the nature of the conventional lending operations of such insurance companies would require such compliance. The period of suspension is hereby extended for an additional 180 days, or until a rule based upon this pro-

posal is adopted, whichever event shall occur first.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be submitted to any Federal Reserve Bank, to be received not later than November 19, 1969. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

By order of the Board of Governors,
October 13, 1969.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 69-12441; Filed, Oct. 16, 1969;
8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 20650]

WYOMING

Order Providing for Opening of Public Lands

OCTOBER 9, 1969.

1. Public Land Order 4694 of September 23, 1969, as corrected October 4, 1969, revoked Phosphate Reserves Nos. 11, 22, and 28 (Wyoming Nos. 2, 5, and 6), respectively, so far as they withdrew under the provisions of the Act of June 25, 1910 (36 Stat. 847), as amended, the following described lands for classification and in aid of legislation affecting the use and disposal of phosphate lands:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 93 W.,
 Sec. 32, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 41 N., R. 93 W.,
 Sec. 4, lot 3;
 Sec. 5, lots 1 to 4, inclusive;
 Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lot 1, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 42 N., R. 93 W.,
 Sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, lot 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 41 N., R. 94 W.,
 Sec. 1, lots 1, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
 Sec. 2, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 3;
 Sec. 9, lots 1 to 4, inclusive, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 15, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, lots 1 and 2, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 42 N., R. 94 W.,
 Sec. 20, lot 4;
 Sec. 21, lot 4;
 Sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, lots 1, 2, 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, lots 1, 3, 4, and 5;
 Sec. 33, lots 1, 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 36, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 42 N., R. 95 W.,
 Sec. 19, lots 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;
 Sec. 21, S $\frac{1}{2}$;
 Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25;
 Sec. 26, lots 1 to 5, inclusive, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Secs. 27 to 30, inclusive.

T. 43 N., R. 95 W.,
 Sec. 18, lots 2, 3, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
 Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 42 N., R. 96 W.,
 Sec. 13, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Secs. 24 and 25;
 Sec. 26, lots 4, 5, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 43 N., R. 96 W.,
 Sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 43 N., R. 100 W.,
 Sec. 19, lot 1 and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, lots 2, 3, and 4;
 Sec. 26, lots 1, 2, 3, and N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 28, lots 3, 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 29, lot 1, N $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$.
 T. 42 N., R. 101 W.,
 Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, S $\frac{1}{2}$.
 T. 43 N., R. 101 W.,
 Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

WIND RIVER MERIDIAN, WYOMING

T. 6 N., R. 1 E.,
 Sec. 1, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 2, lot 1.
 T. 7 N., R. 1 E.,
 Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 20, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 36, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.
 T. 8 N., R. 1 E.,
 Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 19, lots 1 to 4, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 22, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 24, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 27, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 28, N $\frac{1}{2}$;
 Sec. 29, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 30, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 6 N., R. 2 E.,
 Sec. 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$;
 Sec. 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 5, lots 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, lots 2, 3, and 4;
 Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 7 N., R. 2 E.,
 Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 3, lots 1 and 2;
 Sec. 30, lot 4;
 Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 8 N., R. 2 E.,
 Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 19, lot 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 26, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 5 N., R. 3 E.,
 Sec. 3, lots 2, 3, and 4;
 Sec. 4, lots 1 and 2.
 T. 6 N., R. 3 E.,
 Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 3, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 7 N., R. 3 E.,
 Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 6 N., R. 4 E.,
 Secs. 1 to 5, inclusive;
 Sec. 6, lot 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Secs. 7 to 12, inclusive;
 Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 14 to 17, inclusive;
 Sec. 18, lots 1 to 4, inclusive, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, N $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 21;
 Sec. 22, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

- Sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, lots 2 and 3, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 7 N., R. 4 E.,
 Sec. 13, lots 3 and 4;
 Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 6 N., R. 5 E.,
 Secs. 1 to 12, inclusive;
 Sec. 13, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Secs. 14 to 17, inclusive;
 Sec. 18, lots 1 to 4, inclusive, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$
 NW $\frac{1}{4}$;
 Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$
 NW $\frac{1}{4}$;
 Sec. 21, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$
 SE $\frac{1}{4}$;
 Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$;
 Sec. 25, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 7 N., R. 5 E.,
 Secs. 13 to 18, inclusive;
 Sec. 19, lots 1, 2, 3, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Secs. 20 to 29, inclusive;
 Sec. 30, E $\frac{1}{2}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Secs. 33 to 36, inclusive.
 T. 5 N., R. 6 E.,
 Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, lot 1.
 T. 6 N., R. 6 E.,
 Sec. 3, lots 1, 2, and 3;
 Sec. 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$, in part unsurveyed;
 Sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, unsurveyed;
 Sec. 6;
 Sec. 7, lots 1 to 4, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$
 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 18, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 7 N., R. 6 E.,
 Secs. 15 to 22, inclusive;
 Secs. 27 and 28;
 Sec. 29, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, lot 2, that part lying in the W $\frac{1}{2}$,
 lots 3, 4, 6, 8, 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
 SE $\frac{1}{4}$;
 Sec. 34.
 T. 7 N., R. 1 W.,
 Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 6, lots 4 and 5, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lot 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 11, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 14, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 18, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and
 NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 8 N., R. 1 W.,
 Sec. 13, lots 1 and 2;
 Sec. 15, lot 2;
 Sec. 21, lot 1 and E $\frac{1}{2}$ SE $\frac{1}{4}$;

- Sec. 22, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
 W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 24, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 25, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 7 N., R. 2 W.,
 Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$
 SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$
 SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 3, lots 1 to 4, inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and
 S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 5, SE $\frac{1}{4}$;
 Sec. 6, lot 7 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 7, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 and SE $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
 Sec. 9, S $\frac{1}{2}$;
 Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
 Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and
 S $\frac{1}{2}$;
 Sec. 21, N $\frac{1}{2}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 23, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and
 W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 8 N., R. 2 W.,
 Sec. 34, lots 1, 2, and 3;
 Sec. 35, lots 1, 3, and 4, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 36, lot 4, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 90,063 acres in Fremont and Hot Springs Counties.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to location and entry under the mining laws for non-metalliferous mineral deposits beginning at 10 a.m., on October 31, 1969.

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

JOHN R. KILLOUGH,
 Acting State Director.

[F.R. Doc. 69-12427; Filed, Oct. 16, 1969;
 8:47 a.m.]

Office of the Secretary DEPARTMENTAL SEAL

Description, Policy, Custody and Use

The following is a part of the Departmental Manual and the numbering is that of the Manual:

310.4.1. A. *Departmental Seal*. The use of a seal by the Department of the Interior is authorized and required by the Act of August 24, 1912 (37 Stat. 498; 43 U.S.C. 1460 et seq.). The seal consists of a male buffalo with the head and body in a left position, standing on a prairie, with mountains and a rising sun in the background, enclosed within two concentric circles, having the words "U.S. Department of the Interior" and the date "March 3, 1849" inscribed in the top and bottom arcs within these circles.

A reproduction of the seal appears at the end of this notice.

(1) *Policy*. The seal stands as the visible symbol of the Department, and it may not be used in connection with any commercial or other unofficial enterprise without the approval of the custodian of the seal.

(2) *Custody*. The Director of Management Operations is the custodian of the Departmental seal.

(3) *Use*. In accordance with the Act of August 24, 1912 (37 Stat. 498; 43 U.S.C. 1460 et seq.), the official seal shall be impressed on all Departmental official papers and documents which require certification or authentication.

a. All official documents and publications and all letterheads printed for official use shall bear the printed seal of the Department.

b. Requests for permission to use the seal for other purposes should be addressed to the Director of Management Operations. Each request should contain exact and explicit information as to the intended use of the seal, with full details as to the product, method of reproduction, and any other data which would be helpful in appraising such a request.

WALTER J. HICKEL,
 Secretary of the Interior.

OCTOBER 10, 1969.



[F.R. Doc. 69-12423; Filed, Oct. 16, 1969;
 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 100]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 25, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are

ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total all flags (168 ships) ..	1,212,941
Cypriot (49 ships)	356,476
Aegia Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292
Alice (previous trips to Cuba—Greek)	7,189
Alma	6,585
Alpa	9,159
Amfitha (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Apollonian	7,229
Aragon (previous trips to Cuba—Somali)	7,248
Areti (previous trips to Cuba—Lebanese)	7,176
Arion	3,570
Armar	5,089
Azalea	9,506
Camella	8,711
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Felice	7,096
Free Trader (previous trips to Cuba—Lebanese)	7,061
*Herodemos	7,356
Huntsfield (previous trips to Cuba—British)	9,483
**Ilena (trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kouniata (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Mousse (previous trips to Cuba—Lebanese)	9,307
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protokiltos	6,154
Sophia (previous trips to Cuba—Greek)	7,030
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
Tegean	7,240
Thios Costas (previous trips to Cuba—Somali)	7,258
Tina (previous trips to Cuba—Greek)	7,362

See footnotes at end of document.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Cypriot—Continued	
Toula (previous trips to Cuba—Lebanese)	6,426
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
British (44 ships)	359,136
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athelaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Hemisphere	8,718
Ho Pung	7,121
Huntsland	9,353
Huntsville	9,486
Hwang Ho	9,457
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jollity	8,819
**Kelso (trip to Cuba as the Ardgem—British)	6,981
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newheath	7,643
Oceantramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Veroharman—British)	7,265
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vermont	7,381
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodzic	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Cziadz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Greek (10 ships)	71,030
**Aegia Luck—(tanker) (trip to Cuba as the Captain Papalios—Cypriot)	11,676
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Ispahan (trips to Cuba—Maltese)	7,169
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Paralos (trip to Cuba as the Agios Therapon—Greek)	7,205
Redestos	5,911
Yugoslav (8 ships)	54,379
Agrum	2,449
Bar	6,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
French (6 ships)	19,316
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Penja	3,777
Lebanese (5 ships)	31,153
Antonis	6,259
Astir	5,324
Giannis	5,270
Marichristina	7,124
Tony	7,176
Italian (5 ships)	45,780
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (4 ships)	23,348
Aria	5,069
**Atlas (trip to Cuba—Finnish) ..	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
**Marie (trips to Cuba as the Stevo—Lebanese and Somali) ..	7,174
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Panamanian (4 ships)	29,738
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Panamanian—Continued	
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Maltese (2 ships)	12,624
Soclyve (previous trips to Cuba—British)	7,291
Timlos Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Finnish (1 ship)	6,823
Ragni Paulin	6,823
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trip to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:	
None.	
b. Previous reports:	
Flag of registry (total)	Number of ships
British	45
Cypriot	3
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30

FLAG OF REGISTRY AND NAME OF SHIP	Number of ships
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:	Gross tonnage
Newglade (British)	7,368
Newmoor (Cypriot)	7,168
Yanxilas (Lebanese)	10,051
b. Previous reports:	

FLAG OF REGISTRY AND NAME OF SHIP	Broken up, sunk or wrecked
Flag of registry:	
British	19
Cypriot	23
Finnish	4
French	1
Greek	14
Italian	4
Lebanese	33
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	5
Singapore	1
South African	2
Swedish	1
Yugoslav	6

Total 119

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 25, 1969.

Flag of registry	Number of trips												Total	
	1963						1969							
	1963	1964	1965	1966	1967	1968	Jan.-Mar.	Apr.	May	June	July	Aug.		Sept.
British	133	180	126	101	78	62	12	6	1	8	1	2	1	711
Lebanese	64	91	58	25	16	16	1	1	1					274
Cypriot		1	17	27	42	68	18	8	12	6	7	11	5	232
Greek	99	27	23	27	29	7								212
Italian	16	20	34	11	11	10	2	2	2	1	1	1		101
Yugoslav	12	11	15	10	14	9	1	1	1	1			1	76
French	8	9	9	10	10	4	2							52
Finnish	1	4	5	11	12	8	2							38
Spanish	9	17												24
Norwegian	14	10												24
Moroccan	9	13	1											22
Maltese		2	6	1	4	8			1					29
Somali					2	11	2	3		1	1			19
Netherlands		4	2											6
Swedish	3	3												6
Kuwaiti		2	1											3
Israeli			2											2
Japanese	1					1								2
Danish	1													1
German (West)	1													1
Haitian			1											1
Monaco				1										1
Subtotal	370	394	290	234	218	204	40	21	18	17	10	16	6	1,828
Polish	18	16	12	10	11	7						1		75
Grand total	388	410	302	234	229	211	40	21	18	17	10	17	6	1,903

NOTE: Trip totals in section 4 exceed ship totals in section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Rept. No. 99, appearing in the FEDERAL REGISTER issue of Sept. 9, 1969.
 **Ships appearing on the list which have made no trips to Cuba under the present registry.
 Dated: October 2, 1969.

By order of the Maritime Administrator.
 JAMES S. DAWSON, Jr., Secretary.
 [F.R. Doc. 69-12397; Filed, Oct. 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE
 Consumer and Marketing Service
 HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 13378, 14445) of establishments which are operated under Federal inspection pursuant to the Federal

Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Oakwood Farms Packing Corp., establishment 85, and the reference to cattle with respect to such establishment are deleted. The reference to cattle with respect to Frisco Packing Co., establishment 327, is deleted. The reference to calves with respect to Greendell Packing Co., establishment 542, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Bullard's Farm Sausages, Inc.	2108						(*)	
Jack Ape & Co.	2381							
T. M. Landis, Inc.	7517	(*)	(*)	(*)				
New establishments reported: 3.								
City Custom Packing Co., Inc.	387		(*)					
H. H. Keim Co.	630		(*)					
Alles Packing Co.	921		(*)					
Diamond Meat Packers, Inc.	944			(*)				
Klaver of Kentucky, Inc.	950	(*)						
South Texas Packers, Inc.	2230		(*)					
Packway Packing Co.	2274						(*)	
Rollins Packing Co.	2285						(*)	
Pony Express Ranch	2308		(*)					
Granite Meat & Livestock Co.	2356			(*)				
O. K. Meat Packing Co., Inc.	6001						(*)	
Mount Vernon Meat Co., Inc.	6039						(*)	
Echenk Packing Co.	6056			(*)				
Board Packing Co.	7017						(*)	
Western Meat Packers, Inc.	7028	(*)						

Species added: 15.

Done at Washington, D.C., on: October 14, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-12443; Filed, Oct. 16, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
CHEMAGRO CORP.

Notice of Filing of Petitions Regarding Pesticide Chemical and Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(d)(5)), notice is given that a petition (PP OF0869) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide *O,O*-dimethyl *S*-(4-oxo-1,2,3-benzotriazin-3(4H)-yl-*S*-(4-oxo-1,2,3-benzotriazin-3(4H)-yl-methyl) phosphorodithioate in or on the raw agricultural commodities: Beans (dry), blackeyed peas, filberts, pecans, potatoes, and walnuts at 0.3 part per million; soybeans at 0.2 part per million; and in milk at 0.01 part per million (negligible residue).

Notice is also given that the same firm has filed a food additive petition (FAP OH2450) proposing the establishment of a tolerance (21 CFR Part 121) of 1 part per million for residues of the insecticide in soybean oil, such residues resulting from application to the growing raw agricultural commodity soybeans.

The analytical methods proposed in the pesticide petition for determining residues of the insecticide are (1) the method of W. R. Meagher et al., "Journal

of Agricultural and Food Chemistry," vol. 8, page 282 (1960), and (2) a gas chromatographic procedure employing a potassium chloride thermionic-emission flame detector.

Dated: October 10, 1969.

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

[F.R. Doc. 69-12400; Filed, Oct. 16, 1969;
8:45 a.m.]

NUTRILITE PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Nutrilite Products, Inc., 5600 Beach Boulevard, Buena Park, Calif. 90820, has withdrawn its petition (FAP 9A2414), notice of which was published in the FEDERAL REGISTER of June 6, 1969 (34 F.R. 9039), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of neohesperidin dihydrochalcone as an artificial sweetener in chewing gum.

Dated: October 10, 1969.

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

[F.R. Doc. 69-12402; Filed, Oct. 16, 1969;
8:45 a.m.]

[DESI 11036V]

NITHIAZIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

1. Purina Hepzide Blackhead Control containing 16.7 percent nithiazide; by Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199.

2. Hepzide Soluble Powder 16.7 percent containing 75.8 grams of nithiazide per pound; by Merck and Co. Inc., Rahway, N.J. 07065.

3. Hepzide 30 percent containing 136.2 grams of nithiazide per pound; by Merck and Co. Inc.

The Academy concludes that these products are effective as an aid in prevention and/or treatment of outbreaks of blackhead in turkeys and chickens, and hexamitiasis in turkeys. The Food and Drug Administration concurs with the Academy's conclusion.

Supplemental new animal drug applications are invited to revise the labeling provided in new animal drug applications for these drugs to limit the claims and present the conditions of use substantially as follows:

INDICATIONS FOR USE

As an aid in prevention and for the treatment of outbreaks of blackhead in chickens and turkeys, and hexamitiasis in turkeys.

DOSAGE

Nithiazide is administered as follows:

1. For the treatment of outbreaks of blackhead in turkeys and chickens and/or hexamitiasis in turkeys as a soluble powder in drinking water at a level of 0.0034 percent for 7 to 10 days. Treatment may be repeated as necessary.

2. For the treatment of blackhead in turkeys, as a soluble powder, 0.325 milligram dissolved in 1 oz. of water per lb. of body weight administered with a bulb syringe.

3. As an aid in the prevention of blackhead and hexamitiasis in turkeys, 0.025 percent to 0.04 percent in feed, depending on the degree of exposure, as the sole ration from the time the turkeys are placed on litter to 20 weeks of age or until the danger of infection is past.

4. As an aid in the prevention of blackhead in chickens, 0.012 percent to 0.02 percent in feed, as the sole ration from the time the birds are placed on litter to 1 day before marketing for slaughter or in replacement flocks to time of egg production.

PRECAUTIONS

Avoid breathing dust. May cause irritation of skin, eyes, nose, and throat.

Warning: If used in laying hens, eggs are to be used for hatching purposes only. Discontinue use at least 24 hours before slaughtering birds for food to eliminate the drug from the food.

Caution: If an outbreak of blackhead or hexamitiasis occurs which results in decreased consumption of nithiazide medicated feed, it may be desirable to substitute treatment with nithiazide in the drinking water at which time use of nithiazide medicated

feed should be discontinued. If no improvement is noted in 2 to 3 days, consult a veterinarian or poultry pathologist.

This evaluation is concerned only with the drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new animal drug applications for the drugs listed above have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 10, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-12401; Filed, Oct. 16, 1969;
8:45 a.m.]

[DESI 12921V]

SULFAMETHOXYPYRIDAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by

Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232:

1. Midicel Tablets containing 500 milligrams of sulfamethoxy-pyridazine per tablet.

2. Midicel Acetyl Suspension containing 50 milligrams of sulfamethoxy-pyridazine per cubic centimeter.

The Academy evaluated these preparations as probably effective for the treatment of bacterial infections in the genitourinary, respiratory, and gastrointestinal systems of dogs and cats. The Academy stated that (1) information should be submitted on time concentration curves to document efficacy of the dosage levels in support of the label claims; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to sulfamethoxy-pyridazine and, if the disease cannot be so qualified, the claim must be dropped; and (3) evidence should be provided to show that the tablets disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect. The Food and Drug Administration concurs with the findings of the Academy.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the applications for the subject drugs has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of a similar composition and labeling to these drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 9, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-12403; Filed, Oct. 16, 1969;
8:45 a.m.]

Office of Education

GRANTS AND CONTRACTS FOR EXEMPLARY PROGRAMS AND PROJECTS IN VOCATIONAL EDUCATION

Notice of Establishment of Closing Date for Receipt of Applications for Grants and Contracts

Part D of the Vocational Education Act of 1963, as amended by the Vocational Education Amendments of 1968, authorizes the conduct of exemplary programs and projects to help reduce the high level of youth unemployment.

Section 142(c) of the Act, as amended, authorizes the U.S. Commissioner of Education to make grants to or enter into contracts with State boards or local educational agencies; grants to other public or nonprofit private agencies, organizations, or institutions; or contracts with public or private agencies, organizations, or institutions.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications for grants and contracts for exemplary programs and projects during fiscal year 1970.

Accordingly, notice is hereby given that the date of January 1, 1970, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants and contracts for exemplary programs and projects during fiscal year 1970.

Application forms and instructions may be obtained from the Division of Vocational and Technical Education, Bureau of Adult, Vocational, and Library Programs, Washington, D.C. 20202.

Dated: October 9, 1969.

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

[F.R. Doc. 69-12399; Filed, Oct. 16, 1969;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order 69-10-60]

AMERICAN ENSIGN VAN SERVICE, INC., ET AL.

Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of October 1969.

Temporary relief of certain unauthorized indirect air carriers to perform household goods services for the Department of Defense.

At the request of the Department of Defense (DOD), the Board, by Order 68-10-32, October 8, 1968, granted temporary relief from provisions of the Federal Aviation Act of 1958 to permit seven

unauthorized indirect air carriers¹ to transport by air used household goods² of DOD personnel. Subsequently, the Board granted the same relief to two additional indirect air carriers limited to service between Continental United States and Labrador.³ The relief granted by these orders will expire October 14, 1969.

DOD has requested the Board to extend the temporary relief provided by Order 68-10-32 and to grant similar relief to North American Van Lines, Inc. DOD represents that the companies currently operating pursuant to Order 68-10-32 are performing a valuable service, that termination of such relief would have an extremely detrimental impact upon it, and that grant of identical relief to North American Van Lines, Inc. will enable it to provide a complete and valuable service for DOD.

In view of the foregoing circumstances and reasons stated in Order 68-10-32, the Board finds that it is in the public interest to extend the temporary relief from the provisions of the Act for those carriers whose services have been requested by DOD to transport by air used household goods.⁴

Accordingly, it is ordered: 1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of Title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall become effective October 15, 1969, and shall expire October 14, 1971, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

¹ American Ensign Van Service, Inc., Asiatic Forwarders, Inc., CTI—Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., and International Sea Van, Inc.

² The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

³ North American Van Lines, Inc., and Allied Van Lines, Inc. See Order 69-2-155, dated Feb. 28, 1969.

⁴ All of the carriers relieved herein are parties to the Household Goods Airfreight Forwarder Investigation, Docket 20812. The Board's action herein should not be construed as a determination of the final disposition to be made of the applications for air freight forwarder authority filed by the carriers relieved by this order or as an approval of control and interlocking relationships or agreements involving the carriers relieved by this order, or their affiliates.

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

American Ensign Van Service, Inc., 342 McFarland Avenue, Post Office Box 2270, Wilmington, Calif. 90744.

Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103.

CTI-Container Transport International, Inc., 17 Battery Place, New York, N.Y. 10004.

Four Winds Forwarding, Inc., 4600 Wheeler Avenue, Post Office Box 9056, Alexandria, Va. 22304.

HC&D Moving & Storage, 321 Valencia Street, San Francisco, Calif. 94103.

Imperial Household Shipping Co., Inc., Post Office Box 20124, 9675 Fourth Street North, St. Petersburg, Fla. 33702.

International Sea Van, Inc., 1212 St. George Road, Post Office Box 509, Evansville, Ind. 47711.

North American Van Lines, Inc., Post Office Box 969, Fort Wayne, Ind. 46801.

[F.R. Doc. 69-12436; Filed, Oct. 16, 1969; 8:48 a.m.]

[Docket No. 21517; Order 69-10-64]

TRANS CARIBBEAN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October 1969.

By tariff revisions marked to become effective October 17, 1969,¹ Trans Caribbean Airways, Inc. (TCA), proposes one-way affinity group fares of \$49 and \$55 per passenger, for groups of 60 or more passengers, between New York, Newark, and Washington, on the one hand, and San Juan, P.R., on the other. The one-way fares and applicable periods are as follows:

\$49—Monday through Thursday on southbound flights departing between 7:31 a.m. and 10:29 p.m. and on northbound flights departing between 7:31 a.m. and 7:29 p.m.

\$55—Friday through Sunday on southbound flights departing between 7:31 a.m. and 10:29 p.m. and on northbound flights departing between 7:31 a.m. and 7:59 p.m.

Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American), have filed complaints against TCA's proposal requesting its suspension and investigation.² Both complainants allege that the proposed fares are uneconomic and cite the fact that on September 25, 1969, TCA filed for a general fare increase in the San Juan market. They further assert that the very low level of the proposed fares, coupled with what they consider serious deficiencies in

¹ Revisions to Trans Caribbean Airways, Inc., Tariff CAB No. 26, filed on Sept. 17, 1969.

² Both Eastern and Pan American have filed defensive tariffs matching TCA's proposal.

the rules pertaining to the use of the fares, will result in substantial diversion from individually ticketed regular fare travel. Eastern estimates that TCA's proposal could divert approximately 20 percent of the traffic now using Eastern's daytime thrift fares and that such diversion would cause a decrease of some \$1,026,000 in its revenues, at fiscal 1969 traffic levels.

In support of its proposal and in answer to the complaints, TCA submits that the proposed group fares will increase load factors on its daytime flights by making it more desirable for affinity groups to use scheduled services rather than charter service, and at the same time increase its revenues from such traffic. The carrier estimates that the proposed fares will increase affinity group travel by approximately 20 percent, and that 20 percent of its existing charter traffic can be induced to use scheduled flights. TCA believes that the net effect will be an increase in load factors on daytime flights of approximately 10 percentage points.

Upon consideration of the tariff proposal, the complaints, and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

There is little question that a significant traffic imbalance situation exists between day and night travel in the San Juan market. For example, during the months of April, June, and August 1969, over two-thirds of TCA's passengers in the New York-San Juan market traveled at night fares, and its average load factors on daytime flights were below 40 percent in two of those months. We are not convinced, however, that TCA's proposal will accomplish the desired objective of producing a net revenue increase in its present form. The proposed fare levels are, in our view, marginal at best, in terms of economic sufficiency. Further, we are concerned that the economics of these fares may be considerably diluted by the rather loose provision relating to the requirement that passengers travel as a group. Moreover, contrary to the proposal here, group excursion fares are normally round-trip and in most cases subject to minimum and maximum stay requirements both of which requirements serve to distinguish such travel from regular fare travel. As a result, we believe the fares as proposed may cause a significant diversion of passengers currently traveling at higher regular fares, with a consequent revenue decrease for all carriers operating in this market.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached

hereto,³ and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including January 14, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 21480, and Pan American World Airways, Inc., in Docket 21467, are hereby dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., and Trans Caribbean Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 69-12437; Filed, Oct. 16, 1969;
8:48 a.m.]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 18, 1969, at 10 a.m. (e.s.t.) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on July 11, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 14, 1969.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[P.R. Doc. 69-12438; Filed, Oct. 16, 1969;
8:48 a.m.]

³ Filed as part of the original documents.

FEDERAL MARITIME COMMISSION

WESTWARD PROPERTIES, INC., AND COLUMBIA RIVER TERMINAL CO.

Notice of Agreement Filed for Approval

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 agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, 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. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Dennis Lindsay, Lindsay, Nahstoll, Hart, Dafos & Krause, Ninth Floor, Loyalty Building, Portland, Oregon 97204

Agreement No. T-2343 between Westward Properties, Inc. (Westward) and Columbia River Terminal Co. (Columbia), is an agreement whereby Westward, under the assumed business name of Port Westward, will operate a marine terminal facility on the Columbia River and will engage Columbia as its agent to manage the facility. Columbia will assess and collect rates established by Westward, which rates will be set out in a tariff to be filed with the Federal Maritime Commission. Columbia will bill, expressly as agent for Port Westward, and collect all charges for use of the terminal facilities and premises and for services performed by Columbia upon the terminal premises, and will perform all bookkeeping and accounting services necessary to carry out the agreement. Westward agrees to make no contract or agreement with a third party affecting use of, or services to be performed upon the terminal premises without the approval of Columbia. As reimbursement and compensation for its services, Columbia will retain all revenues received or accrued from users of the terminal, except that Columbia will pay Westward all revenues from dockage and wharfage plus forty percent (40 percent) of Columbia's net operating profit for each fiscal year. In the event that Columbia shows a loss at the end of any fiscal year, Columbia may carry the loss forward to its next fiscal year and deduct it as an offset against net operating profit of the next fiscal year.

Dated: October 14, 1969.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[P.R. Doc. 69-12431; Filed, Oct. 16, 1969;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

RAJAC INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 13, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Rajac Industries, Inc. (a New York corporation), is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 14, 1969, through October 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 69-12430; Filed, Oct. 16, 1969;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 9, 1969.

Take notice that on October 2, 1969, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP69-41 a petition to amend the order of the Commission issued on March 4, 1969, to authorize the sale and delivery of an additional 5,400 Mcf of natural gas per day to certain of Applicant's existing customers desiring additional quantities of gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant proposes to use and allocate 5,000 Mcf per day of presently unallocated gas and 400 Mcf per day from the Newport Gas Light Co., to meet the requirements of certain existing customers.

Applicant states that no new facilities will be required to deliver and sell the additional gas.

Any person desiring to be heard or to make any protest with reference to said

application should on or before November 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-12410; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket No. RI70-280 etc.]

DON EARNEY ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

OCTOBER 9, 1969.

The Respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its

agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 26, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

² If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration date of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-280	Don Earney, Post Office Box 57, Wheeler, Tex. 79096.	*1	3	El Paso Natural Gas Co. (Anadarko Basin Area, Beckham County, Okla.) (Oklahoma "Other" Area) and Wheeler County, Tex. (RR. District No. 10).	\$1,160	9-19-69	*10-20-69	*10-21-69	13.0	**14.0	
RI70-281	Texaco, Inc., Post Office Box 523, Houston, Tex. 77002.	435	7	Sea Robin Pipeline Co. (Block 205 Field, Eugene Island Area, Offshore Louisiana).	81,000	9-12-69	*10-13-69	*10-14-69	18.5	**20.0	

¹ Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and increased rate is below initial ceiling rates of 17 cents (Texas) and 15 cents for (Oklahoma "Other" Area).

² The stated effective date is the first day after expiration of the statutory notice.

³ The suspension period is limited to 1 day.

⁴ Periodic rate increase.

⁵ Pressure base is 14.65 p.s.i.a.

⁶ The stated effective date is the first day after expiration of the statutory notice, or the date of initial delivery, whichever is later.

⁷ Rate increase filed pursuant to Paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.

⁸ Pressure base is 18.025 p.s.i.a.

⁹ Subject to quality adjustments.

¹⁰ Area base rate for third vintage offshore gas well gas established in Opinion No. 546.

Don Earney (Earney) requests a retroactive effective date of January 1, 1968, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(e) of the Natural Gas Act to permit an earlier effective date for Earney's rate filing and such request is denied.

The contract related to Earney's rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 14 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 but does not exceed the initial service ceiling of 15 cents per Mcf for the area involved. We believe, in this situation, Earney's proposed rate increase should

be suspended for 1 day from October 20, 1969, the expiration date of the statutory notice.

The proposed rate increase filed by Texaco Inc. (Texaco), from 18.5 cents to 20 cents per Mcf, involves a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20 cents base rate established in Opinion No. 546 for onshore gas well gas. Texaco was issued a conditioned temporary certificate in Docket No. CI69-259 authorizing the collection of the

third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that Texaco's proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, Texaco's proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[P.R. Doc. 69-12445; Filed, Oct. 16, 1969;
8:49 a.m.]

[Docket No. CP70-74]

CITIES SERVICE GAS CO.**Notice of Application**

OCTOBER 9, 1969.

Take notice that on September 29, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70-74 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970 and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The total estimated cost of the proposed facilities will not exceed \$2 million, nor will the total cost of the facilities for any single project exceed \$500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12411; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket No. RP70-8]

COLORADO INTERSTATE GAS CO.**Notice of Proposed Changes in Rates and Charges**

OCTOBER 9, 1969.

Take notice that on October 3, 1969, Colorado Interstate Gas Co. (Colorado), tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on November 18, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by approximately \$8,235,887 annually, allowing a rate of return on its jurisdictional business of 8¼ percent, based on sales for the 12 month period ending June 30, 1969, as adjusted. The proposed changes would increase the rates and charges in all of Colorado's rate schedules except for its Rate Schedule PS-1.

Colorado states that the proposed change is required to compensate for a jurisdictional deficiency incurred during the above mentioned 12 month test period ending June 30, 1969. The stated causes for this deficiency in revenues includes increased costs of financing, operating and maintaining the pipeline system; purchasing supplies, materials, labor, and services for the pipeline; Federal, State, and local taxes; and purchasing and producing natural gas for the system's operation.

Copies of the filing were served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12409; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket No. RP70-9]

COLORADO INTERSTATE GAS CO.**Notice of Petition for Disposition of Deferred Tax Reserve**

OCTOBER 9, 1969.

Take notice that on October 3, 1969, Colorado Interstate Gas Co. (Colorado), tendered for filing a petition for approval of a plan of disposition of its deferred tax reserve now maintained in FPC Account No. 282.

Colorado proposes that the present balance of \$7,546,000 in the above mentioned account be disposed of in accordance with a procedure under which amounts determined to be consumer contributed would be amortized over a 4-year period commencing January 1, 1969, and ending December 31, 1972, and the balance determined not to be consumer contributed would be transferred to earned surplus. In its proposal Colorado states that under this procedure \$1,555,969 would be returned to jurisdictional customers over the 4-year period and the remainder of \$5,990,031 would be transferred to unappropriated earned surplus.

Copies of the petition were served on jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12412; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket No. CP70-77]

EL PASO NATURAL GAS CO.**Notice of Application**

OCTOBER 9, 1969.

Take notice that on October 2, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed a "budget-type" application in Docket No. CP70-77 pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar

[Docket No. CP70-78]

EL PASO NATURAL GAS CO.**Notice of Application**

OCTOBER 9, 1969.

year 1970, and the operation of gas-purchase facilities to enable Applicant to attach to its Southern Division System natural gas which will be purchased from authorized independent producers or similar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed, Applicant states, are to be utilized for the attachment of relatively minor new or expanded supplies of natural gas in various producing areas generally coextensive with Applicant's Southern Division System as well as handling increased deliverability from existing sources and insuring orderly depletion of reserves.

The total cost of the proposed facilities will not exceed a maximum of \$2 million, and no single project will exceed a cost of \$500,000. The facilities constructed under the authorization requested will be financed from working funds, supplemented, as necessary, by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-12413; Filed, Oct. 16, 1969;
8:46 a.m.]

Take notice that on October 2, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-78 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of gas-sales facilities and sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities are to be utilized for the sale and delivery of natural gas to Applicant's existing, authorized Southern Division distributor customers for resale and general distribution to residential, non-residential, and irrigation consumers situated in existing market areas in the States of Texas, Oklahoma, New Mexico, and Arizona, and San Juan County, Utah. The rates which shall apply to the proposed sales and deliveries are those contained in Applicant's FPC Gas Tariff, Original Volume No. 1.

The application reflects that the maximum facilities for which authorization is requested consist of 30 taps at an aggregate cost not to exceed \$15,000; 25 measuring and regulating stations at an aggregate cost not to exceed \$225,000; and three lateral or loop pipelines, not to exceed a maximum diameter of 8½ inches O.D. and a maximum length of 12 miles, at an aggregate cost not to exceed \$60,000. The total cost of all proposed facilities will not exceed a maximum of \$300,000. The facilities constructed under the authorization sought will be financed from working funds, supplemented by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-12414; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket No. CP70-81]

EL PASO NATURAL GAS CO.**Notice of Application**

OCTOBER 10, 1969.

Take notice that on October 2, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-81 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of gas-purchase facilities to enable Applicant to attach to its Northwest Division System natural gas which will be purchased from authorized independent producers or similar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed in the application are to be utilized for the attachment of relatively minor new or expanded supplies of natural gas in the various producing areas generally coextensive with Applicant's Northwest Division System as well as handling increased deliverability from existing sources and insuring the order by depletion of reserves.

The total cost of the proposed facilities will not exceed a maximum of \$1 million and no single project will exceed a cost of \$250,000. The facilities constructed under the authorization sought will be financed from working funds supplemented by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12415; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket Nos. G-3072 etc.]

HUMBLE OIL AND REFINING CO. ET AL.

Order and Findings After Statutory Hearing

OCTOBER 2, 1969.

Humble Oil & Refining Co. and other Applicants listed herein, Docket No. G-3072 et al.; Atlantic Richfield Co., Docket No. CI69-662; Skelly Oil Co., (Operator) et al., Docket No. CI69-1087; Estate of Elizabeth R. Sharp, Deceased, Docket No. CI69-1231 (CS67-6).

In the order findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing applications, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, making rate changes effective, accepting surety bonds for filing, accepting agreement and undertaking for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued September 4, 1969, and published in the FEDERAL REGISTER September 17, 1969, 34 F.R. 14489, on page 11, paragraph (e),

line 13: Change "notice of" to read "notice of change" related to Docket No. CI69-662.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12417; Filed, Oct. 16, 1969;
8:46 a.m.]

[Dockets Nos. R170-171 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Hearing on and Suspension of Proposed Changes in Rates

OCTOBER 2, 1969.

Pan American Petroleum Corp., Dockets Nos. R170-171 et al.; Pioneer Production Corp. (Operator) et al.; Docket No. R170-172.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued September 5, 1969, and published in the FEDERAL REGISTER September 13, 1969, 34 F.R. 14399, in Appendix A, on page 5, third paragraph, line 8: Change "Pan American's" to read "Pioneer's".

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12418; Filed, Oct. 16, 1969;
8:46 a.m.]

[Docket No. CP70-76]

PENNSYLVANIA GAS CO.

Notice of Application

OCTOBER 9, 1969.

Take notice that on October 1, 1969, Pennsylvania Gas Co. (Applicant) 213 Second Avenue, Warren, Pa. 16365, filed in Docket No. CP70-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two 600-horsepower compressor units together with equipment and yard piping necessary in the operation thereof, and a suitable building to house the compressors and equipment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install the compressor units at its Corry Storage in Wayne Township, Erie County, Pa., to be completed by November 1, 1970. Applicant states that the proposed increase in horsepower is required to utilize fully the potential of Corry Storage in meeting winter day and seasonal requirements.

Total estimated cost of the proposed facilities is \$300,500, which will be financed by stock or note issuance to its parent corporation, National Fuel Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12416; Filed, Oct. 16, 1969;
8:46 a.m.]

[Dockets Nos. R170-32 etc.]

SHELL OIL CO.

Order Accepting Supplements and Providing for Hearing

OCTOBER 2, 1969.

Shell Oil Co., Dockets Nos. R170-32, et al.

In the order accepting supplements, providing for hearings on and suspension of proposed changes in rates, issued July 23, 1969 and published in the FEDERAL REGISTER August 1, 1969, 34 F.R. 12611, in Appendix A, under footnotes, footnote 31: Change "Subject to upward and downward B.t.u. adjustment" to read "Subject to downward B.t.u. adjustment."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12419; Filed, Oct. 16, 1969;
8:47 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)

of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares of Central Trust Co., Rochester, N.Y.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 10th day of October 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-12398; Filed, Oct. 16, 1969;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 739]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1969 because of the effects of certain disasters, damage resulted to residences and business property located in Sonoma County, Calif.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from earthquake occurring on October 1 and 2, 1969.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1970.

Dated: October 6, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-12405; Filed, Oct. 16, 1969;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1339]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

OCTOBER 10, 1969.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to pro-

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing; (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2110 (Sub-No. 4), filed September 26, 1969. Applicant: BOWLUS TRUCKING CO., INC., 1000 Wolfe Avenue, Fremont, Ohio 43420. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Castings, from Detroit and Jackson, Mich., to points in Rice Township, Sandusky County, Ohio, under contract with Kelsey Wheel, Drum, and Brake Division of Kelsey-Hayes Co., Romulus, Mich. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2202 (Sub-No. 378), filed September 11, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036 and Douglas Faris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular 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), (1) between Holland, Mich., and junction Michigan Highway 89 and U.S. Highway 131, from Holland over Michigan Highway 40 to Allegan, Mich., thence over Michigan Highway 89 to junction U.S. Highway 131, and return over the same route, serving no intermediate points and serving the junction of Michigan Highway 89 and U.S. Highway 131 for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, and (2) between junction Michigan Highway 89 and U.S. Highway 131 and Battle Creek, Mich., over Michigan Highway 89, serving no intermediate points, and serving junction Michigan Highway 89 and U.S. Highway 131 for purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 7156 (Sub-No. 4), filed September 26, 1969. Applicant: WILLIAMS TRANSFER CO., a corporation, 135 North Cleveland Street, Eugene, Oreg. 97401. Applicant's representative: Donald F. Bach, 858 Pearl Street, Room 200, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and building materials*, between points in Lane County, Oreg., on the one hand, and, on the other, Portland, Oreg., and Vancouver, Wash. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Eugene, Salem, or Portland, Oreg.

No. MC 21491 (Sub-No. 1), filed August 26, 1969. Applicant: WILLIAM VOLLRATH, Harveys Lake, Pa. 18618. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metalware*, from the plantsite of Berteles Metalware, Inc., Kingston, Pa., to Los Angeles, Calif., and points in Illinois, Ohio, Michigan, and Iowa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 23441 (Sub-No. 13), filed September 22, 1969. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles, attachments, accessories, and parts* for snowmobiles, from South Bend, Ind., to points in the United States (except

Alaska and Hawaii), and (2) *materials, equipment, supplies, and parts* used or useful in the manufacture and distribution of snowmobiles, tractors, power mowers, and hand mowers, from points in the United States (except Alaska and Hawaii), to South Bend, Ind. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 25869 (Sub-No. 94), filed September 26, 1969. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air entraining agents, water reducing compounds, waterproofing compounds, and concrete surface curing compounds*, in containers, between points in Nebraska, Iowa, and Illinois, on the one hand, and, on the other, Denver, Colo. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 30844 (Sub-No. 294), filed September 24, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, with and without additives and blends; corn meal, bran, wheat germ, and bird feed*, from New Prague, New Ulm, and Wabasha, Minn., to points in Iowa and Illinois. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 31389 (Sub-No. 113), filed September 22, 1969. Applicant: McLEAN TRUCKING COMPANY, a corporation, 613 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: James W. Lawson, 1000 Sixteenth Street, NW., Washington, D.C. 20036. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eli Lilly and Co. in Vermillion County, Ind., near Clinton, Ind., as an intermediate or off-route point in connection with applicant's authorized operations over Indiana Highway 63 and U.S. Highways 36 and 41. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 35320 (Sub-No. 115), filed September 22, 1969. Applicant: TIME-DC, INC., 2598 74th Street (Post Office Box 2550), Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Post Office Box 6723, Lubbock, Tex. 79413 and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Welding bars, rods, and wire*, serving the plantsite of Alloy Rods Co., Division of Chemetron Corp., Hanover, Pa., as an off-route point in connection with applicant's authority to serve York, Pa. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42614 (Sub-No. 50), filed August 4, 1969. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill. 60606. Applicant's representative: Christopher A. Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, and meat byproducts, articles* distributed by meat packinghouses, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 766, between LeMars and Maurice, Iowa, over Iowa Highway 75 and return over the same route, serving no intermediate points; restricted to prior or subsequent rail haul. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines or Sioux City, Iowa, or Chicago, Ill.

No. MC 43867 (Sub-No. 20), filed August 1, 1969. Applicant: ALTON LEANDER McALISTER, 1610 East Scott Street (Post Office Box 2214), Wichita Falls, Tex. 76307. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment or special handling, and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading, (a) between military installations and Department of Defense establishments in the United States and (b) between points in (a) above on the one hand, and, on the other, points in Arkansas, California, Colorado, Arizona, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Montana, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 48958 (Sub-No. 106), filed September 18, 1969. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, Post Office Box 9050 (601 Ross Street), Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Pueblo, Colo., and Amarillo, Tex.; from Pueblo, Colo., over U.S. Highway 50 to Lamar, Colo., thence over U.S. Highway 287 to Amarillo, Tex., and return over the same route, as an alternate route for operating convenience only, serving Pueblo as point of joinder only for the purpose of tacking with existing authority in certificate No. MC 48958 (Sub-No. 94). NOTE: Applicant states that it proposes to interline with other carriers. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52110 (Sub-No. 112), filed September 18, 1969. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses*, as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr., and Council Bluffs, Iowa commercial zone to points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 52932 (Sub-No. 19), filed September 29, 1969. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626-2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pottery, clay, and earthenware products, peat moss and plastic flower pots and saucers*, in containers (except firebrick, and commodities in bulk, in tank vehicles), from the plantsite of the Keller Pottery Co., at North Wales, Pa., to points in Maine, New Hampshire, Massachusetts, Vermont, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 61692 (Sub-No. 16), filed August 26, 1969. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, Pa. 17356. Applicant's representative: Norman T. Petow, 43 North Duke Street, York, Pa. 17401.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*. The applicant is presently authorized to operate under Docket MC 61692, and Subs 8, 9, 10, and 11 thereunder. The purpose of this application is not to increase the territorial authority presently granted to the applicant, but to permit the applicant to transport the considered commodity in a manner which will eliminate the necessity of utilizing the gateway points as set forth in the present authorities. (1) From points in Pennsylvania to points in Maine, New Hampshire, New Jersey, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, Illinois, and Indiana. This is presently being accomplished by tacking together Subs 8, 9, and 10. The gateways which will be eliminated will be Philadelphia and Philadelphia County in Pennsylvania; (2) from points in Maryland to points in Maine, New Hampshire, New York, Delaware, Massachusetts, Pennsylvania, Connecticut, New Jersey, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Indiana, Illinois, and the District of Columbia. This is presently being accomplished by tacking together Subs 8, 9, 10, and 11.

The gateways which will be eliminated will be Philadelphia, Philadelphia County, and Wilkes-Barre in Pennsylvania; (3) from points in North Carolina, to points in Maine, New Hampshire, New York, Massachusetts, Pennsylvania, Connecticut, New Jersey, Indiana, and Illinois, and the District of Columbia. This is presently being accomplished by tacking together Subs 10, 8, 9, and 11. The gateways which will be eliminated will be Philadelphia, Philadelphia County, and Wilkes-Barre in Pennsylvania; (4) from points in New Jersey to points in Pennsylvania, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Illinois, and Indiana, and the District of Columbia. This is presently being accomplished by tacking together Subs 8, 9, 10, and 11. The gateways which will be eliminated are Philadelphia, Philadelphia County, and Wilkes-Barre in Pennsylvania; (5) from points in Massachusetts, Connecticut, and New York, to points in New Jersey, Maryland, Delaware, Illinois, Indiana, North Carolina, South Carolina, Georgia, and Florida, and points in Philadelphia County and Red Lion Borough in Pennsylvania. This is presently being accomplished by tacking together the original certificate and Subs 11, 8, 9, and 10. The gateways which will be eliminated are Philadelphia, Philadelphia County, and Wilkes-Barre in Pennsylvania, and Camden, N.J.; and (6) from points in Illinois to points in Massachusetts, New York, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, and Florida, and the District of Columbia. This is presently being accomplished by tacking together Subs 10, 8, 9, and 11. The gateways which will be eliminated are Philadelphia, Philadelphia County and Wilkes-Barre in Pennsylvania. NOTE: Applicant states that there will be no duplication of present authority but rather an elimi-

nation of a restriction which will allow him to tack his present authority in the same manner as he is presently accomplishing by means of gateway utilization. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 63792 (Sub-No. 13), filed September 24, 1969. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. Applicant's representative: Claude Ferebee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and fittings* (except oil field and pipeline commodities as defined in T. E. Mercer, extension, 74 M.C.C. 459), from Gainesville, Tex., to points in Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 64932 (Sub-No. 481), filed September 25, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic ammonia compounds and fatty acids*, in bulk, in tank vehicles, from McCook, Ill., to points in Alabama, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66886 (Sub-No. 14), filed September 22, 1969. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and/or fluid coolers, and parts thereof and materials and supplies used or useful in the construction and/or installation of the above-described articles*, between points in Johnson County, Kans., and points in Missouri, Illinois, Nebraska, Colorado, Oklahoma, Iowa, Kansas, Texas, Kentucky, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 66886 (Sub-No. 15), filed September 29, 1969. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Ernest A. Brooke II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled cranes, power hammers, and material handling equipment, accessories, attachments, and parts when*

moving in connection with the above-named commodities, from Olathe, Kans., to points in the United States (except Hawaii and Kansas). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 67866 (Sub-No. 28), filed September 22, 1969. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Post Office Box 444, Memphis, Tenn. 38101. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and livestock), between Memphis, Tenn., and points in its commercial zone (except that part on Mississippi) on the one hand, and, on the other, points in that part of Mississippi south of U.S. Highway 82 and on and north of U.S. Highway 80, restricted against the transportation of shipments in excess of 100 pounds per day from one consignee at one location to one consignee at one location on any 1 day; and against the transportation of any package or articles weighing in excess of 70 pounds or any package or article exceeding 108 inches in length and girth combined. **NOTE:** Applicant states it intends to tack at Memphis, Tenn., commercial zone (except those points located in Arkansas and Mississippi) with any authorities the company holds. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 75320 (Sub-No. 147), filed September 12, 1969. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite of the Remington Arms Co., Inc., near Lonoke, Ark., as an off-route point in connection with applicant's authorized regular-route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 78228 (Sub-No. 26), filed September 2, 1969. Applicant: J. MILLER EXPRESS, 150 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, between Kingwood, W. Va., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York,

Ohio, and Pennsylvania. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Cleveland, Ohio.

No. MC 79999 (Sub-No. 6), filed September 8, 1969. Applicant: E. JACK WALTON TRUCKING COMPANY, a corporation, 13020 Sarah Lane (Post Office Box 9776), Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and/or tubing* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), from points in Cooke County, Tex., to points in Missouri, Oklahoma, Louisiana, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 94201 (Sub-No. 74), filed September 9, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Ohio, Indiana, Chicago, Ill., and points within its commercial zone, on the one hand, and, on the other, points in Tennessee. **NOTE:** Applicant states the authority sought would be joined with present authority of the applicant at Chattanooga, Tenn. This would enable the applicant to transport the subject commodities between the origin territory and points in Alabama, Georgia, Florida, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 94201 (Sub-No. 75), filed September 8, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydroxide* (except in bulk), *cleaning and washing compounds and scouring materials*, from Atlanta, Ga., and points within its commercial zone to points in Mississippi, Tennessee, Alabama, and Florida. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 95763 (Sub-No. 2), filed September 18, 1969. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, Pa. 19405. Applicant's representative: E. Stephen Heisley, 705 Mc-

Lachlen Bank Building, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and crushed stone*, from York, Pa., to points in Delaware, Maryland, New Jersey, and New York, under continuing contract or contracts with White Pigment Corp., Proctor, Vt., and R. E. Carroll, Inc., of Trenton, N.J. **NOTE:** Applicant states it already has contract carrier authority from Henderson, Pa., on all the involved commodities to the same destination States as here sought and merely seeks to provide that same service from York, Pa. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 101075 (Sub-No. 110), filed September 22, 1969. Applicant: TRANSPORT, INC., Business Loop East I-94, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Rhinelander, Wis., to points in Minnesota and the Upper Peninsula of Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103993 (Sub-No. 455), filed September 15, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above) and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing and fittings therefor*, unloaded by mechanical devices furnished by carrier, from New Kensington, Pa., and Niles, Ohio to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 456), filed September 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections mounted on under carriages, from points in Monroe County, N.Y., to

points in Pennsylvania, Ohio, Vermont, Massachusetts, and Connecticut. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 457), filed September 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and equipment materials and supplies* used in the erection and completion of buildings, from points in Orange County, Fla., to points in Alaska, California, Colorado, Connecticut, Delaware, Idaho, Maryland, Maine, Massachusetts, Montana, New York, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Virginia, Vermont, Washington, Wyoming, and Washington, D.C.; and (2) *equipment, materials and supplies* used in the manufacture, assembly and equipping of buildings, from points in Alabama, Georgia, Indiana, Massachusetts, Missouri, North Carolina, Ohio, Pennsylvania, and West Virginia to points in Orange County, Fla. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 103993 (Sub-No. 458), filed September 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Coahoma County, Miss., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 105187 (Sub-No. 13), filed September 24, 1969. Applicant: CHARLES FARKAS, 101 Parkway, White Oak Borough, McKeesport, Pa. 15131. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from McKeesport, Pa., to points in Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland Counties, Pa., under a continuing contract or contracts with the E. Kahn's Sons Co. of Cincinnati, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 105566 (Sub-No. 9), filed September 19, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Indianapolis, Ind., to points in California, Oregon, and Washington. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 105566 (Sub-No. 10), filed September 23, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines or periodicals and magazines parts or sections thereof; catalogues or catalogue parts or sections; books, book parts or sections thereof; and wrapping paper*, from Des Moines, Iowa, to points in California, Oregon, Washington, Nevada, Utah, Arizona, Idaho, Montana, and New Mexico. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or St. Louis, Mo.

No. MC 105886 (Sub-No. 14), filed September 22, 1969. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Springdale (Allegheny County), Pa., and points in Union Township, Washington County, Pa., to points in Ohio and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Columbus, Ohio.

No. MC 106274 (Sub-No. 12), filed September 3, 1969. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Landis Street, Post Office Box 45, Sanford, N.C. 27330. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from Apex, N.C., and points within 100 miles of Apex, N.C., to points in New York, New Jersey, Connecticut, Delaware, and those in Pennsylvania on and west of a line connecting at the Maryland-Pennsylvania line and extending along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line. **NOTE:** Applicant states that MC 106274, paragraph 2, to be tacked at Raeford,

N.C. The application is accompanied by a motion to dismiss the application on the ground that applicant presently holds the authority sought. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 106398 (Sub-No. 424), filed September 24, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Laurens County, S.C. (except Clinton), to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia or Greenville, S.C.

No. MC 106644 (Sub-No. 99), filed September 10, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves and gaskets*, from the plantsite and warehouse facilities of Razorback Plastic Products, Inc., Fort Smith, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 107227 (Sub-No. 107), filed September 29, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft cargo and passenger handling equipment and attachments and parts thereof* moving at the same time and in connection therewith, from Salinas, Calif., to points in the United States, including Alaska but excluding Hawaii. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107227 (Sub-No. 107), filed September 29, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft cargo and passenger handling equipment and attachments and parts thereof* moving at the same time

and in connection therewith, from Salinas, Calif., to points in the United States, including Alaska but excluding Hawaii. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107496 (Sub-No. 737) (correction), published **FEDERAL REGISTER**, issues of August 7, 1968, August 28, 1968, and October 2, 1969, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). The purpose of this correction is to show the correct docket number, No. MC 107496 (Sub-No. 737), in lieu of No. MC 107496 (Sub-No. 731).

No. MC 107561 (Sub-No. 3), filed September 29, 1969. Applicant: M. O'HARA'S VAN SERVICE AND STORAGE WAREHOUSE, INC., 229 East 120th Street, New York, N.Y. 10035. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated and crated, from carriers warehouse at Palisades Park, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and returned shipments of same commodities, on return. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107906 (Sub-No. 26), filed September 18, 1969. Applicant: TRANSPORT MOTOR EXPRESS, INC., 1601 Wall Street, Fort Wayne, Ind. 46804. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including explosives and other dangerous commodities, but not including those of unusual value, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the new plant site of Eli Lilly and Co., located approximately 4 miles north of Clinton, Ind., as an off-route point, in connection with carrier's presently authorized authority to and from Clinton, Ind. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 108006 (Sub-No. 16), filed August 25, 1969. Applicant: MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, La Salle, Province of Quebec, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular 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), between Buffalo, N.Y., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located at Buffalo and Lewiston, N.Y., restricted to traffic originating at, or destined to, points in Canada. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo or New York, N.Y.

No. MC 109397 (Sub-No. 179), filed September 5, 1969. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Business I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leiminger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and blasting materials*, between facilities of Honeywell, Inc., at Hopkins, St. Louis Park, New Brighton, and Elk River, Minn., on the one hand, and, on the other, White Sands Missile Range, N. Mex., Eglin AFB, Fla., Hill AFB, Utah, Picatinny Arsenal, N.J., Milan Army Ammo Plant, Tenn., Red River Arsenal and Lone Star Army Ammo Plant, Tex., Dixon, Ill., and Magna, Utah. **NOTE:** Applicant states that tacking possibilities exist with its existing or presently pending authority in MC 109397 and Subs 57, 105, 109, 114, 132, 141, 155, 164, and 251. However, applicant further states it does not rely upon tacking and is willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 128814 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 109612 (Sub-No. 26), filed September 15, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water system storage tanks, parts and accessories thereto, and materials and supplies* used in their installation, from the plant site of Brady Tank, Inc., at or near Owensboro, Ky., to points in Indiana, Ohio, Illinois, Michigan, Iowa, Wisconsin, and Pennsylvania; restricted to traffic originating at the plant site of Brady Tank, Inc., at or near Owensboro, Ky.; and (2) *materials and supplies* used in the manufacture of the items named in (1) above, from points in Indiana, Ohio, Illinois, Michigan, Iowa, Wisconsin, and Pennsylvania, to the plant site of Brady Tank, Inc., at or near Owensboro, Ky.; restricted to traffic destined to the plant site of Brady Tank, Inc., at or near Owensboro, Ky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110525 (Sub-No. 935), filed September 29, 1969. Applicant: CHEM-

ICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Thorium nitrate solution*, in bulk, in tank vehicles, from Fernald, Ohio, to Erwin, Tenn. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110563 (Sub-No. 46), filed September 12, 1969. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 259, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)6 of the Act when transported in mixed shipments with *bananas, plantains, pineapples, and coconuts*, from Wilmington, Del., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Wisconsin, and Kansas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 111545 (Sub-No. 124), filed September 22, 1969. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road, SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and cable*, from North Berwick, Maine and Newington, N.H., to points in the United States on and east of the Western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. **NOTE:** Applicant states tacking with any present authority is not possible; however, applicant is not willing to accept a restriction against tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 112617 (Sub-No. 263), filed September 12, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C.

20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Bardstown, Ky., to points in Pennsylvania. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112696 (Sub-No. 40) (Amendment), filed June 3, 1969, published in *FEDERAL REGISTER* issue of June 26, 1969, and republished as amended this issue. Applicant: HARTMANS, INCORPORATED, Post Office Box 898, Harrisonburg, Va. 22801. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, candy, frozen foods, advertising materials, display racks and cases, equipment and supplies* used in the preparation and serving of foods in restaurants and commissaries, and *equipment and supplies* used in the manufacture of frozen foods, between New York, N.Y., and Winchester, Va., on the one hand, and, on the other, Washington, D.C., restricted to traffic originating at or destined to plants or storage facilities of Frank G. Shattuck Co. **NOTE:** The purpose of this republication is to broaden the commodity description and the base territory. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112766 (Sub-No. 2), filed September 25, 1969. Applicant: JOHN F. COYNE, doing business as COYNE TRUCKING CO., Scotland Lane, Post Office Box 549, New Castle, Pa. 16103. Applicant's representative: Marshall G. Matheny, 306 North Mercer Street, New Castle, Pa. 16101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strip steel*, from New Castle, Pa., to Associated Spring Corp., located east Route 16, Mattoon, Coles County, Ill. **NOTE:** Applicant indicates tacking the proposed authority at Terre Haute, Ind., to serve Mattoon, Ill. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Columbus, Ohio, Indianapolis, Ind., or Pittsburgh, Pa.

No. MC 112822 (Sub-No. 128), filed September 17, 1969. Applicant: BRAY LINES, INCORPORATED, Post Office Box 1191 (1401 North Little Street), Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleaching, cleaning, laundry and scouring compounds, materials and supplies* (including liquid drain opener), except commodities in bulk, from Houston, Tex., to points in Arkansas, Louisiana, and Mississippi. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 113784 (Sub-No. 34), filed September 4, 1969. Applicant: CANAL CARTAGE (1968) LIMITED, Post Office Box 430, Hagersville, Ontario, Canada. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and refractory products*, between ports of entry on the international boundary line of the United States and Canada at or near Windsor, Ontario, Canada, and the Detroit, Mich., commercial zone, as defined by the Commission, and Woodhaven and Trenton, Mich. **NOTE:** Applicant states the authority sought herein will be joined with its presently held authority to conduct operations within Canada. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 201) (Correction), filed August 15, 1969, published in *FEDERAL REGISTER* issue of September 25, 1969, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: W. T. Croft, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and syrups*, in bulk, in tank vehicles, from Mapleton, Ill., to points in Washington, Nevada, California, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Oklahoma, Texas, New Mexico, Arizona, Oregon, Nebraska, Missouri, and Wisconsin, restricted to the transportation of shipments interlined at Mapleton or at a point within its commercial zone. **NOTE:** Applicant states: (1) That it already has authority from a plantsite in Mapleton to the States sought and is interlining shipments within such plantsite; (2) that the sole purpose of this application is the substitution of another interline point within the same city for the plantsite; and (3) that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is being sought. The purpose of this republication is to more clearly describe the note above. If a hearing is deemed necessary, applicant requests it be held at Springfield, St. Louis, or Kansas City, Mo.

No. MC 114211 (Sub-No. 131), filed September 24, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities in vehicles equipped with mechanical refrigeration); (a) between military installations or Defense

Department establishments in the United States (except Hawaii); and (b) between points in (a) above on the one hand, and, on the other, points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115826 (Sub-No. 195), filed August 11, 1969. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, T.A., Denver, Colo. 80217. Applicant's representative: James F. Digby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles and except hides, from points in the Omaha, Nebr., Council Bluffs, Iowa commercial zone as defined by the Commission, to points in Arizona, California, Colorado, Illinois, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, and Washington. **NOTE:** Applicant states that it does not intend to tuck, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115944 (Sub-No. 8), filed September 22, 1969. Applicant: THE BRISSEN TRUCKING COMPANY, INC., 4415 McIntyre Road, Golden, Colo. 80401. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and (2) *related advertising material, bottle and can openers and can and keg tappers* when transported in mixed shipments with malt beverages, from Golden, Colo., to points in California. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116063 (Sub-No. 116), filed September 22, 1969. Applicant: WESTERN COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrine, adhesives, and synthetic plastics*, in bulk, in tank vehicles, from Grand Prairie, Tex., to points in Arkansas and Oklahoma. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 116073 (Sub-No. 101), filed September 25, 1969. Applicant: BARRITT MOBILE HOME TRANSPORT, INC., 1825 Main, Post Office Box 601,

Moorhead, Minn. 56560. Applicant's representatives: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004 and John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and *sectional buildings*, in initial movement, from points in Nobles, Chippewa, Ottertail, and Lyon Counties, Minn., to points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116077 (Sub-No. 279), filed September 22, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, from points in Arkansas to Houston, Tex. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 118159 (Sub-No. 78), filed September 24, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in the report of Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Tennessee, Oklahoma, Arkansas, and North Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118159 (Sub-No. 79), filed September 25, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in the report of Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a

hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118904 (Sub-No. 10), filed September 18, 1969. Applicant: MOBILE HOME EXPRESS, LTD., 1915 "F" Avenue, Lawton, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Wynnewood, Okla., to points in the United States except Alaska and Hawaii. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 118904 (Sub-No. 11), filed September 29, 1969. Applicant: MOBILE HOME EXPRESS, LTD., 1915 "F" Avenue, Lawton, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Lawton, Okla., and Wichita Falls, Tex., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 119422 (Sub-No. 45), filed September 30, 1969. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from the plants and facilities of the Mississippi Lime Co., at Ste. Genevieve and Mosher, Mo., to points in Arkansas, Illinois (except Madison County), Kentucky, and Louisiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119531 (Sub-No. 123), filed September 22, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, plastic containers, closures; and wood, fibreboard, or pulpboard cartons and boxes*, from Washington, Pa., to points in Indiana (on and north of U.S. Highway 40), Michigan (Lower Peninsula), and to Latonia, Covington, Lexington, and Louisville, Ky., and points in the commercial zone of each as defined by the Commission, and

return of *refused, rejected or damaged shipments* of the above commodities from the specified destination points and areas to Washington, Pa. **NOTE:** Applicant states that a possible tack exists at Lapel, Ind., to permit transportation of empty glass containers to points in the states of Iowa, Minnesota, and Wisconsin. MC-119531 lead certificate. This possible tack not supported in this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119531 (Sub-No. 124), filed September 17, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products, and accessories therefor, and such commodities as are used in or are useful in the production of plastic products*, between Three Rivers, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. **NOTE:** Applicant states that possible tacking exists at Addison, Ill., to permit transportation of molded plastic containers, plastic shapes, plastic forms, to points in Iowa, under Docket No. MC 119531 Sub 91, but that this possible tacking is not supported in this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119573 (Sub-No. 12), filed September 12, 1969. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Urichville, Ohio 44683. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Straitsville, and Junction City, Ohio, to points in Wisconsin, Illinois, Indiana, Michigan, West Virginia, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, and New Hampshire. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119689 (Sub-No. 11), filed September 15, 1969. Applicant: PEERLESS TRANSPORT CORP., 201 Forest Hills Plaza, Ardmore and Yost Boulevards, Pittsburgh, Pa. 15221. Applicant's representative: Joseph G. Dall, Jr., 1111 E Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed cheese, raw cheese, pimientos, chemicals, and paper cartons*, (1) between Curwensville, Pa., on the one hand, and, on the other, points in West Virginia, Ohio, Kentucky, Illinois, Michigan, Indiana, Wisconsin, and Minnesota, and (2) between Curwensville, Pa., on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Connecticut, New

Jersey, Delaware, Virginia, Maryland, North Carolina, Tennessee, Mississippi, and Missouri. Note: Applicant states that the above two paragraphs of the proposed authority will be tacked at Curwensville, Pa., for the purpose of providing a through service. The specific purpose of this application is to obtain the requested certificate of public convenience and necessity authorizing the above-described operations in order to eliminate any controversy which might result from the Court's decision in *Chemical Leaman Tank Lines, Inc. v. United States*, Civil Action No. 3560, U.S. District Court for the District of Delaware, setting aside the Commission's orders denying the plaintiff in that proceeding leave to file a petition. The application is accompanied by a motion to dismiss on the grounds that applicant seeks authority to perform a service which it is already authorized to perform under its existing certificate. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 119864 (Sub-No. 39), filed September 24, 1969. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio 43551. Applicant's representatives: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226 and Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soaps and washing compounds*, between Chicago, Chicago Heights, Ill., and Hammond, Ind., on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 21, restricted to shipments originating at or destined to a plantsite or a warehouse used by the Lever Brothers Co. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123067 (Sub-No. 96), filed August 22, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry salt*, in bulk, from Winston-Salem, N.C., to points in North Carolina, restricted to the transportation of shipments having a prior movement by rail. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 123407 (Sub-No. 62), filed September 25, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., located at Cordova, Ala., to points in Illinois, Michigan, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 123681 (Sub-No. 16) (Clarification), filed August 14, 1969, published in the FEDERAL REGISTER issue of September 18, 1969, clarified and republished as clarified this issue. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, Ore. 97203. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except household goods), but including *class A and B explosives and commodities* which require the use of special equipment or special handling by reason of size or weight; (a) between military installations or Defense Department establishments in the United States, on the one hand, and, on the other, points in Washington, Oregon, and Idaho, and (b) between military installations or Defense Department establishments in the States of Washington, Oregon, and Idaho, on the one hand, and, on the other, points in the United States. Note: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the territorial scope of authority sought in (b) above. Part (a) remains the same. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 124218 (Sub-No. 15), filed September 2, 1969. Applicant: UNIT TRANSPORTATION INC., 845 East Avenue, Hamilton, Ohio 45012. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *All terrain vehicles* (vehicles specifically designed for transportation over all surface conditions including sand, ice, snow, water, swamp, and firm land), *parts and accessories therefor and advertising materials*, from Hamilton, Ohio, to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies and equipment* used or useful in the manufacture of trailers and all terrain vehicles, *returned all terrain vehicles* (vehicles specifically designed for transportation over all surface conditions including sand, ice, snow, water, swamp, and firm land), *parts and accessories therefor and advertising materials*, from points in the United States (except Alaska and Hawaii) to Hamilton, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at Cincinnati, Ohio or Washington, D.C.

No. MC 124783 (Sub-No. 13), filed September 15, 1969. Applicant: KATO EXPRESS, INCORPORATED, Post Office Box 291, Elizabethtown, Ky. 42701. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Berry Field, Nashville, Tenn., and points in Warren and Simpson Counties, Ky., restricted to the transportation of shipments having a prior or subsequent movement by air. Note: Applicant states it will tack at the common point of Warren County, Ky. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky., or Nashville, Tenn.

No. MC 124796 (Sub-No. 51) (Amendment), filed August 13, 1969, published FEDERAL REGISTER issue of September 18, 1969, amended and republished as amended, this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium hydroxide* (except commodities in bulk), from Houston, Tex., to points in Louisiana, Mississippi, and points in Arkansas on and south of U.S. Highway 40, and *rejected, refused or outdated shipments*, on return, under a continuing contract or contracts with the Clorox Co., of Oakland, Calif.; and (2) *sodium hydroxide solution* in plastic bottles, in boxes, (a) from Indianapolis, Ind., to Asheville, N.C., Atlanta, Ga., Bristol, Tenn., Charlotte, N.C., Chattanooga, Tenn., Cincinnati, Ohio, Columbia, S.C., Dallas, Tex., Greenville, S.C., Houston, Tex., Jackson, Miss., Jacksonville, Fla., Joplin and Kansas City, Mo., Knoxville, Tenn., Lexington, Ky., Little Rock, Ark., Louisville, Ky., Memphis, Tenn., Miami, Fla., Mobile, and Montgomery, Ala., Nashville, Tenn., New Orleans, La., Oklahoma City, Okla., St. Louis, Mo., San Antonio, Tex., Shreveport, La., Springfield, Mo., Tampa, Fla., Wichita, Kans., Albuquerque, N. Mex., Lubbock, Tex., and Winston-Salem, N.C. and (b) from Los Angeles, Calif., to points in Arizona, Nevada, and Texas, all under a continuing contract or contracts with the Clorox Co., of Oakland, Calif. The purpose of this republication is to broaden the authority sought. Note: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex. or San Francisco, Calif.

No. MC 125010 (Sub-No. 9), filed September 25, 1969. Applicant: GIBCO MOTOR EXPRESS, INC., Post Office Box 312, Terre Haute, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis,

Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank, or hopper type vehicles, from points in Vigo County, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; under contract with Dayton Fly Ash Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 125785 (Sub-No. 8), filed September 18, 1969. Applicant: SATURN EXPRESS, INC., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Applicant's representative: J. Max Harding (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from Cleveland, Miss., to points in Iowa, Illinois, Wisconsin, Michigan, Nebraska, Missouri, Minnesota, Indiana, Ohio, Kansas, Texas, and Colorado, under contract with Tilemaster Corp., located at Chicago, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126222 (Sub-No. 9), filed September 2, 1969. Applicant: JOSEPH A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, Ill. 62832. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, 411 North 7th Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides), from the plantsite and/or warehouse facilities of Du Quoin Packing Co., at or near Du Quoin, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under contract with Du Quoin Packing Co. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 126853 (Sub-No. 3), filed September 26, 1969. Applicant: ARNOLD PRINCL, doing business as PRINCL TRANSFER LINES, Mishicot, Wis. 54228. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road asphalts and residual fuel oils*, from Superior, Wis., to points in the Upper Peninsula of Michigan and points in Minnesota on and north of U.S. Highway 12; and (2) *petroleum and petroleum products*, from Rhinelander, Wis., to

points in the Upper Peninsula of Michigan and points in Minnesota. **NOTE:** Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 127005 (Sub-No. 1), filed September 19, 1969. Applicant: CENTRAL STORAGE & VAN COMPANY, a corporation, 801 South 15th Street, Omaha, Nebr. 68108. Applicant's representative: William Watts (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as defined in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 and (2) *commodities requiring temperature control in vehicles equipped with mechanical refrigeration (except commodities in bulk and hides)* from points in the Omaha-Council Bluffs commercial zone to points in Iowa on or west of U.S. Highway 71 and on or south of U.S. Highway 18 and in Nebraska on or south of U.S. Highway 20 and on or east of U.S. Highway 281. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127349 (Sub-No. 2), filed September 22, 1969. Applicant: GLENN DAVIS AND DON R. DAVIS, a partnership, doing business as DAVIS BROS., Post Office Box 962, Missoula, Mont. 59801. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, refractories, brick and tile, and related masonry supplies* when moving in mixed shipments with brick and tile, from points in Colorado to points in Montana, (2) *stone, brick, tile, lime and manufactured concrete building products*, from points in Utah to points in Montana, and (3) *stone and sand*, from points in Idaho to points in Montana, all under a continuing contract with Forzley Sales Co., Inc., Great Falls, Mont. **NOTE:** Applicant holds common carrier authority under Docket No. MC 129828 (Sub-No. 1), therefore, dual operations may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont. or Denver, Colo.

No. MC 127705 (Sub-No. 29), filed September 25, 1969. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers, and closures therefor, and wood, fibreboard or pulpboard cartons or boxes*, from Lapel, Ind., to points

in Illinois, the lower peninsula of Michigan, Ohio, and Pennsylvania, and (2) *returned shipments of the commodities in (1) above*, on return. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 123934 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 127834 (Sub-No. 43), filed September 29, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Tennessee, to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128170 (Sub-No. 2), filed September 15, 1969. Applicant: ALBEE TRUCKING COMPANY, INCORPORATED, Wolfeboro, N.H. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Gonic, N.H., to points in Maine, Vermont, New York, and New Jersey, under contract with Kane-Gonic Brick Corp. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 128694 (Sub-No. 3), filed September 17, 1969. Applicant: LEO C. TAYLOR, 2711 Mannheim Road, Des Plaines, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Cleveland, Ohio, and empty bottles on return, under contract with Knoll Beverage Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129636 (Sub-No. 1), filed August 1, 1969. Applicant: SEQUOYAH TRANSPORTATION COMPANY, INC., 505 Northeast 7th Street, Anadarko, Okla. 73005. Applicant's representative: W. T. Brunson or David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Carpeting, carpet paddings, yarn, new furniture and lamps*: From points in Oklahoma, Houston, Tex., and Wapata, Wash., to points in the United States (except Alaska and Hawaii). (B) *Supplies, materials, and equipment* used in the manufacture and production and shipment of the commodities referred to in (a) above, from points in the United

States, except Alaska and Hawaii, to points in Oklahoma, Houston, Tex., and Wapata, Wash., under contract with Sequoyah Industries, Inc. NOTE: Applicant states that although the application duplicates, in part, authority applicant now holds in MC-129636, applicant is willing for its present authority to be revoked upon issuance of the new authority or for its existing authority to be so restricted that any new authority issued on this application will not duplicate its existing right. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 129398 (Sub-No. 4), filed September 2, 1969. Applicant: ELMER'S EXPRESS, INC., 15 South 21st Street, Post Office Box 1991, Billings, Mont. 59101. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: 1. Over regular routes; A. *general commodities*, except those of unusual value, household goods as defined by the Commission, and petroleum products, in bulk, (1) between Lewistown and Malta, Mont., from Lewistown over Montana Highway 19 to Hilger, Mont., thence over unnumbered highway (formerly Montana Highway 19) to junction Montana Highway 19 near Zortman, Mont., thence over Montana Highway 19 to Malta, and return over the same route, serving all intermediate points, (2) between Lewistown, and Harlowton, Mont., from Lewistown over U.S. Highway 87 to junction Montana Highway 19 just west of Moore, Mont., thence over Montana Highway 19 through Garnell, Mont., to Harlowton, and return over the same route, serving all intermediate points, (3) between Billings, and Great Falls, Mont., over U.S. Highway 87 and Montana Highways 3 and 12, serving all intermediate points; B. *livestock*, (1) between Lewistown, and Winifred, Mont., from Lewistown over Montana Highway 19 to Hilger, Mont., thence over unnumbered highway (formerly Montana Highway 19) to Winifred, and return over the same route, serving all intermediate points, (2) between Lewistown, and Roy, Mont., from Lewistown over Montana Highway 19 to Roy, and return over the same route, serving all intermediate points, (3) between Lewistown and Great Falls, Mont., from Lewistown over U.S. Highway 87 to Great Falls, and return over the same route, serving no intermediate points, (4) between Lewistown and Billings, Mont., from Lewistown over U.S. Highway 87 to Billings, and return over the same route, serving all intermediate points; 2. Over irregular routes, *general commodities*, except articles of unusual value, household goods, as defined by the Commission, and petroleum products, in bulk, between points in Fergus, Petroleum, Wheatland, Judith, Basin, Yellowstone, Golden Valley, Mussel Shell, Cascade, Phillips, Valley, Blaine, Chouteau and Hill Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133065 (Sub-No. 8), filed September 23, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Post Office Box 156, Mead, Nebr. 68041. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salvage rail track, switches, plates, ties, spikes, and related items*, (a) between points in Alabama, Arkansas, Louisiana, Mississippi, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Tennessee, Maine, New Hampshire, Vermont, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Wisconsin, and the District of Columbia; and (b) between points in (a) above on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Oregon, Washington, and Wyoming for the account of A & K Railroad Ties, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133233 (Sub-No. 8), filed September 18, 1969. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Feed and feed ingredients*, from points in Iowa to points in Idaho, and (b) *feed*, from Buhl, Idaho, to points in Colorado, Wyoming, Montana, and California, under contract with Rangen, Inc., (2) *feed and feed ingredients*, from points in Iowa to points in Utah and Idaho, under contract with Evans Trading Co., Inc., (3) *animal feed ingredients*, from points in Iowa to points in Idaho and Utah, under contract with Farrell Grain Co., and (4) *lumber*, from Afton, Wyo., to points in Kansas, Minnesota, Arkansas, and Nebraska, under contract with Star Studs, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Boise, Idaho.

No. MC 133633 (Sub-No. 3), filed August 11, 1969. Applicant: HIGHWAY EXPRESS, INC., 712 East Second Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Michael E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, classes A and B explosives, and commodities which because of size or weight require special equipment), between Waynesboro, Miss., and points within its commercial zone, on the one hand, and, on the other, Jackson and Meridian, Miss., Mobile, Ala., and New Orleans, La., and points within their re-

spective commercial zones. NOTE: Common control may be involved. Applicant states that no tacking is contemplated, but it intends to interline with all carriers at Jackson and Meridian, Miss., Mobile, Ala., and New Orleans, La. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Waynesboro, Miss.

No. MC 133748 (Sub-No. 1), filed September 24, 1969. Applicant: LILE MOVING AND STORAGE COMPANY, a corporation, 7201 Northeast Halsey Street, Portland, Ore. 97213. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Interstate Commerce Commission, between points in Multnomah, Washington, Columbia, Clackamas, Yamhill, and Hood River Counties, Ore., and Clark, Cowlitz, and Skamania Counties, Wash., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating or decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 133775 (Sub-No. 7) (Correction), filed September 5, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and republished as corrected, this issue. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Boulevard, Chicago, Ill. 60602. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as defined by the Commission, from Huron, S. Dak., to points in Ohio, Pennsylvania, New York, and New Jersey. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show correct docket number as MC 133775 Sub 7, in lieu of MC 13375 Sub 7, as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133827 (Sub-No. 1), filed September 22, 1969. Applicant: GLEN SVIHLA, doing business as GLEN SVIHIA TRUCKING, 602 12th St. NW., Mandan, N. Dak. 58554. Applicant's representatives: Gerald G. Glaser, Post Office Box 773, Bismarck, N. Dak. 58501 and R. W. Wheeler, Post Office Box 1, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed meat scraps*, from Williston, N. Dak., to Belgrade, Minn., (2) *hides*, from Williston, N. Dak., to Milwaukee, Wis., and (3) *fresh meats*,

from Williston, N. Dak., to points in Minnesota, Wisconsin, Illinois, Michigan, Iowa, Colorado, and California, under contract with Williston Packing Co., Inc., Williston, N. Dak. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Bismarck or Williston, N. Dak.

No. MC 133875 (Sub-No. 1), filed September 12, 1969. Applicant: JORGENSEN & SONS TRUCKING, INC., 4000 Northwest Yeon Avenue, Portland, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical, mechanical and electronic parts and components*, for the accounts of General Electric Co., and Westinghouse Electric Corp., between Portland and Beaverton, Oreg., on the one hand, and, on the other, points in Clark County, Wash. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133880 (Sub-No. 2) (Correction), filed September 11, 1969, published FEDERAL REGISTER issue of October 2, 1969, corrected and republished this issue. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 2133, Davenport, Iowa 52808. Applicant's representative: Wm. Brien Miller and Cyrus Mead III, % Lord Bissell and Brook-135 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel and scrap metal*, in bulk, and *machinery and supplies* used in the preparation of scrap metals, when moving in mixed loads with bulk scrap, between Minneapolis and St. Paul, Minn., La Crosse, Wis., Waterloo, Davenport, and Council Bluffs, Iowa, Omaha, Nebr., Moline, Rock Island, and Quincy, Ill., and La. Grange, Mo., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, West Virginia, and Wisconsin under contract with Alter Co. **NOTE:** Applicant is authorized to operate as a common carrier under MC 126045 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to include Quincy, as an origin point, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa or Chicago, Ill.

No. MC 133920 (Sub-No. 2), filed September 22, 1969. Applicant: HOWARD SHEPPARD, INC., Post Office Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, 2045 Peachtree Road, N.E., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in hopper type or dump vehicles, from points in Washington, Jefferson, Warren, Glascock, McDuffie and Twiggs

Counties, Ga., to points in Aiken and Beaufort Counties, S.C. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133946, filed July 29, 1969. Applicant: SHANGRA LA MOBILE HOME TRANSPORT LTD., 1861 Birde Hill Road, Winnipeg 16 Manitoba, Canada. Applicant's representative: Y. Henteleff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers, pick-up campers, vacation trailers*, designed to be drawn by passenger automobiles, and *sectionalized buildings* mounted upon wheeled undercarriages and equipped with ball-hitch coupling devices in truck-away service, (1) from points in North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, and Nebraska, to points on the international boundary line between the United States and Canada located in Minnesota and North Dakota; and (2) between points on the international boundary line between the United States and Canada located in North Dakota and Minnesota, and points on the international boundary line between the United States and Canada located in Michigan and Minnesota. **NOTE:** Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak. or Minneapolis, Minn.

No. MC 133977 (Sub-No. 1), filed September 24, 1969. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, Ohio 45304. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer material, and fertilizer ingredients*, (2) *feed*, and (3) *seed*, in bags, or in bulk, in dump vehicles, between Drake, Miami, and Montgomery Counties, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, and Kentucky. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133995 (Sub-No. 3), filed September 22, 1969. Applicant: DEL W. JENSEN, 391 West 3200 South, Bountiful, Utah 84010. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocers and food business houses, (1) from points in California to points in Salt Lake County, Utah, and Ogden, and Provo, Utah; and (2) from Denver, Colo., to points in Salt Lake County, Utah, under a continuing contract with Associated Brokers, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134023 (Sub-No. 1), filed September 26, 1969. Applicant: RED BALL VAN & STORAGE, INC., 2323 West La Palma Avenue, Anaheim, Calif. 92801.

Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, Calif., restricted to traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization, and unpacking and decontainerization. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134034, filed September 12, 1969. Applicant: STAN KIEME, 1417 South Elm, Jackson, Mich. 49203. Applicant's representative: Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., and Milwaukee, Wis., to Jackson, Mich., under contract with Si Parrish Distributing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 134059, filed September 18, 1969. Applicant: DWAYNE C. ATKINS, doing business as ATKINS TRUCKING, R.F.D. 3, Sioux Falls, S. Dak. 57106. Applicant's representative: J. Max Harding, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and animal and poultry feed ingredients*, from Sioux Falls, S. Dak., to points in Minnesota, Nebraska, North Dakota, and Iowa, and (2) *animal and poultry feed ingredients*, in the reverse direction. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak. or Sioux City, Iowa.

MOTOR CARRIERS OF PASSENGERS

No. MC 1096 (Sub-No. 7), filed September 10, 1969. Applicant: THE CANADA COACH LINES, LIMITED, a corporation, 18 Wentworth Street N., Hamilton, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round trip sightseeing and pleasure tours, from points in Cheektowaga, Tonawanda, West Seneca, and Amherst Townships, N.Y., to ports of entry on the United States-Canada boundary line at Buffalo, Niagara Falls, and Lewiston, N.Y.; and return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 1515 (Sub-No. 143), filed September 17, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority

sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Newport, Vt., and the international boundary line between the United States and Canada at or near Derby Line, Vt.: from Newport, Vt., northeastwardly over U.S. Highway 5 to its junction with Interstate Highway 91, thence over Interstate Highway 91 to the international boundary line between the United States and Canada at or near Derby Line, Vt., and return over the same route, serving all intermediate points. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Johnsbury, or Montpelier, Vt.

No. MC 128553 (Sub-No. 3) (Amendment), filed May 22, 1969, published in *FEDERAL REGISTER* issue of June 12, 1969, amended September 23, 1969, and republished as amended this issue. Applicant: TRANSPORTES FRONTERIZOS DEL NORTE, S.A., Avenida Morelos 432, Despacho 506, Monterrey, N.L., Mexico. Applicant's representative: J. C. Guerra, Post Office Box 186, 2000 Grant Street, Roma, Tex. 78584. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, between the port of entry on the international boundary line between the United States and Mexico at or near Roma, Tex., and thence over U.S. Highway 83 to Rio Grande City, Tex., and return over the same routes serving all intermediate points both ways. **NOTE:** The purpose of this republication is to include service to all intermediate points both ways. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Rio Grande City, Tex.

No. MC 133688 (Sub-No. 1), filed September 24, 1969. Applicant: CHARLES I. HERMAN, doing business as S.P.D. DELIVERY SERVICE, 754 Lyons Avenue, Irvington, N.J. 07111. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passenger baggage and possessions*, between Newark Airport, N.J., and points in New Jersey and Connecticut, and Bucks, Monroe, Montgomery, Northampton, and Pike Counties, Pa., and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk Sullivan, Ulster, and Westchester Counties, N.Y., on traffic having a prior or subsequent movement by air. **NOTE:** Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[P.R. Doc. 69-12331; Filed, Oct. 16, 1969;
8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*.

LONG-AND-SHORT HAUL

FSA No. 41783—*Livestock from and to points in WTL territory*. Filed by Western Trunk Line Committee, agent (No. A-2603), for interested rail carriers. Rates on livestock, ordinary, also feeder or stocker, in carloads, as described in the application, from, to, and between points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 17 to Western Trunk Line Committee, agent, tariff ICC A-4713, supplement 36 to Trans-Continental Freight Bureau, agent, tariff ICC 1764, and Union Pacific Railroad Co., tariff ICC 5610.

FSA No. 41784—*Beet or cane sugar from Serape, Ariz.* Filed by Trans-Continental Freight Bureau, agent (No. 455), for interested rail carriers. Rates on beet or cane sugar, in carloads, as described in the application, from Serape, Ariz., to Belleville and East St. Louis, Ill., also St. Louis, Mo.

Grounds for relief—Revised minimum weight provisions.

Tariff—Supplement 53 to Trans-Continental Freight Bureau, agent, tariff ICC 1790.

FSA No. 41785—*Pepper in mixed carloads with salt to points in Montana, WTL and official territories*. Filed by Western Trunk Line Committee, agent (No. A-2604), for interested rail carriers. Rates on pepper in mixed carloads with salt, as described in the application, from points in Kansas, North Dakota, and Utah, to points in Montana, western trunkline and official territories.

Grounds for relief—Modified short-line distance formula and grouping.

FSA No. 41786—*Class and commodity rates from and to Kelly Springfield, N.C., and Roundstone, Ky.* Filed by O. W. South, Jr., agent (No. A-6134), for interested rail carriers. Rates on property moving on class and commodity rates, between Kelly Springfield, N.C., and Roundstone, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-12433; Filed, Oct. 16, 1969;
8:48 a.m.]

[Notice 925]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 14, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC-67 (49 CFR Part 1131) published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23976 (Sub-No. 31 TA), filed October 10, 1969. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Ore. 97217. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, 100 Southwest Market Street, Portland, Ore. 97201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods, commodities in bulk, and commodities requiring special equipment, between Portland, Ore., and Seattle, Wash., serving all intermediate points in and north of Olympia, Wash., over Interstate Highway 5 and return over the same route for 180 days. **NOTE:** Applicant will interline at all points sought in this temporary application including Olympia, Tacoma, and Seattle, and will also tack at Portland, Ore., with authority in MC-23976, and Subs. Supporting shipper: There are approximately 110 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 76065 (Sub-No. 19 TA), filed October 10, 1969. Applicant: EHRlich-NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York, N.Y. 10001.

Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and wearing apparel accessories* in packages, when moving in the same vehicle with wearing apparel on hangers, from points in the New York, N.Y., commercial zone to Washington, D.C., and *returned and damaged shipments of wearing apparel and wearing apparel and wearing apparel accessories*, from Washington, D.C., to points in the New York, N.Y., commercial zone, for 180 days. Supporting shipper: Lane Bryant, 450 West 33d Street, New York, N.Y. 10001. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 76266 (Sub-No. 116 TA), filed October 6, 1969. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo., and Cairo, Ill., between St. Louis, Mo., and Cairo, Ill.: (1) From St. Louis over Illinois Highway 3 to junction U.S. Highway 51, thence over U.S. Highway 51 to Cairo, and return over the same route, serving Cairo as a point of interchange only on traffic originating at or destined to points beyond Cairo; (2) from St. Louis over Interstate Highway 55 and U.S. Highway 61 to junction Missouri Highway 72, thence over Missouri Highway 72 to Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Cairo, and return over the same route, serving Cairo as a point of interchange only on traffic originating at or destined to points beyond Cairo; (3) from St. Louis over Interstate Highway 55 and U.S. Highway 61 to Sikeston, Mo., thence over U.S. Highway 60 and Interstate Highway 57 to Cairo, and return over the same route serving Sikeston, Mo., for purpose of joinder only, for 180 days. Note: Applicant states it will tack with authority in Admiral-Merchants Motor Freight, Inc., certificate No. MC-76266 and various Subs and interchange with other carriers at Cairo, Ill. Supporting shipper: Applicant's own statement. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 96098 (Sub-No. 33 TA), filed October 9, 1969. Applicant: MILTON TRANSPORTATION, INC., Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, gummed paper, paper backed with aluminum foil*, from Troy, Ohio, to points in Pennsylvania, New York, New Jersey, and Connecticut, for 150 days. Supporting shipper: St. Regis Paper Company, 150 East 42d Street, New York, N.Y. 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 96098 (Sub-No. 34 TA), filed October 9, 1969. Applicant: MILTON TRANSPORTATION, INC., Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and related products, machinery, scrap paper, cores, alum and other raw materials and paper ingredients, papermill supplies and other property*, between the facilities of the New York and Pennsylvania Co., Inc., at Johnsonburg, Pa., on the one hand and points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, District of Columbia, Virginia, West Virginia, Maryland, North Carolina, Tennessee, Ohio, Kentucky, Indiana, Iowa, Illinois, Michigan, Missouri, and Delaware, for 150 days. Supporting shipper: New York and Pennsylvania Co. Inc., Johnsonburg, Pa. 15845. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 108185 (Sub-No. 44 TA), filed October 6, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Atlanta, Ga., and Cairo, Ill., as follows: from Atlanta over U.S. Highway 41 to Adairsville, Ga., thence over U.S. Highway 41 (also Interstate Highway 75) to junction Interstate Highway 24 at or near Chattanooga, Tenn., thence over U.S. Highway 41 (also Interstate Highway 24) to Nashville, thence over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 68 to Aurora, Ky., thence over Kentucky Highway 80 to Junction Kentucky Highway 80 and U.S. Highway 51, thence over U.S. Highway 51 to Cairo, and return over the same route, as an alternate route for operating convenience only, with service at Nashville, Tenn., for purposes of joinder only, for 180 days. Note: Applicant intends to tack

under existing authority in MC 73464 and various Subs and MC-108185 and various subs, and also interchange at Cairo, Ill., with other carriers. Supporting shipper: Applicant's own statement. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 110525 (Sub-No. 936 TA), filed October 9, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Robert K. Maslin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trucks, moving under special permit, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio, for 180 days. Supporting shipper: Department of Defense, Department of the Army, Military Traffic Management and Terminal Service, Washington, D.C. 20315. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 113362 (Sub-No. 170 TA), filed October 10, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Houston, Tex., to points in Iowa, Illinois, Kansas, Missouri, Minnesota, Nebraska, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Pennfield Oil Co., 9001 Arbor Street, Omaha, Nebr. 68124. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114533 (Sub-No. 201 TA), filed October 10, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Kosmosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies*, (except motion picture films, and materials and supplies used in connection with commercial and television motion pictures), between Wichita, Kans., on the one hand, and, on the other, points in the state of Missouri, for 180 days. Supporting shipper: Mattingly Brothers Store Co., 13th and Franklin, Lexington, Mo. Send protests to: Roger L. Buchanan, District Supervisor Interstate Commerce Commission,

Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117865 (Sub-No. 2 TA), filed October 10, 1969. Applicant: ERIC LERENTZEN, 5 Beacon Road, Hull, Mass. 02045. Applicant's representative: Williams and Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., New York, N.Y., commercial zone, Port Newark, N.J., and Fall River, Mass., to Brockton, Worcester, and Cambridge, Mass., and Manchester, N.H., for 180 days. Send protests to: District Supervisor Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 118159 (Sub-No. 74 TA) (Amendment), filed August 26, 1969, published FEDERAL REGISTER issue of September 6, 1969, and republished amended this issue. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in section B of Appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Paoli, Wis., to points in Louisiana and Mississippi, for 180 days. Note: The purpose of this republication is to reflect the origin point as Paoli, Wis., in lieu of Belleville, Wis. Supporting shipper: Pabst Farms, Inc., 35303 West Pabst Road, Oconomowoc, Wis. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 4009 Federal Building, New Orleans, La. 70113.

No. MC 118959 (Sub-No. 53 TA), filed October 9, 1969. Applicant: JERRY LIPPS, INC., Cape Girardeau, Mo. 63701. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduits, asbestos cement pipe, plastic molding, plastic valves, plastic fittings, compounds, joint sealer, bonding cement, vinyl siding, and accessories and materials used in the installation of such products*, from Social Circle, Ga., to points in Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Kentucky, Louisiana, Mississippi, Illinois, Indiana, Missouri, Ohio, Pennsylvania, Virginia, and West Virginia, for 180 days. Supporting shipper: Certain-Teed Products Corp., 500 West First Street, McPherson, Kans. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 124692 (Sub-No. 62 TA), filed October 10, 1969. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First

National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer compounds*, from Winona, Minn., to points in North Dakota, South Dakota, and Montana, for 180 days. Supporting shipper: Farmers Union Central Exchange, Post Office Box G, St. Paul, Minn. 55101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 127239 (Sub-No. 5 TA), filed October 10, 1969. Applicant: UNIVERSAL BOW TRANSPORT, INCORPORATED, Concord Industrial Park, Concord, N.H. 03301. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaging and paperboard cartons*, knocked-down, from Fort Smith, Ark., to Modesto, Calif., Sumter, S.C., Omaha, Nebr., Salisbury, Md., Crozet, Va., and Bow, N.H., and commodities used in the manufacturing of packaging and paperboard cartons, knocked-down, between Bow, N.H., and Fort Smith, Ark., and paperboard, from Demopolis, Ala., to Fort Smith, Ark.; operations to be limited to those conducted under a continuing contract with Universal Packaging Corp., Bow, N.H., for 180 days. Supporting shipper: Universal Packaging Corp., Box 176, Concord, N.H. 03301. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 129588 (Sub-No. 3 TA), filed October 10, 1969. Applicant: R. J. (RED) ANDREWS, doing business as R. J. (RED) ANDREWS TRUCK LINE, Post Office Box 4, Corsicana, Tex. 75110. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials*, in bulk, from Garland, Tex., to points in Alabama (under contract with De Soto, Inc.), for 180 days. Note: Carrier does not intend to tack authority. Send protests to: De Soto, Inc., Post Office Box 10, Garland, Tex. 75040. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 129612 (Sub-No. 2 TA), filed October 10, 1969. Applicant: I. BOWIE HALL, doing business as BOWIE HALL TRUCKING, Post Office Box 1, Upper Marlboro, Md. 20870. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cranston, R.I., to Upper Marlboro, Md., for 180 days. Supporting shipper: Buck Distributing Co., Inc., Box 41, Upper Marlboro, Md. Send protests

to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2210, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 133417 (Sub-No. 2 TA), filed October 9, 1969. Applicant: JOSEPH G. KENNELLY, JR., doing business as JOSEPH KENNELLY MOVING AND STORAGE, 2720 Myrtle Avenue N., Jacksonville, Fla. 32206. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments both (1) moving on the through bills of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) of the Interstate Commerce Act, as amended, and (2) having an immediately prior or subsequent out-of-state line haul movement by rail, motor, water or air, between (1) points in Florida and (2) points in Camden and Glynn Counties, Ga., on the one hand, and, on the other, points in Florida, for 180 days. Supporting shippers: American Red Ball Transit Co., Inc., 200 Illinois Building, Indianapolis, Ind. 46204; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue N., Seattle, Wash. 98133. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 134089 (Sub-No. 1 TA), filed October 9, 1969. Applicant: BEVERAGE TRANSFER, INC., P.O. Box 7372, Tucson, Ariz. 85713. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled beverages, advertising and commodities moving in connection therewith*, from Tucson, Ariz., to points in Imperial, San Diego, Orange, Los Angeles, Riverside, and San Bernardino Counties, Calif., and New Mexico, points in Texas located on and west of U.S. Highway 87 from Texline, Tex., to San Angelo, Tex., on and west of U.S. Highway 277 from San Angelo, Tex., to Del Rio, Tex., and to Clark County, Nev., on return empty containers, pallets and rejected or contaminated shipments, for 180 days. Supporting shipper: Southwest Canning & Packaging, Inc., 1340 East 19th Street, Tucson, Ariz. 85719. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 134090 (Sub-No. 2 TA), filed October 8, 1969. Applicant: ALL BEST TRANSFER AND WAREHOUSE, INC., 405 Division Street, Elizabethport (Union County), N.J. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is*

distributed by a premium stamp redemption center in the redemption of premium stamps, and in connection therewith, equipment, materials and supplies used in the conduct of such business, from New York, N.Y., to Elizabethport (Union County), N.J., under contract with Top Value Enterprises, for 150 days. Supporting shipper: Top Value Enterprises, Inc., Top Value Building, Dayton 1, Ohio. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc 69-12434; Filed, Oct. 16, 1969;
8:48 a.m.]

[Notice 428]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 14, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71623. By order of October 7, 1969, the Motor Carrier Board

approved the transfer to Robert L. Gaddis and James L. Gaddis, a partnership, doing business as Gilbert's Towing and Storage Service, Portland, Oreg., of the operating rights in certificate No. MC-101781 issued May 22, 1957, to Hal S. Gilbert, doing business as Gilbert's Towing Service, Portland, Oreg., authorizing the transportation, over irregular routes, of used automotive vehicles, by drive-away and tow-away method, between points in Clark and Skamania Counties, Wash., on the one hand, and, on the other, Portland, Oreg., and points in Multnomah County, Oreg.; wrecked and disabled motor vehicles, between points in Washington and Oregon; and recovered, stolen, or repossessed automobiles, in drive-away service, between points in Washington, Oregon, California, and Idaho. Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204, attorney for applicants.

No. MC-FC-71629. By order of September 30, 1969, the Motor Carrier Board approved the transfer to MX, Inc., Grand Rapids, Mich., of the operating rights in certificates Nos. MC-67818 (Sub-No. 3), MC-67818 (Sub-No. 19), MC-67818 (Sub-No. 21), MC-67818 (Sub-No. 35), MC-67818 (Sub-No. 43), MC-67818 (Sub-No. 45), corrected certificate No. MC-67818 (Sub-No. 46), certificates Nos. MC-67818 (Sub-No. 48), MC-67818 (Sub-No. 49), MC-67818 (Sub-No. 50), MC-67818 (Sub-No. 52), MC-67818 (Sub-No. 54), MC-67818 (Sub-No. 57), MC-67818 (Sub-No. 63), MC-67818 (Sub-No. 65), MC-67818 (Sub-No. 66), MC-67818 (Sub-No. 68), MC-67818 (Sub-No. 70), MC-67818 (Sub-No. 71), MC-67818 (Sub-No. 72), MC-67818 (Sub-No. 74), MC-67818 (Sub-No. 75), MC-67818 (Sub-No. 76), MC-67818 (Sub-No. 77), and MC-67818 (Sub-No. 78) issued March 30, 1953, June 29, 1950,

April 23, 1951, April 5, 1951, March 20, 1953, February 27, 1953, November 17, 1952, November 4, 1954, May 12, 1955, August 4, 1954, January 11, 1957, December 15, 1955, November 5, 1956, January 9, 1959, April 28, 1960, October 28, 1960, November 13, 1963, September 29, 1965, June 13, 1966, August 1, 1967, July 10, 1967, April 24, 1969, January 11, 1968, April 24, 1969, and June 24, 1969, respectively, to Michigan Express, Inc., Grand Rapids, Mich.; certificates Nos. MC-111452, MC-111452 (Sub-No. 1), and MC-111452 (Sub-No. 2) issued March 3, 1950, February 17, 1950, and December 5, 1950, respectively, to William L. Tripp and Henry T. Winchester, a partnership, doing business as Tripp Trucking Co., Allegan, Mich., and certificate No. MC-106181 issued August 7, 1959, to Wood and Myers Truck Line, Inc., South Haven, Mich., and transferred to Michigan Express, Inc., Grand Rapids, Mich., pursuant to No. MC-F-10271; and certificates Nos. MC-1187, MC-1187 (Sub-No. 25), and MC-1187 (Sub-No. 28) issued December 6, 1966, March 19, 1968, and March 17, 1967, respectively, to Cushman Motor Delivery Co., a corporation, Chicago, Ill., and transferred to Michigan Express, Inc., Grand Rapids, Mich., pursuant to No. MC-F-9856, authorizing the transportation of a wide range of commodities, including general commodities, with various exceptions, generally from and to, or between, all of the United States except Alaska and Hawaii, varying as to commodities transported and origins and destinations served. J. M. Neath, Jr., 900 1 Vandenberg Center, Grand Rapids, Mich. 49502, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12435; Filed, Oct. 16, 1969;
8:48 a.m.]

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FEDERAL REGISTER

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

Vocational Rehabilitation
Programs and Activities



Title 45—PUBLIC WELFARE

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

VOCATIONAL REHABILITATION PROGRAMS AND ACTIVITIES

Revision of Parts 401, 402, 403, 404, 405, and 406, and Addition of Parts 408, and 409 of Chapter IV

Notice of proposed rule-making for vocational rehabilitation programs and activities was published in the FEDERAL REGISTER of January 30, 1969 (34 F.R. 1474). The views of interested persons were requested, received, and considered, and, in the light thereof, certain changes in the proposed regulations were made.

Accordingly, Chapter IV of Title 45 of the Code of Federal Regulations is amended to include new regulations to implement the Vocational Rehabilitation Amendments of 1967 (Public Law 90-99) and the Vocational Rehabilitation Amendments of 1968 (Public Law 90-391). Some changes are also made in existing regulations to reflect the current organization of the Social and Rehabilitation Service as well as its program activities and emphases.

Part 401, as revised, covers only grants made to State vocational rehabilitation agencies under the State plans for vocational rehabilitation services. Included is the program authorized by section 222(d) of the Social Security Act, as added by section 336 of Public Law 89-97, which provides for payment from the social security trust funds for vocational rehabilitation services furnished to social security disability beneficiaries.

Part 402 covers the newly authorized Vocational Evaluation and Work Adjustment programs for the disadvantaged under State evaluation and work adjustment plans.

Part 403 covers special projects grants in vocational rehabilitation designed to serve handicapped individuals. (Subpart A of Part 403 had formerly been included in Part 401.)

Part 404 covers project grants and other assistance for rehabilitation facilities (Subpart I of Part 404 had formerly appeared in Part 401 and the remaining material had previously constituted Part 402).

Part 405 covers research and demonstration activities and Part 406 covers training grant programs. (Except for Subpart D of Part 406, this material had previously appeared in Part 403).

Part 408 deals with the new project grant authority for the rehabilitation of the mentally retarded.

Part 409, dealing with the vending stand program for the blind, sets forth the material formerly contained in Part 404.

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to

effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. sec. 2000d).

Part	
401	The State vocational rehabilitation program.
402	The State evaluation and work adjustment program.
403	Special projects in vocational rehabilitation.
404	Project grants and assistance for rehabilitation facilities.
405	Research and demonstration.
406	Training and traineeships.
408	Project grants for rehabilitation of the mentally retarded.
409	Vending stand program for the blind on Federal and other property.

PART 401—THE STATE VOCATIONAL REHABILITATION PROGRAM

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AUTHORITY: The provisions of this Part 401 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b); and sec. 205, 49 Stat. 624, sec. 1102, 48 Stat. 647, sec. 222(d), 79 Stat. 408, as amended, 42 U.S.C. 405, 1302, 422(d). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4, and sec. 222(d), Social Security Act, 42 U.S.C. 422(d).

Subpart A—Definitions

§ 401.1 Terms.

Unless otherwise indicated in the regulation in this part, the terms below are defined as follows:

(a) "Act" means the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4).

(b) "Administrator" means the Administrator of the Social and Rehabilitation Service in the Department of Health, Education, and Welfare.

(c) "Blind" means persons who are blind within the meaning of the law relating to vocational rehabilitation in each State.

(d) "Construction of a rehabilitation facility" means (1) the construction of new buildings, the acquisition of existing buildings, or the expansion of existing buildings, which are to be utilized for rehabilitation facility purposes; (2) the acquisition of initial equipment of such new, newly acquired, or newly expanded buildings; or (3) the initial staffing of such a rehabilitation facility for a period not to exceed 4 years and 3 months.

(e) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that (1) a physical or mental disability is present; (2) a substantial handicap to employment exists; and (3) vocational rehabilitation services may reasonably be expected to render the individual fit to engage in a gainful occupation.

(f) "Establishment of a rehabilitation facility" means (1) the expansion, remodeling, or alteration of existing buildings, necessary to adapt or to increase the effectiveness of such buildings for rehabilitation facility purposes; (2) the acquisition of initial equipment for such purposes; or (3) the initial staffing of a rehabilitation facility, for a period not to exceed 4 years and 3 months.

(g) "Family members" or "members of the family" means any relative by blood or marriage of a handicapped individual and other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(h) "Gainful occupation" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash);

sheltered employment; and home industries or other gainful homebound work.

(i) (1) "Handicapped individual" means any individual who has a physical or mental disability and a substantial handicap to employment, which is of such a nature that vocational rehabilitation services (paragraph (z) (1) of this section) may reasonably be expected to render him fit to engage in a gainful occupation, including a gainful occupation which is more consistent with his capacities and abilities.

(2) "Handicapped individual" also means any individual who has a physical or mental disability and a substantial handicap to employment for whom vocational rehabilitation services (paragraph (z) (2) of this section) are necessary for the purpose of extended evaluation to determine rehabilitation potential.

(j) "Local rehabilitation agency" means the public agency of a political subdivision of a State which has sole responsibility for administering the vocational rehabilitation program in the locality, under the supervision of the State agency.

(k) "Maintenance" means payments to cover the handicapped individual's basic living expenses, such as food, shelter, clothing, health maintenance, and other subsistence expenses essential to determination of the individual's rehabilitation potential or to achievement of his vocational rehabilitation objective.

(l) "Management services and supervision" for small business enterprises includes inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve small business enterprises operated by blind or other severely handicapped persons under a State agency's small business enterprise program. "Management services and supervision" does not include those services or costs which pertain to the operation of the individual business enterprise, such as employment of substitute workers, rent, advertising and other operating costs.

(m) "Nonprofit," when used with respect to a rehabilitation facility means a rehabilitation facility which is owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and the income of which is exempt from taxation under section 501(c) (3) of the Internal Revenue Code of 1954.

(n) "Occupational license" means any license, permit, or other written authority required by a State, city, or other governmental unit to be obtained in order to enter an occupation.

(o) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. It includes behavioral disorders characterized by a pattern of deviant social behavior or impaired ability to carry out normal re-

lationships with family and community which may result from vocational, educational, cultural, social, environmental, or other factors.

(p) "Physical restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and includes: (1) Medical or surgical treatment by general practitioners or medical specialists; (2) psychiatric treatment; (3) dentistry; (4) nursing services; (5) hospitalization (either inpatient or outpatient care) and clinic services; (6) convalescent, nursing or rest home care; (7) drugs and supplies; (8) prosthetic devices and orthotic devices essential to obtaining or retaining employment; (9) eye glasses and visual services, as prescribed by a physician skilled in the diseases of the eye or by an optometrist; (10) physical therapy; (11) occupational therapy; (12) speech or hearing therapy; (13) psychological services; (14) treatment of medical complications and emergencies, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or are inherent in the condition under treatment; and (15) other medical or medically related rehabilitation services. The provision that the condition is stable or slowly progressive does not apply when physical restoration services are provided under extended evaluation in order to determine the rehabilitation potential.

(q) "Regional Commissioner" means the Regional Commissioner of the Social and Rehabilitation Service.

(r) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to or gainful employment for handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals under Part 402 of this chapter, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which include, under one management, medical, psychological, social, and vocational services; (2) testing, fitting, or training in the use of prosthetic and orthotic devices; (3) prevocational conditioning or recreational therapy; (4) physical and occupational therapy; (5) speech and hearing therapy; (6) psychological and social services; (7) evaluation; (8) personal and work adjustment; (9) vocational training (in combination with other rehabilitation services); (10) evaluation or control of special disabilities; and (11) transitional or long-term employment for the severely handicapped who cannot be readily absorbed in the competitive labor market. *Provided*, That all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

(s) "Secretary" means the Secretary of Health, Education, and Welfare.

(t) "Small business enterprise" means a small business operated by blind or

other severely handicapped persons under the management and supervision of the State agency or its nominee. Such businesses include only those selling, manufacturing, processing, servicing, agricultural, and other activities which are suitable and practical for the most effective utilization of the skills and aptitudes of blind or other severely handicapped persons and provide substantial gainful employment or self-employment commensurate with the time devoted by the operator or operators to the business, the cost of establishing the business and other factors of an economic nature.

(u) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam.

(v) "State agency" or "State vocational rehabilitation agency" means the sole State agency designated to administer (or supervise local administration of) the State plan for vocational rehabilitation services. The term includes the State agency for the blind, if designated as the sole State agency with respect to that part of the plan relating to the vocational rehabilitation of the blind.

(w) "State plan" means the State plan for vocational rehabilitation services.

(x) "Substantial handicap to employment" means that a physical or mental disability (in the light of attendant medical, psychological, vocational, educational, cultural, social, or environmental factors) impedes an individual's occupation performance, by preventing his obtaining, retaining, or preparing for a gainful occupation consistent with his capacities and abilities.

(y) "Visual services" means visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, as prescribed by a physician skilled in diseases of the eye or by an optometrist.

(z) (1) "Vocational rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in a gainful occupation, including (i) evaluation, including diagnostic and related services; (ii) counseling and guidance; (iii) physical restoration services; (iv) training, including personal and vocational adjustment; (v) books and training materials (including tools); (vi) maintenance; (vii) placement; (viii) followup services; (ix) tools, equipment, initial stocks and supplies, including equipment and initial stocks and supplies for vending stands; (x) management services and supervision provided by the State agency and acquisition of vending stands or other equipment and initial stocks and supplies, for small businesses enterprises, operated under the supervision of the State agency by the severely handicapped; (xi) transportation; (xii) occupational licenses; (xiii) reader services for the blind; (xiv) interpreter services for the deaf; (xv) services to members of a handicapped individual's family when such services will contribute substantially to the rehabilitation of the

handicapped individual; (xvi) recruitment and training services for new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate service employment; and (xvii) such other goods and services as are necessary to render a handicapped individual fit to engage in a gainful occupation.

(2) "Vocational rehabilitation services" (for the purpose of extended evaluation for the determination of rehabilitation potential) also means any goods or services, including the items specified in subparagraph (1) (i) through (vi), (xi), (xiii)-(xv), and (xvii) of this paragraph, which are provided to an individual who has a physical or mental disability and a substantial handicap to employment, during the period specified by the Administrator (§ 401.31) to be necessary for, and which are provided for the purpose of ascertaining whether it may reasonably be expected that such individual will be rendered fit to engage in a gainful occupation through the provision of goods and services described in subparagraph (1) of this paragraph;

(3) "Vocational rehabilitation services" also covers the establishment of a rehabilitation facility and the construction of a rehabilitation facility;

(4) The term also covers the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual.

(aa) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for disadvantaged individuals under Part 402 of this chapter.

Subpart B—State Plans for Vocational Rehabilitation Services

STATE PLAN CONTENT: ADMINISTRATION

§ 401.2 The State plan: general requirements.

(a) *Purpose.* A basic condition to the certification of Federal funds to a State for vocational rehabilitation services is a State plan found to meet Federal requirements. This plan shall constitute a description of the State's vocational rehabilitation program. The State plan shall meet the requirements as to content hereinafter stated. It shall provide for financial participation by the State, and shall provide that it will be in effect in all political subdivisions of the State except as specifically provided in §§ 401.9 and 401.10. The Administrator shall approve any plan meeting the requirements of the act and of this part. Upon desig-

nation of a new State agency (see § 401.5), a new State plan must be submitted.

(b) *Form.* The general form and content of the State plans are set forth in the State Plan Guide which is distributed to all State agencies administering vocational rehabilitation programs.

(c) *Amendment.* The plan shall provide that it will be amended whenever necessary to reflect a material change in any applicable phase of State law, organization, policy, or agency operations and that such amendments will be submitted to the Social and Rehabilitation Service before it is put into effect, or within a reasonable time thereafter.

(d) *Separate part relating to rehabilitation of the blind.* If, as hereinafter provided for, a State agency for the blind administers or supervises the administration of that part of the State plan relating to the rehabilitation of the blind, such part of the State plan shall meet all requirements as to submission, amendment, and content prescribed by the act and this part, as though it were a separate State plan.

§ 401.3 Approval of State plans and amendments.

Both the original plan and all amendments thereto shall be submitted to the Regional Commissioner.

(a) *New or substantially revised plans.* New or substantially revised plans are approved by the Administrator.

(b) *Plan amendments.* An amendment to a plan is approved by the Regional Commissioner. If an amendment is approved, the Regional Commissioner incorporates it into the approved State plan and advises the State. If the Regional Commissioner considers an amendment not to be approvable and is unable to secure necessary changes by the State, he submits the amendment to the central office of the Social and Rehabilitation Service for appropriate action.

§ 401.4 Withholding of funds.

(a) *When withheld.* When after reasonable notice and opportunity for hearing to the State agency it is found that (1) the plan has been so changed that it no longer complies with the requirements of section 5(a) of the act, or (2) in the administration of the plan there is a failure to comply substantially with any such provisions, further payments under section 2 or 3 may be withheld or limited as provided by section 5(c) of the act. The State agency is notified of the action taken.

(b) *Judicial review.* The decision to withhold payments described in paragraph (a) of this section may be appealed to the U.S. district court for the district in which the capital of the State is located. The court will review the action on the record in accordance with the provisions of the Administrative Procedure Act.

(c) *Informal discussions.* Hearings described in paragraph (a) of this section are generally not called until after reasonable effort has been made by the

Social and Rehabilitation Service to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

§ 401.5 State agency for administration.

(a) *Designation of sole State agency.* The State plan shall designate a sole State agency to administer the State plan for vocational rehabilitation services in the State or to supervise its administration in a political subdivision of the State by a sole local agency of such political subdivision. This agency shall be one of the agencies specified in paragraph (b) of this section, except that the State agency for the blind, as specified in paragraph (c) of this section, may be designated as the sole State agency with respect to that part of the program relating to the vocational rehabilitation of the blind.

(b) *Designated State agency.* The designated State agency, except for a designated State agency for the blind as specified in paragraph (c) of this section, shall be:

(1) A State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals; such agency must be an independent State commission, board, or other agency whose major function is vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, with authority, subject to the supervision which derives from the office of the Governor, to define the scope of the program within the provisions of State and Federal law, and to direct its administration without external administrative controls;

(2) The State agency administering or supervising the administration of education or vocational education in the State; or

(3) A State agency which includes at least two other major organizational units each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor.

(c) *Designated State agency for the blind.* Where the State commission for the blind, or other agency which provides assistance or services to the adult blind, is authorized under State law to administer or supervise the administration of vocational rehabilitation services to the blind, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind or to supervise the administration of such part in a political subdivision of the State by a sole local agency of such political subdivision.

(d) *Authority.* The State plan shall set forth the authority under State law for the administration or supervision of the administration of the program by the State agency, and the legal basis for administration by local rehabilitation agencies, if applicable. In this connection, copies of all laws and interpretations thereof by appropriate State officials,

directly pertinent to the administration or supervision of the vocational rehabilitation program, shall be submitted as a part of the plan.

(e) *Responsibility for administration.* The State plan shall provide that all decisions affecting eligibility for vocational rehabilitation services, including the acceptability for extended evaluation and the nature and scope of vocational rehabilitation services to be provided, will be made by the State agency through its organizational unit, or by a local rehabilitation agency under its supervision, and that this responsibility will not be delegated to any other agency or individual.

§ 401.6 Organization for administration.

(a) *Organization.* The State plan shall describe the organizational structure of the State agency, including descriptions of organizational units, the functions assigned to each, and the relationships among units in the vocational rehabilitation program. Such descriptions shall be accompanied by organizational charts reflecting (1) the relationship of the State agency to the Governor and his office and to other agencies administering major programs of public education, public health, public welfare, or labor of parallel stature within the State government, and (2) the internal structure of the State agency. The organizational structure shall provide for all the vocational rehabilitation functions for which the State agency is responsible, for clear lines of administrative and supervisory authority, and shall be suited to the size of the vocational rehabilitation program and the geographic areas in which the program must operate. The State plan shall also describe methods of administration which will provide for the coordination and integration of activities, adequate controls over operations, channels for the development and interpretation of policies and standards, and effective supervision of staff under the vocational rehabilitation program. The organizational structure and the methods of administration shall facilitate program operations, and shall ensure the provision of all necessary vocational rehabilitation services available under the State plan to rehabilitation clients, including services necessary to determine rehabilitation potential.

(b) *Organizational unit.* Where the designated State agency is of the type specified in § 401.5(b) (2) or (3), or § 401.5(c), the State plan shall provide that the agency (or each agency, where two such agencies are designated) shall include a vocational rehabilitation organizational unit which: (1) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the administration of such State agency's vocational rehabilitation program, which must include the determination of eligibility for and the provision of services under the State plan; (2) has a full-time administrator in accordance with § 401.7; and (3) has a staff employed on such re-

habilitation work of such organizational unit all or substantially all of whom are employed full time on such work.

(c) *Location of organizational unit.*

(1) The State plan shall provide that the organizational unit, specified in paragraph (b) of this section, shall be located at an organizational level and shall have an organizational status within the State agency comparable to that of other major organizational units of such agency or, in the case of an agency described in § 401.5(b) (2), the unit shall be so located and have such status, or the administrator of such unit shall be the executive officer of such State agency. In evaluating the comparability of the organizational level and the organizational status of the unit, the Administrator will give consideration to such factors as the directness of the reporting line from the administrator of the organizational unit for vocational rehabilitation to the chief officer of the designated State agency; the title, status and grade of the administrator of the organizational unit for vocational rehabilitation as compared with those of the heads of other organizational units of the State agency; the extent to which the administrator of the organizational unit for vocational rehabilitation can determine the scope and policies of the vocational rehabilitation program; and the kind and degree of authority delegated to the administrator of the organizational unit for the administration of the vocational rehabilitation program.

(2) In the case of a State which has not designated a separate State agency for the blind as provided for in § 401.5, such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of the State agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provision of paragraphs (b) and (c) (1) of this section applying separately to each of such units.

§ 401.7 State administrator.

The State plan shall provide that there shall be a State administrator or other named official who shall direct the State agency specified in § 401.5(b) (1) or the organizational unit specified in § 401.6 (b), and who shall be required to devote his full time and efforts to the vocational rehabilitation program, or the vocational and other rehabilitation of disabled individuals, with the following exception: Upon the request of a State agency, the Administrator may approve arrangements whereby the State administrator is also responsible for the direction of other programs primarily concerned with handicapped persons, if he finds in view of all the circumstances in the particular case that such arrangements will not impair the effective administration of the State plan.

§ 401.8 Local administration.

The State plan may provide for administration of the plan through a sole local rehabilitation agency of a political

subdivision of the State, under the supervision of the State agency and in compliance with statewide standards established by the State agency (except to the extent that there is a waiver of statewideness, § 401.10). If the plan provides for local administration, the local rehabilitation agency shall be responsible for the administration of all aspects of the program within the political subdivision which it serves; *Provided, however,* that a separate local rehabilitation agency serving the blind may administer that part of the plan relating to the rehabilitation of the blind, under the supervision of the State agency for the blind. If the State plan provides for the administration of the program by local rehabilitation agencies, the State plan shall set forth the standards governing their organization and methods of administration and shall describe the nature and extent of the supervision exercised by the State agency in order to assure observance in the application of State standards and the effective achievement of the objectives of the State plan throughout the State except to the extent that the requirement for statewideness is waived in accordance with § 401.10.

§ 401.9 Shared funding and administration of joint projects.

If the State plan so provides, the State agency may request the Administrator to authorize the State agency to share funding and administrative responsibility for an identifiable joint project with another agency or agencies of the State in order to provide services to handicapped individuals. The Administrator will approve a request for a joint project which it has been determined will more effectively accomplish the purposes of the act. Upon approval of a request, the Administrator may waive the sole State agency provision of § 401.5(a) (except in cases of cooperative programs utilizing third-party funds for vocational rehabilitation services under § 401.11) and the provision of § 401.2(a) that the State plan be in effect in all political subdivisions of the State. The State plan shall further provide that each joint project shall be based on a written agreement which: (a) Describes the nature and scope of the joint project, the services to be provided to handicapped individuals, and the respective roles of each participating agency both in the provision of services and in the administration of such services, and in the share of the costs to be assumed by each; (b) specifies the initial term of the project and plans for anticipated continuation; (c) provides a budget showing for each fiscal year the financial participation by the State agency and each participating agency; (d) provides written assurance that funds will be legally available for purposes of the joint project; (e) provides that the State agency shall annually evaluate the effectiveness of each project with special attention to its vocational rehabilitation objectives; and (f) assures that the State agency and each participating agency will furnish such information and reports

as the Administrator may from time to time require to determine whether the activities are achieving the purposes of the project and warrant continuation.

§ 401.10 Waiver of Statewideness.

If the State agency desires to carry out activities in one or more political subdivisions through local financing to promote the vocational rehabilitation of substantially larger numbers of handicapped individuals or the vocational rehabilitation of individuals with particular types of disabilities, the State plan shall (a) describe the types of activities which will be carried out for these purposes; (b) provide that the State agency will obtain a full written description of any such activity to be carried out in a particular political subdivision and will obtain written assurance from the political subdivision that the non-Federal share of funds is available to the State agency; (c) provide that the State agency will require that its approval be given to each individual proposal before the proposal is put into effect in a political subdivision; (d) provide that the State agency will furnish such information and reports as the Administrator may from time to time require to ascertain whether the activities are within the purposes of this section; (e) provide that the State agency will have sole responsibility for administration (or supervision if the vocational rehabilitation program is administered by local rehabilitation agencies) of the program in the particular local political subdivision in accordance with § 401.5, except to the extent that the sole State agency provision has been waived with respect to a joint project (§ 401.9); and (f) provide that all requirements of the State plan shall apply to such activities, except the requirement that the program shall be in effect in all political subdivisions of the State, and except that the provision of § 401.82 may be applicable for Federal financial participation in expenditures for carrying out such activities.

§ 401.11 Cooperative programs utilizing third-party funds for vocational rehabilitation services.

(a) The State plan shall provide that when the State's share of the cost of a cooperative program is made available in whole or in part by a State or local public agency other than the State vocational rehabilitation agency, such cooperative program shall be based on a written agreement which (1) describes the activities to be undertaken; (2) provides for an annual budget; (3) provides that expenditures for vocational rehabilitation services and administration for which Federal financial participation is claimed will be under the control and at the discretion of the State agency; (4) provides that only individuals in need of evaluation to determine eligibility or handicapped individuals who have either been certified as eligible pursuant to § 401.30(b) or have been determined to be in need of extended evaluation to determine eligibility shall be served by the cooperative program;

(5) provides for periodic evaluation of the cooperative program; and (6) provides that the State agency and the cooperating agency will furnish such other information and reports as the Administrator may require.

(b) The State plan shall assure that services provided in such a cooperative program are vocational rehabilitation services (1) which are not services to which the handicapped individual would be entitled if he were not an applicant or client of the State agency and (2) which represent new services or new patterns of services of the cooperating agency.

§ 401.12 Standards of personnel administration.

(a) The State plan shall set forth the State agency's standards of personnel administration applicable to its own employees and those of local rehabilitation agencies operating under its supervision. The State plan shall specify that rates of compensation and minimum qualifications will be established for each class of position which are commensurate with the duties and responsibilities of that class; and shall set forth the policies of the State agency with respect to the selection, appointment, promotion, career development, and tenure of qualified personnel, including its policies against discrimination on the basis of sex, race, creed, color, or national origin.

(b) The State plan shall provide for the maintenance of such written personnel policies, records, and other information as are necessary to permit an evaluation of the operations of the system of personnel administration in relation to the standards of the State agency.

(c) Where personnel administration is conducted under a State merit system approved by the Department of Health, Education, and Welfare (or a constituent unit thereof) as meeting the "Standards for a Merit System of Personnel Administration," Part 70 of this title, the State plan may make reference to such fact, and the information required above with respect to "Standards of personnel administration" need not be submitted, except that the responsibility for the appointment of personnel shall be described.

(d) The Administrator shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with the provisions of the approved State plan.

§ 401.13 Medical consultation.

The State plan shall provide for and describe the arrangements made to secure adequate medical consultation and to assure the availability of medical consultative services of high quality on all medical aspects of the vocational rehabilitation program, as needed in all State, district, or local offices of the agency.

§ 401.14 State agency facility staff.

The State plan shall provide for adequate staff to carry out the functions of

the State agency pertaining to rehabilitation facilities in such areas as: (a) The setting of standards for rehabilitation facilities utilized in providing services to handicapped individuals under the State plan and, where appropriate, to disadvantaged individuals under the State evaluation and work adjustment plan under Part 402 of this chapter; (b) the effective utilization of existing rehabilitation facilities in the rehabilitation process; (c) the establishment and construction of rehabilitation facilities under §§ 401.58 and 401.59; (d) the coordination between the State agency and the State agency or agencies administering the programs pursuant to any other act concerned with the development, establishment, or construction of rehabilitation facilities, in order to prevent duplication of the rehabilitation facility effort and impairment of the State vocational rehabilitation program; (e) the functions of the State agency in the administration of grants and services for rehabilitation facilities under this part and under Part 404 of this chapter; (f) the updating and maintenance of the State rehabilitation facilities plan; and (g) other activities under the State plan involving rehabilitation facilities.

§ 401.15 State agency program planning staff.

(a) The State plan shall provide for adequate staff with appropriate qualifications to carry out continuing statewide studies of the needs of handicapped individuals within the State and the means by which these needs may be most effectively met. Such staff shall be responsible for studies, which may include but are not limited to: (1) A continuing identification of those disabled persons who need and can benefit from vocational rehabilitation services; (2) the review, updating, and implementation of statewide planning studies for vocational rehabilitation services and of related planning studies within the State; (3) an evaluation of the adequacy of existing rehabilitation program resources and the identification of those resources necessary for meeting future rehabilitation needs; (4) planning studies and activities necessary for the development and improvement of the State vocational rehabilitation program; and (5) such other studies as are necessary to ensure the orderly development of rehabilitation services and resources. Planning studies for rehabilitation services shall be coordinated, to the maximum extent possible, with related planning activities being conducted on a statewide, regional or other basis under the act or other authority. In States in which there is a separate agency for the blind, coordinated or joint planning studies shall be conducted.

(b) Advisory committees, representing labor, management, medical and health related organizations and institutions, the disabled, public and voluntary agencies and civic groups, shall be utilized by the State agency program planning staff, insofar as practicable, in the conduct of statewide planning studies, and no less than one-third of the

membership of such advisory committees shall be disabled persons.

§ 401.16 Staff development.

The State plan shall provide for a program of staff development in order to improve the operation of the State vocational rehabilitation program and to promote the provision of a high quality of vocational rehabilitation services to increasing numbers of handicapped individuals. The State plan shall describe the scope of the training program which shall include as a minimum: (a) A systematic approach to the determination of training needs, periodic reassessment of these needs and a system for evaluating the effectiveness of the training activities provided; (b) an orientation program for new staff; and (c) a plan for continuing training opportunities and career development for all classes of positions held under expert leadership at suitable intervals. If the staff development program includes leaves of absence for institutional or other organized training such as full-time study, released time, or work-study or worker-in-training programs, the State plan shall specify the policies governing the granting of such leave. The State plan shall provide for adequate staff to direct the staff development program.

§ 401.17 Political activity.

The State plan shall prohibit any employee engaged in the day-to-day administration and operation of the program from engaging in any political activity prohibited by the Hatch Act (5 U.S.C. Chapter 15 and with regard to the District of Columbia, 5 U.S.C. Chapter 73). Any employee shall have the right to express his views as a citizen and to cast his vote.

§ 401.18 Fiscal administration.

The State plan shall set forth the policies and methods pertinent to the fiscal administration and control of the vocational rehabilitation program, including sources of funds, incurrence and payment of obligations, disbursements, accounting, and auditing. The State plan shall provide for the maintenance by the State agency (or, where applicable, by the local rehabilitation agency) of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed against such grants.

§ 401.19 Custody of funds.

The State plan shall designate the State official who will receive and provide for the custody of all funds paid to the State under the act, subject to requisition or disbursement by the State agency.

§ 401.20 Reports.

(a) The State plan shall provide that the State agency will make such reports in such form and containing such information as the Administrator may reasonably require, and will comply with

such provisions as he may find necessary to assure the correctness and verification of such reports. This provision applies to reports in all areas of program operation and administration and to various methods of reporting, including written and oral reports, and inspection and review of fiscal, statistical, casework, and other records and operations.

(b) From time to time the Social and Rehabilitation Service reviews, with the States' cooperation, administrative, fiscal, and program methods and practices and makes suggestions for the improvement of such methods and practices.

§ 401.21 Cooperation with other agencies.

(a) The State plan shall provide that the State agency will establish and maintain cooperative working relationships with the Bureau of Employees' Compensation of the Department of Labor, the Social Security Administration of the Department of Health, Education, and Welfare, the State agencies responsible for the programs of public assistance and workmen's compensation and the system of public employment offices. The basis for the cooperative working arrangement with the system of public employment offices shall be a written agreement which shall provide, among other things, for reciprocal referral services, exchange of reports of service, joint service programs, continuous liaison and maximum utilization of the job placement and employment counseling services and other services and facilities of the public employment offices.

(b) The State plan shall further provide that the State agency will establish and maintain working relationships with other public and private agencies and institutions, such as crippled children's agencies, Veterans Administration facilities, hospitals, health and mental health departments, State and Federal agencies administering wage and hour laws applicable to handicapped individuals, State and other agencies administering special education, vocational education, economic opportunity and manpower development and training programs, the State Selective Service System and voluntary social and health agencies furnishing services relating to vocational rehabilitation, so as to assure maximum utilization on a coordinated basis of the services which all agencies in the State have to offer for the vocational rehabilitation of handicapped individuals.

(c) Where there is a separate State agency for the blind, the State plan shall also provide that the two State agencies will establish reciprocal referral services, utilize each other's services and facilities to the extent practicable and feasible, jointly plan activities which will improve services to handicapped individuals in the State, and otherwise cooperate in the interest of providing more effective services.

§ 401.22 Nondiscrimination in employment under construction contracts.

The State plan shall provide that the State agency will incorporate, or cause to be incorporated, into construction

contracts (including construction contracts related to the establishment or construction of rehabilitation facilities) paid for in whole or in part with funds obtained from the Federal Government under the vocational rehabilitation program, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and will otherwise comply with requirements prescribed by and pursuant to such order.

§ 401.23 Funds made available to private nonprofit agencies for establishment or construction of rehabilitation facilities.

The State plan shall provide that funds made available to a private nonprofit agency for the establishment or construction of a rehabilitation facility (see §§ 401.58, 401.59) shall be expended by that agency in accordance with procedures and standards equivalent to those applicable to the State agency in making direct expenditures for similar purposes.

STATE PLAN CONTENT: CASEWORK PRACTICE

§ 401.30 Eligibility.

(a) *General provisions.* (1) The State plan shall describe the policies and methods which the State agency will follow in determining eligibility for vocational rehabilitation services in each case. Insofar as applicable, the provision relating to "Case study and diagnosis" (§ 401.32) shall apply in the determination of eligibility.

(2) The State plan shall provide that eligibility requirements will be applied by the State agency or local rehabilitation agency without regard to sex, race, creed, color, or national origin of the individual. The State plan shall further provide that no group of individuals shall be excluded or found ineligible solely on the basis of their type of disability. In addition, the State plan shall specify that no upper or lower age limit will be established which will, in and of itself, result in a finding of ineligibility for any handicapped individual who otherwise meets the three basic eligibility requirements specified in paragraph (b) of this section.

(3) Effective no later than July 1, 1969, the State plan shall specify that no residence requirement, durational or other, will be imposed which excludes from services under the plan any individual who is in the State: *Provided however*, That the State plan may provide for the exclusion of nonresidents who are in the State for the sole purpose of becoming clients of the State vocational rehabilitation agency.

(b) *Basic conditions.* The State plan shall provide that eligibility for vocational rehabilitation services (§ 401.1(z)(1)) shall be based upon: (1) The presence of a physical or mental disability; (2) the existence of a substantial handicap to employment; and (3) a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a gainful occupation.

(c) *Certification of eligibility.* (1) The State plan shall provide that, prior to or

simultaneously with acceptance of the handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the three basic eligibility requirements specified in paragraph (b) of this section. (See § 401.31(d) for certification of acceptability for extended evaluation to determine rehabilitation potential.) The State plan shall further provide that the certified statement of eligibility will be dated and signed by an appropriate agency staff member to whom such responsibility has been assigned.

(2) The State plan shall provide that a certification will be similarly executed for each case determined to be ineligible for vocational rehabilitation services, including those who have been found ineligible under this section and § 401.31. In such cases the State agency shall notify the individual of the action taken.

§ 401.31 Extended evaluation to determine rehabilitation potential.

(a) *General provisions.* The State plan shall describe the policies and methods which the State agency will follow in establishing the need for an extended evaluation in order to determine the rehabilitation potential. Insofar as applicable, the provisions relating to "Case study and diagnosis" (§ 401.32) shall apply in determining acceptability for extended evaluation of handicapped individuals.

(b) *Basic conditions.* The State plan shall provide that the furnishing of vocational rehabilitation services under extended evaluation to determine rehabilitation potential shall be based upon: (1) The presence of a physical or mental disability; (2) the existence of a substantial handicap to employment; and (3) inability to make a determination as to the third condition of eligibility under § 401.30(b) without an extended evaluation, including the provision of vocational rehabilitation services.

(c) *Duration.* Necessary vocational rehabilitation services, as specified in paragraph (e) of this section, may be provided during a period not in excess of 18 months in the case of a handicapped individual whose disability is (1) mental retardation, (2) deafness, (3) blindness, (4) paraplegia, quadriplegia, and other spinal cord injuries or diseases, (5) heart disease, (6) cancer, (7) stroke, (8) epilepsy, (9) mental illness, (10) cerebral palsy, (11) brain damage, (12) arthritis, (13) muscular dystrophy, (14) cystic fibrosis, or (15) renal failure, and not in excess of 6 months in the case of an individual with any other disability.

(d) *Certification.* The State plan shall provide that, prior to or simultaneously with acceptance of an individual for vocational rehabilitation services for the purpose of extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the three requirements in paragraph (b) of this section. The State plan shall further provide that the certified statement will be dated and signed by an appropriate agency staff member to whom such responsibility has been assigned.

(e) *Scope of services.* The State plan shall provide that any or all of the following vocational rehabilitation services shall be provided if necessary to determine the rehabilitation potential of the individual: (1) Evaluation, including diagnostic and related services; (2) counseling and guidance; (3) physical restoration services (without the need for a determination that the physical or mental condition is stable or slowly progressive); (4) training, including personal and vocational adjustment; (5) books and training materials (including tools); (6) maintenance; (7) transportation; (8) reader services for the blind; (9) interpreter services for the deaf; (10) services to members of the individual's family when such services will contribute substantially to the determination of the rehabilitation potential of the handicapped individual; and (11) other goods and services which are necessary to determine the rehabilitation potential of a handicapped individual.

(f) *Other conditions.* (1) Federal financial participation will be available in expenditures for vocational rehabilitation services, authorized after the expiration of the 6- or 18-month period, whichever is applicable in the individual case, only if a certification of eligibility has been executed by the appropriate State agency staff member to whom such responsibility has been assigned, certifying that the individual has met the three basic conditions of eligibility specified in § 401.30(b).

(2) The 6- or 18-month period shall begin with the date of the certification required in paragraph (d) of this section.

(3) Only one 6- or 18-month period for determination of the rehabilitation potential shall be permitted during the period that the case is open. However, if a case has been closed a subsequent determination of the rehabilitation potential may be carried out provided that the conditions in paragraph (b) of this section are met.

(g) *Termination.* (1) The State plan shall provide that at any time prior to the expiration of the 6- or 18-month period, the extended evaluation for the determination of the rehabilitation potential shall be terminated and the individual found eligible for vocational rehabilitation services under § 401.30 if and when there is a reasonable expectation that he can be rendered fit to engage in a gainful occupation.

(2) The determination of the rehabilitation potential shall also be terminated before the expiration of the 6- or 18-month period and the individual found ineligible for any other vocational rehabilitation services at any time it is determined that there is no reasonable likelihood that he can be rendered fit to engage in a gainful occupation.

(h) *Review.* The State plan shall provide for frequent review of the individual's progress during the 6- or 18-month period including periodic reports from the institution, facility, or person providing the service.

§ 401.32 Case study and diagnosis.

(a) The State plan shall provide that, prior to and as a basis for formulating the vocational rehabilitation plan for any individual certified as eligible under § 401.30, there will be a thorough diagnostic study, which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors in the case. The State plan shall provide that in each case the diagnostic study shall be adequate to provide the basis for (1) establishing that a physical or mental disability is present; (2) appraising the current general health status of the individual; (3) determining how and to what extent the disabling conditions may be expected to be removed, corrected, or minimized by physical restoration services; and (4) selecting an employment objective commensurate with the individual's interests, capacities and limitations.

(b) The State plan shall provide that the diagnostic study will include, in all cases to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustment, employment opportunities, and other pertinent data helpful in determining the nature and scope of services to be provided for accomplishing the individual's vocational rehabilitation objective.

(c) The State plan shall further provide that the medical diagnostic study shall include (1) a complete general medical examination, providing an appraisal of the current medical status of the individual; (2) examinations by specialists in all medical specialty fields, as needed, including a psychiatric evaluation in all cases of mental illness (except as provided in paragraph (e) of this section); and (3) such clinical laboratory tests, X-rays, and other indicated studies as are necessary, in addition to subparagraphs (1) and (2) of this paragraph, to establish the diagnosis, to determine the extent to which the disability limits (or is likely to limit) the individual's daily living and work activities, and to estimate the probable results of physical restoration services.

(d) The State plan shall, in addition, set forth the specifications established by the agency for the content of the diagnostic study outlined in paragraph (c) of this section, including (1) the subject matter to be covered and the minimum diagnostic procedures to be employed routinely in the general medical examination; (2) the required recency of such examination, and the conditions under which a medical abstract will be accepted in lieu of a new examination; and (3) the conditions under which examinations by specialists will be required.

(e) The State plan shall provide that (1) in all cases of mental retardation a psychological evaluation will be obtained which will include a valid test of intelligence and an assessment of social functioning and educational progress

and achievement; (2) in all cases of behavioral disorders a psychiatric or psychological evaluation will be obtained, as appropriate; and (3) in all cases of blindness an adequate hearing evaluation will be obtained. The State plan shall also set forth the specifications established by the State agency for the content of the evaluations described in subparagraphs (1) and (2) of this paragraph.

(f) The State plan shall further provide that, prior to, and as a basis for the extended evaluation plan (§ 401.33), sufficient case study and diagnosis in accordance with the foregoing paragraphs of this section, insofar as applicable, will be completed to establish (1) the presence of a physical or mental disability, (2) a substantial handicap to employment, and (3) the services to be provided during the extended evaluation period.

§ 401.33 Extended evaluation plan.

(a) The State plan shall provide that an extended evaluation plan to determine rehabilitation potential will be formulated for each individual to whom services will be provided after certification under § 401.31. This individual plan shall (1) be based on data secured in the preliminary diagnostic study; (2) indicate the nature of the vocational rehabilitation services necessary to determine the rehabilitation potential of the individual and the arrangements for providing (or otherwise securing) such necessary services; and (3) be formulated with the assistance of appropriate agency consultants when necessary and with the client's participation.

(b) The State plan shall provide that the State agency shall terminate or revise the extended evaluation plan for an individual when it becomes evident that (1) there is no reasonable likelihood that a vocational rehabilitation objective can be achieved; (2) his needs have changed; or (3) there is a reasonable expectation that the provision of vocational rehabilitation services may render him fit to engage in a gainful occupation.

§ 401.34 Vocational rehabilitation plan for the individual.

(a) The State plan shall provide that an individual plan of vocational rehabilitation will be formulated for each client to whom services will be provided after eligibility has been established. The individual plan shall (1) be based upon data secured in the diagnostic study and, if provided, the extended evaluation; (2) specify the vocational rehabilitation objective (or tentative objective where the ultimate objective cannot be determined at that time), the services necessary to accomplish the client's vocational rehabilitation (including services to family members when such services will contribute substantially to the rehabilitation of the handicapped individual) and the arrangements for providing (or otherwise securing) such necessary services; and (3) be formulated with the assistance of appropriate agency consultants when necessary and with the client's participation.

(b) The State plan shall provide that the vocational rehabilitation plan shall specify that all necessary services will be carried to completion insofar as possible. The State plan shall further provide that the State agency may terminate or revise the plan for any client when it becomes evident that his vocational rehabilitation cannot be achieved, that services cannot be completed, or that the client's needs have changed.

§ 401.35 Processing referrals and applications.

The State plan shall describe the methods to be followed in handling referrals and applications for vocational rehabilitation services.

§ 401.36 Order of selection for services.

The State plan shall set forth the criteria to be used in selecting handicapped individuals for services when services cannot be provided to all persons who apply. Such criteria shall be designed to achieve the objectives of the vocational rehabilitation program to the fullest extent possible within the limitations of available resources.

§ 401.37 Participation by handicapped individuals in the costs of vocational rehabilitation services.

(a) *Financial need.* (1) There is no Federal requirement that the financial need of a handicapped individual be considered in the provision of any vocational rehabilitation services.

(2) If the State elects to consider the financial need of handicapped individuals for purposes of determining the extent of their respective participation in the costs of vocational rehabilitation services, the State plan shall set forth the State agency's policies with respect to the determination of financial need, and shall specify the types of vocational rehabilitation services for which the agency has established an economic needs test. The policies so established shall be reasonable and shall be applied uniformly so that equitable treatment is accorded all handicapped individuals in similar circumstances.

(3) The State plan shall provide that no economic needs test will be applied as a condition for furnishing the following vocational rehabilitation services: (i) Evaluation, including diagnostic and related services; (ii) counseling and guidance; and (iii) placement.

(b) *Consideration of similar benefits.* (1) The State plan shall provide that, in all cases, the State agency will give full consideration to any similar benefit available to a handicapped individual by way of pension, compensation, insurance, or other such benefits to meet, in whole or in part, the cost of any vocational rehabilitation services provided to such a handicapped individual, except the following: (i) Evaluation, including diagnostic and related services; (ii) counseling and guidance; (iii) placement; (iv) followup services; (v) training and training materials; (vi) reader services for the blind; (vii) interpreter services for the deaf; and (viii) recruitment and

training services to provide new employment opportunities.

(2) Benefits available to a handicapped individual may include, but are not limited to (1) hospital and physicians' services plans; (1) workmen's compensation, veterans' benefits, old age, survivors' and disability insurance benefits, and unemployment compensation;

(3) The State plan shall provide that when, and to the extent that, an individual is eligible for such benefits, such benefits will be utilized insofar as they are adequate, timely, and do not interfere with achieving the rehabilitation objective of the individual.

§ 401.38 Administrative review of agency action, and fair hearings.

(a) The State plan shall provide that an applicant for or recipient of vocational rehabilitation services under the State plan who is dissatisfied with any action with regard to the furnishing or denial of such services may file a request for an administrative review and redetermination of that action to be made by a member or members of the supervisory staff of the State or local agency. The State plan shall further provide that when the individual is dissatisfied with the finding of this administrative review he shall be granted an opportunity for a fair hearing before the State administrator or his designee.

(b) Each applicant for or recipient of vocational rehabilitation services shall be informed of the opportunity available to him under paragraph (a) of this section.

§ 401.39 Confidential information.

(a) The State plan shall provide that the State agency will adopt such regulations as are necessary to assure that:

(1) All information as to personal facts given or made available to the State or local rehabilitation agency, its representatives, or its employees, in the course of the administration of the vocational rehabilitation program, including lists of names and addresses and records of agency evaluation, shall be held to be confidential.

(2) The use of such information and records shall be limited to purposes directly connected with the administration of the vocational rehabilitation program and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the client to such release has been obtained either expressly or by necessary implication. Release of information to employers in connection with the placement of the client may be considered as release of information in connection with the administration of the vocational rehabilitation program. Such information may, however, be released to welfare agencies or programs from which the client has requested certain services under circumstances from which his consent may be presumed, provided such agencies have adopted regulations which will assure that the information will be held confidential, and can assure that the information will be used only for

the purposes for which it is provided. Such information will be released to an organization or individual engaged in research only for purposes directly connected with the administration of the State vocational rehabilitation program (including research for the development of new knowledge or techniques which would be useful in the administration of the program) and only if the organization or individual furnishes satisfactory assurance that the information will be used only for the purpose for which it is provided; that it will not be released to persons not connected with the study under consideration; and that the final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained through the State agency, without written consent of such person and the State agency.

(3) All such information is the property of the State agency or of the State and local rehabilitation agency, and may be used only in accordance with the agency's regulations.

(b) The State plan shall further provide that the State agency will adopt such procedures and standards as are necessary to (1) give effect to its regulations; (2) assure that all rehabilitation clients and interested persons will be informed as to the confidentiality of vocational rehabilitation information; (3) assure the adoption of such office practices and the availability of such office facilities and equipment as will assure the adequate protection of the confidentiality of such records.

§ 401.40 Recording of case data.

The State plan shall provide that the State agency will maintain a record for each case which will contain pertinent information about the individual and the services provided. The case record shall include the following items to the extent pertinent: (a) Data supporting the determination of eligibility or ineligibility; (b) data supporting the decision to provide extended evaluation services to determine the rehabilitation potential for those individuals for whom the third condition of eligibility cannot be determined immediately, the extended evaluation plan, and progress reports on the extended evaluation; (c) data relating to client participation in the cost of services if the State elects to condition the provision of any services on the financial need of the client; (d) data relating to the eligibility of the individual for similar benefits by way of pension, compensation, insurance or other such benefits; (e) data supporting the clinical status of the client's disabling condition as stable or slowly progressive in the event that the physical restoration services are provided after the establishment of the three basic conditions of eligibility; (f) data supporting the decision to provide services to family members; (g) a vocational rehabilitation plan, setting forth the vocational rehabilitation objective of the individual, the services needed for his vocational rehabilitation (including serv-

ices to family members) as determined through the case study and extended evaluation, if provided, and the way in which such services will be provided; (h) the reason and justification for closing the case, including the employment status of the client, and, if the case is closed as employed, the basis on which the employment was determined to be suitable; and (i) data supporting the provision of followup services after case closure to assist the individual to maintain his employment.

STATE PLAN CONTENT: SERVICES

§ 401.41 Scope of agency program.

(a) The State plan shall as a minimum provide that evaluation, including diagnostic and related services, counseling, and guidance, training (including personal and vocational adjustment training), maintenance, physical restoration, placement, and followup services will be provided under the plan.

(b) The State plan shall describe all the services to be provided, the general scope of agency activities to be undertaken, and the categories of expenditures in which the State agency will request Federal financial participation.

§ 401.42 Standards for facilities and personnel.

The State plan shall provide that the State agency will establish and maintain standards for the various types of facilities and personnel utilized in providing services to handicapped individuals, and shall describe the general content of such standards and the bases on which they were developed. The State plan shall also set forth the methods to be employed for maintaining such standards in accessible form for agency personnel.

§ 401.43 Rates of payment.

The State plan shall provide for the establishment of rates of payment for diagnostic services, training, physical restoration, or other services purchased for clients, describe the policies used in arriving at such rates, and provide that the State agency will maintain in accessible form information justifying such rates of payment. The State plan shall further provide that individual or other vendors providing any services authorized by the State agency to a handicapped individual or members of his family shall agree not to make any charge to or accept any payment from the individual or his family for such services unless the amount of such charge or payment is previously known to and, where applicable, approved by the State agency.

§ 401.44 Evaluation, including diagnostic and related services.

The State plan shall provide for evaluation, including diagnostic and related services incidental to the determination of eligibility for vocational rehabilitation services and the nature and scope of services to be provided. The State plan shall also describe the diagnostic

and related services to be provided for this purpose.

§ 401.45 Counseling and guidance.

The State plan shall set forth the standards and policies established for maintaining a counseling relationship throughout a handicapped individual's program of services which will assure (a) adequate counseling services to the individual in connection with his vocational potentialities and the health, personal and social problems related to his vocational adjustment; and (b) necessary guidance for him to develop an understanding of his capacities and limitation, in selecting a suitable occupational goal, and in using appropriately the medical services, training, and other rehabilitation services needed to achieve the best possible vocational adjustment. The State plan shall also provide for the securing of reports from agencies, institutions and individuals providing vocational rehabilitation services and for other methods of evaluating the progress in each case which will aid the counselor in his contacts with the handicapped individual.

§ 401.46 Physical restoration services.

(a) The State plan shall set forth policies that the State agency will follow in furnishing physical restoration services to handicapped individuals to the extent necessary to determine their rehabilitation potential or achieve their vocational rehabilitation. The State plan shall further specify that, with respect to those cases for which the State agency wishes Federal financial participation in expenditures for physical restoration services to handicapped individuals, the following additional criteria are met in each case: (1) Physical restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of time; and (2) the clinical status of the individual's condition is stable or slowly progressive, except when physical restoration services are provided under an extended evaluation plan in order to determine the rehabilitation potential of a handicapped individual.

(b) The State plan shall further specify that eye glasses and visual services may be prescribed and may be provided by either a physician skilled in diseases of the eye or by an optometrist, as authorized under State law.

§ 401.47 Training.

The State plan shall set forth the policies that the State agency will follow in furnishing training to handicapped individuals to the extent necessary to achieve their vocational rehabilitation. Such training includes vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the individual's vocational adjustment; it covers training provided directly by the State agency or procured from other public or private training facilities. The State plan shall also include the State agency's policies with respect to the provision of tools and training materials including books.

§ 401.48 Maintenance.

The State plan shall specify the policies established for provision of maintenance and shall provide that maintenance will be furnished only in order to enable an individual to derive the full benefit of other vocational rehabilitation services being provided. As needed in the individual case, maintenance may be provided at any time in connection with vocational rehabilitation services from the date of initiation of such services, including diagnostic services, to a reasonable period following placement.

§ 401.49 Placement.

The State plan shall provide that the State agency will assume responsibility for placement of individuals accepted for service. The State plan shall set forth the standards established for determining if the client is suitably employed and for such followup services as are necessary, prior to case closure, for assuring that the vocational rehabilitation objective of the client has been achieved.

§ 401.50 Followup services.

The State plan shall provide for followup services after placement and case closure to assist former clients in need of such services to maintain themselves in employment. The State plan shall (a) specify the criteria to be used in selecting individuals to receive followup services; (b) specify the nature and scope of followup services to be provided; and (c) state whether they will be provided directly, by contract, or otherwise.

§ 401.51 Transportation.

The State plan shall set forth the policies with respect to furnishing transportation incidental to provision of evaluation or other vocational rehabilitation services under the State plan. Transportation means the necessary travel and related costs in connection with transporting handicapped individuals and, where necessary, members of their family, for the purpose of providing evaluation or other vocational rehabilitation services under the State plan. Transportation includes costs of travel and subsistence during travel (or per diem allowances in lieu of subsistence) for handicapped individuals and their attendants or escorts, where such assistance is needed. Transportation may include the cost of relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

§ 401.52 Special services for the blind and deaf.

The State plan shall set forth the policies that the State agency will follow in providing reader services for the blind and interpreter services for the deaf.

§ 401.53 Services to family members.

The State plan shall set forth the policies of the State agency in furnishing services to family members of the handicapped individual. The State plan shall provide that such services may include only those services which may be ex-

pected to contribute substantially to the determination of the rehabilitation potential or the rehabilitation of the handicapped individual.

§ 401.54 Recruitment and training services for new employment opportunities.

The State plan shall set forth the policies that the State agency will follow in furnishing (directly or by contract) recruitment and training services to provide eligible individuals or groups thereof with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate service employment.

§ 401.55 Tools, equipment, initial stocks and supplies, occupational licenses.

The State plan shall describe the policies governing the provision of tools, equipment, initial stocks (including livestock) and supplies; and equipment, initial stocks and supplies for vending stands. The State plan shall further describe the conditions governing the provision of occupational licenses.

§ 401.56 Other goods and services.

(a) The State plan shall set forth the policies that the State agency will follow in providing other goods and services necessary to render a handicapped individual fit to engage in a gainful occupation or to determine his rehabilitation potential.

(b) The State plan may provide that the agency will furnish short periods of medical care for acute conditions arising in the course of vocational rehabilitation, which, if not cared for, would constitute a hazard to the achievement of the vocational rehabilitation objective, or the completion of the extended evaluation to determine rehabilitation potential.

§ 401.57 Small business enterprises for the severely handicapped.

(a) The State plan may provide for management services and supervision provided to small business enterprises (including vending stands) operated by the severely handicapped, and may also provide for establishing such small business enterprises. If the State plan so provides, it shall, to the extent pertinent, (1) describe the types of small business enterprises to be established under the program; (2) describe the policies governing the acquisition of vending stands or other equipment and initial stocks (including livestock) and supplies for such businesses; (3) describe the policies governing the management and supervision of the program; (4) describe how management and supervision will be accomplished either by the State agency, or by some other organization as the nominee of such agency, subject to its control, and (5) provide that only those persons defined as severely handicapped in the State plan will be selected to participate in this supervised program.

(b) If the State plan provides for management services and supervision for small business enterprises, and if the

State agency elects to set-aside funds from the proceeds of the operation of such enterprises, the State plan shall describe the methods used in setting aside such funds, and the purposes for which such funds are set-aside. Such funds may be used only for small business enterprise program purposes and any benefits for operators must be provided on an equitable basis.

§ 401.58 Establishment of rehabilitation facilities.

The State plan may provide for the establishment of public or other non-profit rehabilitation facilities. If the State plan so provides, it shall:

(a) Provide that the State agency will determine that needs for individual rehabilitation facilities exist prior to their establishment and that such establishment is consistent with the State rehabilitation facilities plan;

(b) Set forth the standards and criteria applicable to such rehabilitation facilities with respect to physical plant, equipment, personnel, administration and management, safety and other pertinent conditions and insofar as rehabilitation facilities which are or which include workshops are concerned, shall also set forth criteria and standards applicable with respect to health conditions, wages, hours, working conditions, workmen's compensation or liability insurance, and other pertinent conditions. In setting forth such standards and criteria, the State plan may incorporate, insofar as applicable, those standards and criteria developed by the Administrator with the advice of the National Policy and Performance Council, the regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities, and the standards for the design, construction, and alteration of buildings issued by the Administrator of General Services or the Secretary of Housing and Urban Development pursuant to the act approved August 12, 1968 (Public Law 90-480) and prior to the issuance of these standards, the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1, 1961, as modified from time to time.

(c) Provide that the primary purpose of the establishment of any rehabilitation facility is to provide vocational rehabilitation services or gainful employment to handicapped individuals, or to provide evaluation and work adjustment services to disadvantaged individuals under Part 402 of this chapter;

(d) Provide that, in cases where initial staffing assistance is provided, such assistance will be available only for personnel who are engaged in new or expanded program activities of the rehabilitation facility; and

(e) Provide that reports concerning the establishment of rehabilitation facilities shall be submitted in such form and shall contain such information as the Administrator may require.

§ 401.59 Construction of rehabilitation facilities.

(a) *General provisions.* The State plan may provide for the construction of public or other nonprofit rehabilitation facilities. If the State plan so provides, it shall: (1) Provide that the State agency will determine that needs for individual rehabilitation facilities exist prior to their construction and that such construction is consistent with the State rehabilitation facilities plan; (2) set forth the standards and criteria applicable to such rehabilitation facilities with respect to physical plant, equipment, personnel, administration and management, safety, and other pertinent conditions and insofar as rehabilitation facilities which are or which include workshops are concerned, shall also set forth criteria and standards applicable with respect to health conditions, wages, hours, working conditions, workmen's compensation or liability insurance, and other pertinent conditions. In setting forth such standards and criteria, the State plan may incorporate, insofar as applicable, those standards and criteria developed by the Administrator with the advice of the National Policy and Performance Council, the regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities, and the standards for the design, construction, and alteration of buildings issued by the Administrator of General Services or the Secretary of Housing and Urban Development pursuant to the act approved August 12, 1968 (Public Law 90-480), and prior to the issuance of these standards, the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A 117.1, 1961, as modified from time to time; (3) provide that the primary purpose of the construction of any rehabilitation facility is to provide vocational rehabilitation services or gainful employment to handicapped individuals, or to provide evaluation and work adjustment services to disadvantaged individuals under Part 402 of this chapter; (4) provide that, in cases where initial staffing assistance is provided, such assistance will be available only for personnel who are engaged in either new or expanded program activities of the rehabilitation facility; (5) provide that the total Federal financial participation in the expenditures for the construction of rehabilitation facilities for a fiscal year shall not exceed 10 per centum of the State's allotment for such year under section 2 of the act; (6) provide that the amount of the State's share of expenditures for vocational rehabilitation services under the plan, other than for the construction of rehabilitation facilities, shall be at least equal to the average of its expenditures for such other vocational rehabilitation services for the preceding three fiscal years; and (7) provide that reports concerning the construction of rehabilitation facilities shall be submitted in such form and shall

contain such information as the Administrator may require.

(b) *Assurances.* The State plan shall provide that any proposal, relating to the construction of a rehabilitation facility, will be accompanied by assurances: (1) That for a period of time not less than 20 years after completion of construction of the rehabilitation facility, it will be used as a public or other nonprofit rehabilitation facility, and that such assurance runs to the Federal Government, to the extent of the Federal interest. (See paragraph (d) of this section); (2) that sufficient funds will be available to meet the non-Federal share of the cost of construction of the rehabilitation facility in terms of funds immediately available, placed in escrow, or acceptably pledged, or funds or fund sources specifically earmarked in a sum sufficient for that purpose, or other assurances which are acceptable to the State agency, or, in cases where the State agency is constructing the rehabilitation facility for its own use, such assurances as are acceptable to the Administrator; (3) that sufficient funds will be available when construction of the rehabilitation facility is completed, for its effective use as a rehabilitation facility, as evidenced by a proposed operating budget for the 2-year period immediately following completion of the construction or by such other evidence acceptable to the State agency or, in cases where the State agency is constructing the rehabilitation facility for its own use, such evidence as is acceptable to the Administrator; (4) that, as evidenced in the plans and specifications which accompany or supplement the construction proposal, all rehabilitation facilities will be constructed according to minimum standards of construction and equipment for rehabilitation facilities prescribed by the Administrator for the construction of rehabilitation facilities as provided for in Part 404 of this chapter, and according to regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities; (5) that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the rehabilitation facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327-332); and (6) that the State agency shall furnish such other assurances as the Administrator may require to insure that standards and procedures for the construction of rehabilitation facilities under this part will, to the extent possible, be consistent with standards and procedures for the construction of rehabilitation facilities in Part 404 of this chapter;

(c) *Procedures.* The State plan shall provide that the State agency shall forward each proposal for the construction of a rehabilitation facility to the Regional Commissioner for review and recommendation prior to approval of the proposal by the State agency. Such proposals shall contain or be accompanied by a statement indicating the relationship of the proposal to the purposes and priorities established in the State rehabilitation facilities plan and the manner and extent to which the proposed rehabilitation facility will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency. The Regional Commissioner shall notify the State agency in writing of his recommendations on the proposal. When proposals do not meet the requirements of this construction program, the Regional Commissioner shall consult with the State agency concerning necessary revision. The Administrator may require that, where appropriate, a technical assistance consultation (see § 404.4) precede the construction of rehabilitation facility;

(d) *Recovery.* If, within 20 years after completion of any construction of a Rehabilitation facility under this section, the rehabilitation facility ceases to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. district court for the district in which such facility is situated) of the facility, as the amount of the Federal financial participation bore to the total cost of construction of such facility.

§ 401.60 Facilities and services for groups of handicapped individuals.

The State plan shall set forth the policies that the State agency will follow in providing facilities and services which may be expected to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the rehabilitation plan of any one handicapped individual. Facilities and services of this type may include, but are not limited to, the removal of architectural barriers from buildings to be used for the training or employment of handicapped individuals, the development or provision of instructional materials or services for a group of handicapped individuals, or the provision of a special bus or other vehicle for the transportation of handicapped individuals.

§ 401.61 Services to civil employees of the United States.

The State plan shall provide that vocational rehabilitation services will be made available to civil employees of the U.S. Government who are disabled in line of duty, under the same conditions as are applied to other handicapped individuals.

§ 401.62 Authorization of services.

The State plan shall set forth the State agency's policies with respect to authorization of services and shall provide that authorization will be made either simultaneously with or prior to the purchase of services, and that a written record of such authorization will be retained. Where agency policy permits that oral authorization may be made in an emergency situation by an employee of the State or local rehabilitation agency, the State plan shall provide for documentation of such oral authorization in the client's case record.

Subpart C—Financing of State Vocational Rehabilitation Programs

FEDERAL FINANCIAL PARTICIPATION

§ 401.70 Effect of State rules.

Subject to the provision and limitations of the act and this part, Federal financial participation will be available in expenditures made under the State plan (including the administration thereof) in accordance with applicable State laws, rules, regulations, and standards governing expenditures by State and local rehabilitation agencies.

§ 401.71 Vocational rehabilitation services to individuals.

(a) Federal financial participation will be available in expenditures made under the State plan for providing evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided, including the determination of the need for an extended evaluation of rehabilitation potential.

(b) Federal financial participation will also be available in expenditures made under the State plan for providing the following vocational rehabilitation services to handicapped individuals (see § 401.1(d)):

- (1) Counseling and guidance.
- (2) Training services, including personal and vocational adjustment.
- (3) Books and training materials, including tools necessary for training.
- (4) Physical restoration services.
- (5) Maintenance.
- (6) Transportation.
- (7) Reader services for the blind.
- (8) Interpreter services for the deaf.
- (9) Services to members of the handicapped individual's family when such services will contribute substantially to the determination of rehabilitation potential or the rehabilitation of the handicapped individual.

(10) Other goods and services (such as attendant services) not contraindicated by the act and this part, necessary to determine the rehabilitation potential of a handicapped individual or to render him fit to engage in a gainful occupation. This may include expenditures for short periods of medical care for acute conditions arising during the course of rehabilitation, which, if not cared for, would constitute a hazard to the determination of the rehabilitation

potential or to the achievement of the vocational objective.

(c) Federal financial participation will also be available in expenditures for the following additional vocational rehabilitation services provided to individuals found eligible under § 401.30(b):

- (1) Business and occupational licenses.
- (2) Tools, equipment, and initial stocks (including livestock) and supplies; equipment and initial stocks and supplies for vending stands. "Equipment" as used herein includes shelters. Shelters are only those facilities for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease.

(3) Recruitment and training services for new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate service employment.

- (4) Placement.
- (5) Followup services.

(d) Federal financial participation will not be available in any expenditure made, either directly or indirectly, for the purchase of any land, or for the purchase or erection of any building for any one handicapped individual. This exclusion with respect to buildings does not apply to shelters as described in paragraph (c)(2) of this section.

§ 401.72 Small business enterprises for the severely handicapped.

(a) Federal financial participation will be available in expenditures made under the State plan for the acquisition of equipment, and initial stocks (including livestock) and supplies for small business enterprises (including vending stands) for the severely handicapped and management services and supervision provided to such small business enterprises. "Equipment" as used herein includes shelters. Shelters are only those facilities for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease. Federal financial participation will not be available in any expenditure for the purchase of any land, nor for the purchase, or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in the third sentence of this section.

(b) Federal financial participation is available for expenditures specified under paragraph (a) of this section, which are made from funds set-aside by the State agency from the proceeds of the operation of small business enterprises for the severely handicapped under its management and supervision.

§ 401.73 Establishment of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made under the State plan for the establishment of public and other nonprofit rehabilitation facilities for the following types of expenditures: (1) Costs of remodeling and alteration of existing buildings; (2) costs

of expansion of existing buildings, except as provided in paragraph (b) of this section; (3) initial equipment of existing buildings; and (4) initial staffing of rehabilitation facilities.

(b) Federal financial participation will not be available in any expenditures (1) for the purchase or rental of any land or buildings in connection with the establishment of rehabilitation facilities; (2) for the expansion of an existing building which has not been completed in all respects; (3) for the expansion of an existing building to the extent that the total size of the resultant expanded building, determined in square footage of usable space, will be greater than twice the size of the original existing building; or (4) for the expansion of an existing building if the method of joining the expanded portion to the existing building indicates that, in effect, a separate structure is involved.

(c) The amount of Federal financial participation in the establishment of a rehabilitation facility, including initial equipment, and initial staffing for a period not to exceed 4 years and 3 months, shall be 75 per centum for the fiscal year ending June 30, 1969, and 80 per centum for each subsequent fiscal year.

§ 401.74 Construction of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made under the State plan for the construction of public or other nonprofit rehabilitation facilities for the following types of expenditures: (1) Costs of construction of new buildings and expansion of existing buildings when the expansion is extensive enough to be tantamount to new construction; (2) architect's fees; (3) acquisition of existing buildings; (4) acquisition of land in connection with the construction or acquisition of a rehabilitation facility; (5) site survey and soil investigations; (6) supervision and inspection at the site; (7) initial equipment of such new, expanded, or newly acquired buildings; (8) initial staffing thereof; and (9) such other costs as are appropriate to the construction project: *Provided, however,* that Federal financial participation will not be available for the costs of offsite improvements.

(b) The amount of Federal financial participation in the construction of a rehabilitation facility, including initial equipment, and initial staffing for a period not to exceed 4 years and 3 months, shall be equal to the same percentage as the Federal share which would be applicable in a project in the case of a rehabilitation facility (as defined in section 625(g) of the Public Health Service Act, 42 U.S.C. 291o(g)) in the same location.

§ 401.75 Facilities and services for groups of handicapped individuals.

Federal financial participation will be available in expenditures made under a State plan for the provision of other facilities and services which may be expected to contribute substantially to the rehabilitation of a group of handicapped individuals but which are not related

directly to the rehabilitation plan of any one handicapped individual.

§ 401.76 Administration.

Federal financial participation will be available in expenditures under the State plan for administration. Administration includes, among other things: Annual and long-range program planning, development, evaluation, and control; research; interpretation of the program to the public; personnel administration; use of advisory committees; and staff development, including educational leave. All expenditures for administration in which Federal financial participation is claimed must be subject to the administrative or supervisory control of the State agency, or, if performed by some other agency of the State, must be subject to such terms of a cooperative arrangement as will serve to assure consistency with the State agency's policies and objectives.

§ 401.77 Purchase of goods, facilities, or services from other agencies of the State.

(a) Federal financial participation will be available in expenditures under the State plan for payment of the costs incurred by other agencies of the State furnishing goods, facilities, or services to the State agency: *Provided,* That (1) such payments are permissible under State law; (2) such costs are incurred to meet the needs of the State agency, and are not costs attributable to the general expense of the State in carrying out the overall coordinating, fiscal, and administrative functions of the State government; and (3) such costs are extra, identifiable, and readily ascertainable either by segregation or as a pro rata share of the cost of such goods, facilities, or services.

(b) Federal financial participation will be available in expenditures under the State plan for payment of costs of other public agencies pursuant to the principles and procedures set forth in "A Guide for State and Local Government Agencies—Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Department of Health, Education, and Welfare," January 1969, implementing Bureau of the Budget Circular No. A-87, and subsequent issuances.

§ 401.78 Insurance and taxes.

Federal financial participation will be available in expenditures made under the State plan for (a) the State or local rehabilitation agency's share of costs in employee benefit programs, such as retirement, group life and hospitalization insurance; (b) workmen's compensation; (c) burglary, robbery, and fire insurance, if permitted by the State, and reasonably necessary to protect funds in transit or in the custody of State or local agency personnel; (d) motor vehicle liability costs, where the State accepts responsibility for such loss; and (e) Federal, State, and local taxes, if the State or local rehabilitation agency is legally obligated to pay such taxes, and provided that all comparable agencies in the State are uniformly treated.

§ 401.79 Cost of space.

(a) Federal financial participation will be available in expenditures made under the State plan for costs of space for State or local rehabilitation agencies that are incurred (1) for paying rent and service and maintenance costs in privately owned buildings; (2) in meeting the costs of service and maintenance in lieu of rent in publicly owned buildings; (3) in meeting rental charges in federally and municipally owned buildings, where the municipality is not administering the vocational rehabilitation program locally; (4) in making necessary repairs and alterations to either privately or publicly owned buildings; and (5) for monthly rental charges, based on the cost of initial construction or purchase of State or locally owned buildings.

(b) All expense for space must be based on an actual rental charge or a monthly rental rate that is a reasonable approximation of actual cost over a long-run period. Federal financial participation is available only for periods when the State or local agency occupies the space, and where the rate for any type of cost or combination does not exceed comparable rental in the particular community. Whenever the total charges for service and maintenance in lieu of rent in public owned buildings (paragraph (a)(2) of this section), or the monthly rental charge based on the cost of initial construction or purchase of publicly owned buildings (paragraph (a)(5) of this section), exceed 75 per centum of the comparable rental, Federal financial participation will be available only upon special justification by the State agency.

§ 401.80 State and local funds.

(a) In order to receive the Federal share of expenditures under the State plan, expenditures from State or local funds under such plan equal to the State's share must be made. Such funds may not consist of Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. The State's share shall be the difference between the Federal share (see §§ 401.86 and 401.135) and 100 per centum.

(b) For the purposes of this section, "State or local funds" means (1) funds made available by appropriation directly to the State or local rehabilitation agency, funds made available by allotment or transfer from a general departmental appropriation, or funds otherwise made available to the State or local rehabilitation agency by any unit of State or local government, including any funds, goods or services made available by such unit for vocational rehabilitation activities under cooperative programs pursuant to § 401.11; (2) contributions by private organizations or individuals, which are deposited in the account of the State or local rehabilitation agency in accordance with State law, for expenditure by, and at the sole discretion of, the State or local rehabilitation agency: *Provided, however,* That such

contributions earmarked for meeting the State's share for providing particular services, for serving certain types of disabilities, for providing services for special groups which are identified on the basis of criteria which would be acceptable for the earmarking of public funds, or for carrying on types of administrative activities so identified, may be deemed to be State funds, if permissible under State law, except that Federal financial participation will not be available in expenditures that revert to the donor's use or facility; (3) funds set-aside pursuant to § 401.72(b); or (4) contributions by private organizations or individuals, deposited in the account of the State or local rehabilitation agency in accordance with State law, which are earmarked, under a condition imposed by the contributor, for meeting (in whole or in part) the State's share for establishing or constructing a particular rehabilitation facility, if permissible under State law: *Provided, however,* That such funds may be used to earn Federal funds only with respect to expenditures for establishing or constructing the particular rehabilitation facility for which the contributions are earmarked: *Provided further,* That such funds shall be subject to any limitation that the Administrator may impose pertaining to the amount of Federal funds available for paying the Federal share of expenditures for such establishment or construction.

§ 401.81 Shared funding and administration of joint projects.

Where the Administrator has approved a request by the State agency to participate in a joint project with another agency or agencies of the State in accordance with § 401.9, Federal financial participation will be available in the State agency share of the costs of carrying out the joint project.

§ 401.82 Waiver of Statewideness.

If the approved State plan provides for activities to be carried out in one or more political subdivisions through local financing (§ 401.10), Federal financial participation will be available in expenditures made under the State plan for vocational rehabilitation services and administration in connection with such activities in accordance with the provisions of this subpart, except that funds made available to the State agency by such political subdivisions of the State (including funds contributed to such a subdivision by a private agency, organization or individual) may be earmarked for use within a specific geographical area or for use at a specific facility or for the benefit of a group of individuals with a particular disability: *Provided,* That nothing in this paragraph shall authorize the further earmarking of funds for a particular individual or for members of a particular organization, and that Federal financial participation will not be available in expenditures that revert to the donor's use or facility where the donor is a private agency, organization or individual.

ALLOTMENT AND PAYMENT

§ 401.85 Allotment of Federal funds for vocational rehabilitation services.

(a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized by the act to be appropriated for that fiscal year for making grants to States for meeting the cost of vocational rehabilitation services under section 2 of the act as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all States, subject to the provision in paragraph (b) of this section. For any fiscal year the allotment to any State (other than the Virgin Islands, Puerto Rico, and Guam) which is less than \$1 million shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining such States, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(1) Population, as applied to any State, means the population of that State as determined by official estimates furnished to the Administrator by the Bureau of the Census by October 1 of the year preceding the fiscal year for which Federal grant funds are appropriated.

(2) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States (i.e., the 50 States, and the District of Columbia), except that the allotment percentage shall in no case be more than 75 per centum or less than 33½ per centum, and the allotment percentage for the District of Columbia, Puerto Rico, the Virgin Islands, and Guam shall be 75 per centum.

(3) The allotment percentage shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita income of the States and of the United States (i.e., the 50 States and the District of Columbia) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the 2 fiscal years in the period beginning July 1, next succeeding such promulgation.

(b) The allotment to any State for any fiscal year, as computed under paragraph (a) of this section, which is less than the amount such State was entitled to receive for the fiscal year ending June 30, 1965, pursuant to section 2 of the act as then in effect, as the Federal share of its expenditures under its State plan for vocational rehabilitation services, shall be increased to that amount. The amount which a State was entitled to receive for fiscal year 1965, pursuant to the preceding sentence, shall be determined on the basis of such information, including re-

ports from the State, as the Social and Rehabilitation Service had on November 8, 1965. The total of any increases required under this paragraph shall be derived by proportionately reducing the allotment of each of the States whose allotments were not subject to the increase, but with such adjustments as may be necessary to prevent the allotment of any State from being thereby reduced to less than the amount the State was entitled to receive for the fiscal year ending June 30, 1965, pursuant to section 2 as then in effect.

(c) (1) No part of the allotment to any State for grants under section 2 of the act for any fiscal year may be used for the purposes specified in § 401.80(b) (4), in excess of any limitation imposed under that section by the Administrator.

(2) Any such limitation shall be imposed through allocations to the States. The allocations to the States for any fiscal year shall be made initially on the basis of population, with such adjustments as may be necessary to make available to each State an allocation of \$25,000 or such other standard minimum amount as the Administrator may find necessary to support a useful project in each State.

(3) The Administrator may make re-allocations for any fiscal year from time to time of amounts released by the States or determined by the Administrator not to be reasonably expected to be used by the States within the fiscal year. Additional allocations may be made to States which have need of them as evidenced by approvable project proposals. Priority for additional allocations shall be given on the basis of National, State and local program needs, with due regard for the importance of promoting a nationwide distribution of rehabilitation facilities of high quality. A State's allocation as increased or decreased pursuant to this subparagraph shall be its allocation for the fiscal year.

(d) Where the State plan designates separate agencies to administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, the division of the State's allotment pursuant to paragraphs (a) and (b) of this section and the State's allocation pursuant to paragraph (c) of this section between such agencies is a matter for State determination.

(e) Where the State plan provides for the construction of rehabilitation facilities, the total Federal financial participation in the expenditures for construction for a fiscal year may not exceed 10 per centum of the State's allotment for such year. The amount of the State's share of expenditures for vocational rehabilitation services other than the construction of rehabilitation facilities shall be at least equal to the average of its expenditures for such other vocational rehabilitation services for the preceding 3 fiscal years.

§ 401.86 Payments from allotments.

(a) Except as provided in paragraph (b) of this section, the Administrator

shall pay to each State an amount equal to the Federal share of the cost of vocational rehabilitation services under its approved State plan, including the cost of administration of the plan. The Federal share for each State for the fiscal year ending June 30, 1969, shall be 75 per centum, and 80 per centum for the fiscal year ending June 30, 1970, and for each subsequent fiscal year, except for expenditures to meet the cost of construction of rehabilitation facilities.

(b) (1) The total of payments to a State under paragraph (a) of this section for any fiscal year may not exceed its allotment under § 401.85 for such year and such payments shall not be made in any amount which would result in a violation of the provision specified in § 401.85(e).

(2) Amounts otherwise payable to a State under this section for any fiscal year shall be reduced by the amount (if any) by which expenditures from non-Federal sources, as specified in § 401.80 (except for expenditures with respect to which the State is entitled to payments under § 401.135) for such fiscal year under such State's approved plan for vocational rehabilitation services are less than such expenditures under such plan for the fiscal year ending June 30, 1969. The expenditures under the State plan for fiscal year 1969, pursuant to the preceding sentence, shall be determined on the basis of such information, including reports from the States, as the Social and Rehabilitation Service had on January 1, 1970. If a reduction in payments for any fiscal year is required in the case of a State where separate agencies administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, such reduction shall be made in direct relation to the amount by which expenditures from non-Federal sources under each part of the plan are less than they were under that part of the plan during the fiscal year ending June 30, 1969.

§ 401.87 Method of computing and making payments.

(a) *Estimates.* The Administrator shall, prior to each fiscal quarter or other period prescribed by him, estimate the amount to be paid each State from its allotment for vocational rehabilitation services under section 2 of the act and its allotment for innovation projects under section 3 of the act. This estimate will be based on such records of the State and information furnished by it, and such other investigation, as the Administrator may find necessary.

(b) *Payments.* The Administrator shall pay, from the allotment available therefor, the amount so estimated for such period. In making any such payment, such additions and subtractions will be made as the State's accounting for any prior period and audit thereof may indicate as necessary in balancing the Federal-State account for any such prior period. Payments shall be made prior to audit or settlement by the General Accounting Office, shall be made

through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Administrator may determine.

§ 401.88 Effect of payments.

(a) Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Secretary or Administrator to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any requirement of the act or of this part.

(b) The final amount to be paid for any period is determinable on the basis of expenditures under the State plan for which Federal financial participation is authorized. The State assumes absolute responsibility for the initial application of Federal funds to authorized plan purposes. The State will be required to make transfers and adjustments to discharge its accountability to the Federal Government.

§ 401.89 Refunds.

Any amount refunded or repaid to the State shall be credited to the Federal account in proportion to the Federal participation in the expenditures by reason of which such refunds or repayments were made, and such sums shall be considered as granted from the State's allotment.

§ 401.90 Determining to which fiscal year an expenditure is chargeable.

In determining to which Federal fiscal year expenditures are chargeable for the purpose of earning the State's allotment under section 2 or section 3 of the act, State laws and regulations for determining to which State fiscal year an expenditure is chargeable will be followed. In those States which appropriate funds for a biennium, the principles provided in State laws, regulations, and practices, for determining to which year of the biennium an expenditure should be charged will be applied in determining to which Federal fiscal year in the biennium an expenditure is properly chargeable. If there are no applicable principles provided in State laws, regulations, and practices, the actual date of an expenditure shall be controlling. In those States where the State fiscal year does not coincide with the Federal fiscal year, State laws and regulations for determining to which State fiscal year an expenditure is chargeable will be applied to the Federal fiscal year.

Subpart D—Payment of Costs of Vocational Rehabilitation Services to Disability Beneficiaries From the Social Security Trust Funds

§ 401.110 General.

(a) Pursuant to section 336 of the Social Security Amendments of 1965 (Public Law 89-97), section 222 of the Social Security Act as amended provides for the payment from the trust funds of costs of vocational rehabilitation services furnished to disability beneficiaries. Within the limits authorized under sec-

tion 222, as amended, trust funds will be available for payment by the Administrator to the States to provide for vocational rehabilitation services (and related costs of administration) for disability beneficiaries under State plans approved under section 5 of the act.

(b) To receive trust funds for vocational rehabilitation, each State agency is required to submit to the Regional Commissioner for approval an amendment to its State plan which sets forth its policy and procedures for providing vocational rehabilitation services to disability beneficiaries in keeping with the purposes and objectives as stated below and which meets the requirements and conditions prescribed herein.

§ 401.111 Purposes and objectives.

With the objective of making it possible for more disability beneficiaries to receive vocational rehabilitation services, money is made available from the trust funds to finance the vocational rehabilitation of selected beneficiaries. It is the intent of Congress that this money will be used in such a way that the saving from the amount of benefits that would otherwise have to be paid and the increased contributions to the trust funds paid by virtue of the earnings of beneficiaries who return to work will exceed, or at least equal, the money paid from the trust funds for rehabilitation costs. In addition to the offsetting gains that the trust funds are expected to realize there will be gains to the individual concerned and to society when the disabled individuals are returned to productive activity. In order to maximize the values to be obtained from the program, States will act promptly to provide the appropriate vocational rehabilitation services utilizing such regular and special rehabilitation techniques and facilities as will help the maximum number of disability beneficiaries to engage in productive activity. The term "productive activity" in the context of this subpart is closely related to "ability to engage in substantial gainful activity" as that phrase is used in 20 CFR 404-1532f, i.e., either actual performance of such activity (as distinguished from engagement in a lesser, but still gainful, occupation) or other indication of existence of a residual capacity to engage in such activity.

§ 401.112 Applicability of other regulations.

The provisions governing vocational rehabilitation services to disability beneficiaries, the costs of which are paid from trust funds, must conform to all requirements elsewhere in this part governing the State vocational rehabilitation programs which are not inconsistent with the requirements prescribed in this subpart.

§ 401.113 Definitions.

(a) "Disability beneficiary" means a disabled individual who is entitled to benefits under section 223 of the Social Security Act (including disabled individuals serving a waiting period prior to such entitlement), a disabled individual

over age 18 who is entitled to child's insurance benefits under section 202(d) of the Social Security Act, or a disabled widow, widower, or surviving divorced wife under section 202 (e) and (f) of the Social Security Act.

(b) "Productive activity" means full-time or substantial part-time employment or self-employment wherein the nature of the work activity performed, the earnings received, or both, or the capacity to engage in such employment or self-employment, can reasonably be expected to result in termination or non-payment of social security disability benefits.

(c) "Trust funds" means funds derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for purposes of vocational rehabilitation pursuant to section 222(d) of the Social Security Act.

§ 401.114 State plan requirements.

For a State to receive trust funds the State plan must contain the following provisions regarding vocational rehabilitation services to disability beneficiaries:

(a) *Conformance to selection criteria.* The State plan shall provide that, to the extent funds provided from the trust funds are adequate for that purpose, vocational rehabilitation services will be furnished to disability beneficiaries in the State who the State determines on the basis of medical, vocational, social, personal, or other factors are otherwise eligible for services and who meet the following requirements:

(1) There is present a disabling physical or mental impairment which is not so rapidly progressive as to outrun the effect of vocational rehabilitation services, or to preclude restoration of the beneficiary to productive activity;

(2) The disabling effect of the impairment, without the services planned, is expected to remain at a level of severity which would result in the continuing payment of disability benefits;

(3) There is a reasonable expectation that the provision of such services will result in the restoration of the individual to productive activity; and

(4) The reasonably predictable period of productive work activity is of sufficient duration that the benefits to be saved and the contributions which would be paid to the trust funds on future earnings would offset the cost of the services planned.

(b) *Order of selection.* The State plan shall provide that the order of selection for services shall be in accordance with the beneficiary's readiness and potential for rehabilitation to productive activity and without regard to any order of selection which would otherwise be followed under the State plan pursuant to the act.

(c) *Citizenship, residence, and economic need.* The State plan shall provide that any disability beneficiary who meets the other requirements for selection for vocational rehabilitation services shall be provided with authorized services without regard to (1) his citizenship, or (2) his place of residence, or (3) his need for financial assistance.

(d) *Promptness of services.* The State plan shall provide that services will be furnished with reasonable promptness to disability beneficiaries selected under paragraphs (a), (b), and (c) of this section.

(e) *Services available.* The State plan shall provide that vocational rehabilitation services available to disability beneficiaries selected for such services shall include the full range of services authorized in the act, subject to the conditions and limitations with respect to the use of trust funds prescribed in § 401.115.

§ 401.115 Costs of services—conditions and limitations.

Costs of vocational rehabilitation services (and administration) paid from trust funds shall be subject to the following conditions and limitations:

(a) Except as otherwise provided in this subpart, costs shall be subject to all requirements for Federal financial participation set forth in the regulations governing the State vocational rehabilitation programs. (See subpart C of this part.)

(b) Trust funds will not be used to pay costs of establishment or construction of a rehabilitation facility.

(c) Trust funds will not be used to pay the costs of maintenance while an individual is receiving vocational rehabilitation services unless it is necessary for the individual to be away from home to receive such services. The costs of such maintenance shall not exceed the amount of increased expenses that the rehabilitation program causes for the individual or his family.

(d) The amount of the expenditure made under the State plan for services in behalf of a disability beneficiary and for which a State may receive payment of the costs from trust funds shall not exceed such maximum amount for any one beneficiary as may be federally prescribed.

(e) Where trust funds are used to provide equipment, including vending stands, or initial stock to a disability beneficiary, or where such funds are used to equip and stock a small business enterprise for the rehabilitation of a disability beneficiary, the State agency shall establish appropriate conditions to assure the use of such equipment and stock by another disability beneficiary if such stock and equipment are no longer required for the previous beneficiary.

§ 401.116 Payments of trust funds.

(a) *Effective dates of payments.* Payment to any State from trust funds in accordance with this subpart may commence with the effective date of the approved amended State plan.

(b) *Payments for services and administration.* (1) Trust funds will be available subject to statutory limitations, to any limitations set forth in this subpart, and to the approval of the Administrator, to pay for expenditures made under the approved amended State plan for authorized vocational rehabilitation services provided to disability beneficiaries, including the administration thereof.

(2) Payment from the trust funds may be made for determining the eligibility for and the character of vocational rehabilitation services needed by a disability beneficiary, or by a claimant for disability benefits if it appears there is a strong likelihood that such claimant will be found entitled to such disability benefits (even though later he is not so found), to the extent that such services were furnished to such claimant prior to the receipt by the State agency of notice of a determination of nonentitlement.

(3) Other authorized services provided prior to determination to persons meeting the selection criteria may be paid for from trust funds if and when the State agency receives notice that the individual has been determined to be entitled to disability benefits.

(4) In no case, however, may services be paid for from the trust funds which are provided before (i) the effective date of the approved amended State plan, (ii) the beginning of the period of disability, or (iii) the filing of application for disability benefits, whichever is latest, or in the case of a disabled child the date of entitlement to child's benefits because of disability.

(c) *Reversal of determination of non-eligibility for disability benefits.* Payment from the trust funds for services which have been rendered to a claimant otherwise eligible therefor who has been found not entitled to disability benefits may, if such finding is later reversed on reconsideration, appeal, or judicial review, be made retroactively for the fiscal year in which notice of the reversal is received by the State agency, provided at that time services are being currently rendered to the claimant.

(d) *Termination of disability benefits.* Payment for services after receipt by the State agency of notice that entitlement to disability benefits has terminated shall not be made from trust funds, except when the services have been started and the individual case plan reflects that commitments of monies have been made for those services prior to receipt of notice of such termination, i.e., written contracts, purchase orders, or equivalent authorizations have been issued, or lump sum payment may have been required to have been made in advance such as in the case of tuition or training expenses. In no case may payment be made for costs of services extending more than 4 months after the month in which entitlement to disability benefits terminates or in which notice that entitlement to disability benefits has terminated is received by the State agency, whichever is later.

(e) *Distribution and payment of funds.* (1) Payment from available trust funds may be made in advance or by way of reimbursement, as determined by the Administrator, for agency costs of providing services to disability beneficiaries under this subpart.

(2) In distributing funds to the States, the Administrator will consider agency estimates, the number of disability beneficiaries in the State, and such other factors as the Administrator may determine.

(3) The Administrator will make necessary adjustments or redistribution on account of overpayments, underpayments, and unused funds.

§ 401.117 Budgets.

Periodically, as may be required, the State shall prepare and submit through the Regional Commissioner for the approval of the Administrator a budget estimate of trust funds needed to pay the costs of vocational rehabilitation services for disability beneficiaries and for the administration of such services.

§ 401.118 Reports.

The State shall submit reports of expenditures and case service activities in behalf of beneficiaries, in such form and in such detail and frequency as required by the Administrator. All records, procedures, and operational activities of the State agency, the costs of which are paid from trust funds, shall be subject to inspection, review, and audit.

Subpart E—Grants to States for Innovation of Vocational Rehabilitation Services.

§ 401.130 Purpose.

Under section 3 of the act, States providing vocational rehabilitation services under an approved State plan may receive grants to assist them in undertaking organized identifiable project activities which: (a) Provide for the development of new methods or techniques for providing vocational rehabilitation services for handicapped individuals; or (b) are especially designed for the development of, or provision for, new or expanded vocational rehabilitation services for groups of handicapped individuals having disabilities which are catastrophic or particularly severe. Whether the methods or techniques are new, or the services are new or expanded, shall be determined in relation to the program existing in the State.

§ 401.131 Application procedure.

An application for an innovation project may be submitted by a State agency to the Regional Commissioner at any time, in such form and detail as the Administrator may prescribe. The Regional Commissioner will review each application and determine, after consultation with the State regarding any suggested revision, whether such application meets the requirements for an innovation grant, and will send written notification of his finding to the State.

§ 401.132 Application content.

Each application submitted shall (a) describe the specific activities to be undertaken, showing how they: (1) Will lead to the development of new methods or techniques for providing vocational rehabilitation services; or (2) will offer new or expanded services for groups of handicapped individuals whose disabilities are particularly severe or catastrophic; (b) specify the duration of the project; (c) set forth the budget for the project and the method for meeting costs; (d) provide that qualified and

adequate staff and supervision are available to accomplish the purpose of the project; and (e) supply such other information as the Administrator may find necessary.

§ 401.133 Project activities.

(a) All project activities to be performed within innovation projects must either already be included within the scope of the State's approved plan, or such plan must be amended to include them.

(b) Innovation project activities may include, but are not limited to: (1) The provision of vocational rehabilitation services to paraplegics, quadriplegics, stroke and cancer victims, the totally deaf, the deaf blind, the retarded blind, and others who have been inadequately served because of the severity of their disabilities or the costs involved; (2) the introduction of new patterns or techniques of vocational rehabilitation services; (3) the construction or establishment of rehabilitation facilities unique in that State and in conformity with the State rehabilitation facilities plan; and (4) the development of service programs in cooperation with other public agencies which provide new methods and techniques for serving the handicapped, especially those individuals having disabilities which are catastrophic or particularly severe. Projects may be statewide in scope or limited to a geographical area of the State.

(c) Innovation grants will not be made for projects designed primarily to: (1) Train staff; (2) improve administrative procedures unless it can be shown clearly that such improvements will bring services to new groups of clients; or (3) establish or construct rehabilitation facilities of a type already found in the State.

§ 401.134 Allotment of Federal funds for innovation projects.

(a) From the sums available for any fiscal year for grants to States to assist them in meeting the costs of approved innovation projects, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. Population, as applied to any State, means the population of that State as determined by official estimates furnished by the Bureau of the Census to the Administrator by October 1 of the year preceding the fiscal year for which Federal grant funds are appropriated. For any fiscal year the allotment to any State which is less than \$5,000 (or such other amount as may be specified as a minimum allotment in the act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby being derived by proportionately reducing the allotments to each of the remaining States but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) When the Administrator determines that any amount of an allotment to a State for the fiscal year ending

June 30, 1970, and for each subsequent fiscal year, will not be utilized by such State in carrying out the purposes of this subpart, he shall make such amount available to one or more other States which he determines will be able to use additional amounts during such fiscal year for carrying out the purposes of this subpart. Any amount made available to any State for any fiscal year pursuant to this paragraph of this section shall be regarded as an increase in such State's allotment for such year.

(c) Where the State plan designates separate agencies to administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, the division of the State's allotment between such agencies is a matter for State determination.

§ 401.135 Payments from allotments.

(a) Payments with respect to any innovation project may be made for a period not exceeding 5 years, beginning with the commencement of the first fiscal year for which any payment is made for such project under paragraph (b) of this section.

(b) From the sums allotted pursuant to § 401.134, the Administrator shall pay to each State, with respect to any approved innovation project, an amount equal to 90 per centum of the cost of such project (including its administration), for the first 3 years of such project and 75 per centum of the cost of such project (including its administration) for the fourth and fifth years, except that, at the request of the State, such payments may be less than such percentage of the cost of such project.

(c) For purposes of determining the commencement of Federal participation of any innovation project, the effective date for the commencement of such project shall be the date of its submission for approval (or a later date, at the request of the State).

(d) No payment shall be made from an allotment under section 3 of the act with respect to any cost of an innovation project for which payment has been made under any other section of the act.

§ 401.136 Continuation grants for innovation projects; reports.

A progress report will be submitted annually in the form and containing the information prescribed by the Administrator with the State's request for a continuation grant for the project. Such request for continuation will include a budget for the next year. The Regional Commissioner will review each application for a continuation grant and determine whether the project continues to meet the requirements for an innovation grant, and he will notify the State in writing of his findings. The final project report will be submitted not later than 90 days following termination of the project.

§ 401.137 Project amendments.

Any amendment to an approved innovation project shall be submitted

whenever necessary to reflect material change in the scope, operation, or administration of the project. Such amendments shall be submitted in writing to the Regional Commissioner for approval. If for any reason an approved project is discontinued, the State agency shall notify the Regional Commissioner, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information.

§ 401.133 Methods of computing and making payments.

The methods of computing and paying amounts pursuant to § 401.135 shall be in accordance with provisions of § 401.87. The provisions of §§ 401.88 through 401.90 are also applicable to this subpart.

PART 402—THE STATE VOCATIONAL EVALUATION AND WORK ADJUSTMENT PROGRAM

Subpart A—Definitions

Sec. 402.1 Terms.

Subpart B—The State Evaluation and Work Adjustment Plan

- 402.2 The State plan: general requirements.
- 402.3 Approval of State plans and amendments.
- 402.4 Withholding of funds.
- 402.5 State evaluation and work adjustment agency.
- 402.6 Cooperative and joint undertakings with other agencies.
- 402.7 Standards of personnel administration.
- 402.8 Standards for facilities and personnel.
- 402.9 Order of selection for services.
- 402.10 Reports.

Subpart C—State Plan Content; Services and Procedures

- 402.20 Processing referrals and applications.
- 402.21 Acceptance for evaluation and work adjustment services.
- 402.22 Comprehensive diagnostic study.
- 402.23 Other evaluation and work adjustment services.
- 402.24 Recording of case data.
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Subpart D—Financing of State Vocational Evaluation and Work Adjustment Programs

- 402.30 Evaluation and work adjustment services.
- 402.31 State and local funds.
- 402.32 Allotment of Federal funds for evaluation and work adjustment services.
- 402.33 Payments from allotments.
- 402.34 Method of computing and making payments.

AUTHORITY: The provisions of this Part 402 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 87(b). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4.

Subpart A—Definitions

- § 402.1 Terms.
- For the purposes of this part—
- (a) The terms "act," "Administrator," "blind," "construction of a rehabilitation facility," "establishment of a rehabilitation facility," "handicapped individual,"

"physical or mental disability," rehabilitation facility," "State," "State vocational rehabilitation agency" and "vocational rehabilitation services" shall, except where the context indicates otherwise, have the same meanings as set forth in § 401.1 of this chapter.

(b) "Advocacy" means intercession on behalf of disadvantaged individuals whenever necessary to ensure the effective utilization of evaluation and work adjustment services, and to follow-up the progress of such individuals who have received such services.

(c) "Disadvantaged individual" means any individual disadvantaged in his ability to secure or maintain appropriate employment by reason of physical or mental disability, youth, advanced age, low educational attainment, ethnic or cultural factors, prison- or delinquency records, or any other condition, especially in association with poverty, which constitutes a barrier to such employment.

(d) "Evaluation and work adjustment services" means (1) vocational evaluation and related diagnostic services; (2) work adjustment services, including, as necessary, the utilization of simulated or real work experience; (3) outreach; (4) referral; (5) advocacy; (6) other goods or services necessary to ascertain the nature of a disadvantaged individual's handicap to employment and to determine those additional services from which the disadvantaged individual can be expected to benefit; (7) such services to family members of a disadvantaged individual as are necessary for the vocational evaluation and work adjustment of the disadvantaged individual; and (8) the administration of the evaluation and work adjustment services program.

(e) "Family members" or "members of the family" means any relative by blood or marriage of a disadvantaged individual and other individuals living in the same household with whom the disadvantaged individual has a close interpersonal relationship.

(f) "Outreach" means any activities or supportive assistance for the purpose of (1) identifying disadvantaged individuals and motivating them to seek evaluation and work adjustment services and (2) making evaluation and work adjustment services accessible and available to disadvantaged individuals served by other public and private agencies.

(g) "Referral" means any activities conducted for the purpose of making services of other public and private resources accessible and available to disadvantaged individuals served by the State agency.

(h) "State agency" means the State evaluation and work adjustment agency.

(i) "State plan" means the State evaluation and work adjustment plan.

Subpart B—The State Evaluation and Work Adjustment Plan

§ 402.2 The State plan: general requirements.

(a) *Purpose.* A basic condition to the certification of Federal funds to a State for evaluation and work adjustment services is a State plan found to meet

Federal requirements. This plan shall constitute a description of the State's vocational evaluation and work adjustment program, including the policies governing the program and the methods of administration which have been determined to be most efficient for achieving its goals. The State plan shall provide assurance that, unless otherwise indicated, administrative and financial policies, procedures, and requirements, where appropriate, shall be consistent with those policies, procedures, and requirements specified in the State plan for vocational rehabilitation services under Part 401 of this chapter. In addition, the State plan shall meet the requirements as to content hereinafter stated and shall provide for financial participation by the State, which may include non-Federal funds donated to the State. The Administrator shall approve any plan meeting the requirements of the act and this part.

(b) *Form.* The general form and content of the State plans are set forth in the State Plan Guide which is distributed to all State agencies.

(c) *Amendment.* The plan shall provide that it will be amended whenever necessary to reflect a material change in any phase of applicable State law, organization, policy, or agency operations and that such amendments will be submitted to the Social and Rehabilitation Service before they are put into effect, or within a reasonable time thereafter.

§ 402.3 Approval of State plans and amendments.

Both the original State evaluation and work adjustment plan and all amendments thereto shall be submitted, reviewed, and approved in accordance with those procedures specified in § 401.3 under the State plan for vocational rehabilitation services.

§ 402.4 Withholding of funds.

(a) When after reasonable notice and opportunity for hearing to the State agency it is found that (1) the plan has been so changed that it no longer complies with the requirements of section 15(c) of the act, or (2) in the administration of the plan there is a failure to comply substantially with any such provision, further payments under section 15 may be withheld or limited as provided by section 5(c) of the act for similar action under the State plan for vocational rehabilitation services. The State agency is notified of the action taken.

(b) Judicial review and informal discussions pertaining to the withholding of funds shall be conducted in accordance with those procedures specified in § 401.4 under the State plan for vocational rehabilitation services.

§ 402.5 State evaluation and work adjustment agency.

(a) The State plan shall designate the same agency designated under section 5(a) of the act (other than the State blind commission or other agency providing assistance or services to the adult blind) as the State evaluation and work adjustment agency for purposes of administering the State plan.

(b) The State plan shall describe the organizational structure of the State agency and the administrative relationships which have been developed for the proper and efficient administration of the plan.

(c) The State plan shall further provide (1) that the State agency shall be responsible for the selection of individuals to receive evaluation and work adjustment services, the scope of such services and the provision (either directly or by contract) of evaluation and work adjustment services under the plan and (2) that the State agency shall maintain fiscal and administrative responsibility and shall be accountable for all program funds.

§ 402.6 Cooperative and joint undertakings with other agencies.

(a) The State plan shall provide that the State agency will cooperate, to the maximum extent possible, with other public and private agencies concerned with and serving disadvantaged individuals and will establish and maintain cooperative working relationships with such other public and private agencies in order to assure maximum utilization of resources for the disadvantaged.

(b) (1) The State plan shall further provide that the State agency shall participate in joint service programs and other joint undertakings and activities designed to coordinate the services of the State agency with those of other public and private agencies serving the disadvantaged. To the maximum extent possible, such cooperative and joint undertakings shall be planned with reference to the Cooperative Area Manpower Planning System, and shall be reviewed annually in the light of significant program emphases.

(2) Joint undertakings shall be evidenced by written agreements which shall provide, among other things, for reciprocal referral services and continuing liaison, and which shall (i) describe the nature and scope of the activities to be conducted and the roles of each agency participating in the joint undertaking; (ii) specify the duration of the agreement; (iii) provide that to the extent that evaluation and work adjustment services are provided in the joint undertaking, the criteria of the State agency for the selection of individuals to receive such services and for the provision of such services will be met; (iv) describe the arrangements for financing the joint undertaking; and (v) describe the means by which the effectiveness of such joint undertakings will be evaluated.

(c) The State plan shall further provide that the State agency shall assign the highest priority to developing cooperative activities with those agencies sponsoring or administering a concentrated employment program, a work incentive program, or other related manpower programs with similar objectives.

(d) In States where there is a separate vocational rehabilitation agency for the blind, the State plan shall provide that the State agency and the State agency for the blind will jointly plan programs and activities for disadvantaged indi-

viduals who are also blind in order to assure that such individuals receive the services most appropriate to their needs. Arrangements for services, consistent with the regulations in this part, which arise from such joint planning shall specify the respective roles of each agency and financial arrangements for providing evaluation and work adjustment services to blind disadvantaged individuals.

§ 402.7 Standards of personnel administration.

The State plan shall assure that the State agency's standards of personnel administration shall be consistent with those standards specified in § 401.12 under the State plan for vocational rehabilitation services. To the maximum extent feasible, subprofessional personnel will be utilized in the provision of evaluation and work adjustment services. The State agency will review its policies in order to encourage the fullest participation of such personnel in the vocational evaluation and work adjustment program.

§ 402.8 Standards for facilities and personnel.

The State plan shall provide that the State agency will establish and maintain minimum standards for the various types of facilities and personnel utilized in providing services to disadvantaged individuals, and shall assure that such standards, insofar as applicable, shall be consistent with those standards specified in § 401.42 under the State plan for vocational rehabilitation services.

§ 402.9 Order of selection for services

(a) The State plan shall set forth the criteria to be used in selecting those disadvantaged individuals to whom services will be provided when services cannot be provided to all disadvantaged individuals who apply. Such criteria shall assure that disadvantaged individuals who are clients or prospective clients of concentrated employment programs, work incentive programs, manpower agencies, public assistance agencies, or other agencies providing manpower development, training or employment services to the disadvantaged shall receive primary consideration in selection for services.

(b) The State plan shall provide that evaluation and work adjustment services will be provided without regard to whether a disadvantaged individual is in financial need. The State plan shall provide, however, that an individual's financial need shall be a consideration in determining the priority for selection for services when services cannot be provided to all disadvantaged individuals who apply for them in order to give preference to those disadvantaged individuals who are in financial need.

§ 402.10 Reports.

(a) The State plan shall provide that the State agency will make such reports in such form and containing such information as the Administrator may reasonably require, and will comply with such provisions as the Administrator

may find necessary to assure the correctness and verification of such reports.

(b) The State plan shall further provide that all State agency records, statistics and other reports shall be maintained in such a manner as to distinguish handicapped individuals from other disadvantaged individuals served by the vocational evaluation and work adjustment program. To the extent practicable, such records, statistics and other reports will be compatible with reporting systems and methods utilized both by manpower agencies serving the disadvantaged and State vocational rehabilitation agencies.

Subpart C—State Plan Content: Services and Procedures

§ 402.20 Processing referrals and applications.

The State plan shall describe the methods to be followed to assure the prompt processing of referrals and applications for evaluation and work adjustment services.

§ 402.21 Acceptance for evaluation and work adjustment services.

(a) *General provisions.* The State plan shall describe the policies and methods which the State agency will follow in providing evaluation and work adjustment services to a disadvantaged individual. The State plan shall assure that services will be provided by the State agency without regard to sex, race, creed, color, or national origin of the disadvantaged individual.

(b) *Basic conditions.* The State plan shall provide that acceptance or non-acceptance for evaluation and work adjustment services shall be based upon a preliminary screening to determine that: (1) The individual is disadvantaged; (2) the individual has a handicap to employment; and (3) the individual needs evaluation and work adjustment services. Such determination shall be in writing and shall include a statement of acceptance or nonacceptance for further evaluation and work adjustment services.

(c) *Notification of determination.* The State plan shall provide that in those cases where individuals have been referred for services by another public or private agency, the State agency shall notify such other agency of its determination. Where individuals have made direct application for services, the State agency shall notify such individuals of its determination.

§ 402.22 Comprehensive diagnostic study.

(a) The State plan shall provide that there will be a comprehensive and thorough diagnostic study of each disadvantaged individual which will consist of evaluation of those pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on his handicap to employment and his rehabilitation potential.

(b) The State plan shall provide that, in all cases, general medical information

shall be obtained to appraise the current medical status of the disadvantaged individual.

(c) The State plan shall further provide that, in all cases, such diagnostic study shall include, to the degree needed, an evaluation of the individual's educational achievements, work experience, vocational aptitudes and interests, intellectual abilities, personality characteristics, attitudes, personal and social adjustments, employment opportunities, motivation for additional services, and such other pertinent data as may be helpful in determining the nature and scope of services needed.

§ 402.23 Other evaluation and work adjustment services.

(a) The State plan shall describe the other evaluation and work adjustment services to be furnished to disadvantaged individuals, as needed, in order: (1) To appraise an individual's patterns of work behavior and ability to acquire occupational skills and (2) to develop an individual's work attitudes, work habits, work tolerance, and social and other behavior patterns suitable to prepare him for job training and future job performance.

(b) The State plan shall describe the provisions for furnishing, whenever appropriate, simulated or real work experience necessary to assess and develop a disadvantaged individual's capacities to perform adequately in a work environment.

(c) The State plan shall describe the provisions for furnishing services to family members of a disadvantaged individual when the provision of such services is necessary for the effective evaluation and work adjustment of the disadvantaged individual.

(d) The State plan shall describe the provisions for furnishing to a disadvantaged individual such other goods and services as are determined to be necessary for the effective evaluation and work adjustment of such an individual and as are necessary for ascertaining:

(1) The nature of such an individual's handicap to employment and (2) whether it may reasonably be expected that the individual can benefit from the vocational rehabilitation services in the case where the disadvantaged individual is a handicapped individual, or other services in the case of other disadvantaged individuals.

§ 402.24 Recording of case data.

The State plan shall provide that the State agency will maintain records which will provide pertinent information about the individual and the services provided. For those individuals accepted for services on the basis of the preliminary screening, to the extent possible, such records shall include: (a) Data supporting the determination that the individual is disadvantaged and other data secured in the preliminary screening; (b) an enumeration and description of the evaluation and work adjustment services which have been provided to the disadvantaged individual (including any services provided to members of the dis-

advantaged individual's family and justification for the provision of such services); (c) a terminal report which includes a summary of pertinent findings and recommendations for further services or referral; and (d) the reasons and justifications for terminating services.

§ 402.25 Reports to other agencies.

The State plan shall provide that, when indicated, other public or private agencies will be provided special progress reports concerning disadvantaged individuals, who have been referred by such other agencies for evaluation and work adjustment services, when such other agencies maintain a continuing relationship with the individual. The State agency shall also submit a comprehensive final report, describing the evaluation and work adjustment services provided to the disadvantaged individual and recommendations for additional services, to both the referring agency and to the public and private agencies to which the State agency has referred disadvantaged individuals for such additional services.

§ 402.26 Referral to other agencies.

(a) The State plan shall provide that disadvantaged individuals who are found to be handicapped individuals shall be referred to the appropriate State vocational rehabilitation agency at such time as the State agency determines they will be served more effectively by vocational rehabilitation services.

(b) The State plan shall provide that, if possible, before evaluation and work adjustment services are terminated, arrangements will be made to refer the individual to an appropriate agency in order that necessary additional services may be provided. In the event that such a referral has not been made, the case record shall indicate the reasons therefor.

Subpart D—Financing of State Vocational Evaluation and Work Adjustment Programs

§ 402.30 Evaluation and work adjustment services.

(a) Federal financial participation will be available in expenditures made under an approved State plan for providing the following evaluation and work adjustment services to disadvantaged individuals: (1) Vocational evaluation and related diagnostic services; (2) work adjustment services, including, as necessary, the utilization of simulated or real work experience; (3) outreach; (4) referral; (5) advocacy; (6) other goods or services necessary to ascertain the nature of the disadvantaged individual's handicap to employment and to determine those additional services from which the disadvantaged individual can be expected to benefit; (7) such services to family members of a disadvantaged individual as are necessary for the vocational evaluation and work adjustment of the disadvantaged individual; and (8) the administration of the vocational evaluation and work adjustment services program, including such minor alteration

or renovation of existing buildings, equipment, and such other support as is necessary to increase the effective use of rehabilitation facilities providing evaluation and work adjustment services.

(b) Federal financial participation will also be available in expenditures for evaluation and work adjustment services made under the State plan, which are furnished by the State agency for other agencies of the State serving disadvantaged individuals.

(c) Federal financial participation will not be available in expenditures for the establishment or construction of rehabilitation facilities, or for the cost of any evaluation and work adjustment services for which payment has been made to the State agency by another public or private agency, or for which payment is made under any other part of this chapter.

§ 402.31 State and local funds.

(a) In order to receive the Federal share of expenditures under the State plan, expenditures from State or local funds, including funds donated to the State, under such plan equal to the State's share must be made. Such funds may not consist of Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress.

(b) For the purposes of this section, "State or local funds" means (1) funds made available by appropriation directly to the State agency, funds made available by allotment or transfer from a general departmental appropriation, or funds otherwise made available to the State agency by any unit of State or local government; (2) non-Federal funds donated to the State, which are deposited in the account of the State agency in accordance with State law, for expenditure by, and at the sole discretion of, the State agency; *Provided, however,* That such donations may be earmarked for meeting the State's share for providing particular services, for providing services for special groups which are identified on the basis of criteria which would be acceptable for the earmarking of public funds, or for use at a specific facility, or for carrying on types of administrative activities so identified: *Provided further,* That nothing in this paragraph shall authorize the further earmarking of funds for a particular individual or for members of a particular organization, and that Federal financial participation will not be available in expenditures that revert to the donor's use or facility where the donor is a private agency, organization, or individual.

§ 402.32 Allotment of Federal funds for evaluation and work adjustment services.

(a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized by the act to be appropriated for that fiscal year for making grants to States for meeting the cost of evaluation and work adjustment services under section 15 of the act as

the product of the population of the State and the allotment percentage bears to the sum of the corresponding products for all States. The allotment percentage shall be the same allotment percentage as is applied under the State plan for vocational rehabilitation services and shall be promulgated in the same manner (see § 401.85).

(b) The allotment to any State for any fiscal year which is less than \$50,000 (or such other amount as may be specified as a minimum allotment in the act appropriating sums for such year) shall be increased to that amount, the total of the increase thereby required being derived by proportionately reducing the allotments of each of the remaining States, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

§ 402.33 Payments from allotments.

The Administrator shall pay to each State an amount equal to the Federal share of the cost of evaluation and work adjustment services under its approved State plan. The Federal share for each State for the fiscal year ending June 30, 1969 and for each subsequent fiscal year shall be 90 per centum. The total of payments to a State for any fiscal year may not exceed its allotment under § 402.32 for such year.

§ 402.34 Method of computing and making payments.

(a) *Estimates.* The Administrator shall prior to each fiscal quarter or other period prescribed by him, estimate the amount to be paid each State from its allotment for evaluation and work adjustment services under section 15 of the act. This estimate will be based on such records of the State and information furnished by it, and such other investigation, as the Administrator may find necessary.

(b) *Payments.* The Administrator shall pay, from the allotment available therefor, the amount so estimated for such period. In making any such payment, such additions and subtractions will be made as the State's accounting for any prior period and audit thereof may indicate as necessary in balancing the Federal-State account for any such prior period. Payments shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Administrator may determine.

PART 403—SPECIAL PROJECTS IN VOCATIONAL REHABILITATION

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AUTHORITY: The provisions of this Part 403 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4.

Subpart A—Grants for Expansion of Vocational Rehabilitation Services

§ 403.1 Terms.

For purposes of this subpart—
 (a) The terms "act," "Administrator," "construction of a rehabilitation facility," "gainful occupation," "handicapped individuals," "nonprofit," "Regional Commissioner," "rehabilitation facility," "vocational rehabilitation services," and "workshop," except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "State" means the several States, the District of Columbia, the Virgin Is-

lands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "State agency" or "State vocational rehabilitation agency" has the same meaning as set forth in § 401.1(v) of this chapter and, in addition, means the Governor of American Samoa and the High Commissioner of the Trust Territory of the Pacific Islands.

§ 403.2 Purpose.

Under section 4(a)(2)(A) of the act, grants may be made to States and public and other nonprofit organizations and agencies for the purpose of planning, preparing for, and initiating special programs to expand vocational rehabilitation services where such programs show promise of substantially increasing the number of persons vocationally rehabilitated.

§ 403.3 Non-Federal funds.

In the case of any project under this subpart for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal assistance may be furnished under this subpart for activities for which payment is made under another subpart of this part, another part of this chapter, or other authority.

§ 403.4 Application procedure.

Application for a grant under this program may be submitted by a State vocational rehabilitation agency or other public or private nonprofit organization or agency which is now providing or is capable of providing vocational rehabilitation services leading to the placement of disabled persons in gainful occupations. The application shall be made in the form and detail required by the Administrator and shall be submitted to the Regional Commissioner for review for approval. If the applicant is an organization or agency other than a State vocational rehabilitation agency, the application must have prior approval of the appropriate State vocational rehabilitation agency or agencies before submittal to the Regional Commissioner. Applicants, when other than a State vocational rehabilitation agency, shall secure prior consultation and assistance from the appropriate State vocational rehabilitation agency or agencies and the Regional Commissioner in the development of their proposals and the preparation of their applications. Each applicant will be notified in writing of the action on its application.

§ 403.5 Application content.

The application shall (a) describe the organization that will conduct the activities, showing the nature and scope of its present vocational rehabilitation services and the number of State agency clients and others rehabilitated into gainful occupations in the past 2 years; (b) describe the specific activities to be

undertaken, showing how these activities will increase directly the numbers of disabled persons prepared for and placed in gainful occupations; (c) provide for qualified and adequate staff, including a project director, and adequate supervision to accomplish the purpose of the project; (d) in the case of a grant for a private, nonprofit rehabilitation facility which is or which includes a workshop, specify that applicable Federal and State wage and hour standards will be observed or, in the case of a grant for a rehabilitation facility which is or which includes a workshop and is operated by a State, county, or municipal government, give assurance that the facility will comply with wage and hour standards specified by the Administrator, which will be at least equal to those imposed by the Fair Labor Standards Act; (e) specify the duration of the project; (f) set forth the budget for the project and the methods for meeting costs; (g) show plans for continuation of the project activity, if appropriate, including anticipated sources of funding, after expiration of the project grant; (h) describe arrangements for reporting to the State agency or agencies requested information regarding the persons served and those vocationally rehabilitated under the project; (i) contain an agreement to make such reports and to keep such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; and (j) provide such other information as the Administrator may find necessary to assure that the project meets requirement for approval.

§ 403.6 Project activities.

(a) Expansion projects may include but are not limited to such activities as the following, provided they may be reasonably expected to result in a substantial increase in the numbers of persons vocationally rehabilitated: (1) The expansion and extension of present vocational rehabilitation services in order to serve additional disabled people; (2) the demonstration of newly developed rehabilitation techniques and methods that have been found to be effective; (3) the initiation of new vocational rehabilitation services or activities; (4) the initiation or expansion of vocational rehabilitation programs for groups of individuals with special problems, such as the disabled socially and culturally disadvantaged, disabled public offenders, or disabled public assistance recipients; (5) the extension of vocational rehabilitation programs and activities to areas of urban or rural poverty; and (6) the employment of additional staff in rehabilitation facilities and other service programs.

(b) Expansion projects may not include: (1) Construction or substantial alteration of rehabilitation facilities or other buildings, or the acquisition of land or existing buildings; (2) research unless such activity is an essential component of a project primarily designed to provide services that will increase the number of handicapped individuals who

will be vocationally rehabilitated; (3) staff training; or (4) activities designed primarily to improve administration unless it can be clearly shown that such improvement in administration will result directly in an increased number of handicapped individuals vocationally rehabilitated.

§ 403.7 Federal financial participation.

The following conditions will govern Federal financial participation in approved expansion activities: (a) Federal financial participation will be available for only those expansion activities approved in the project application and only in the total amount approved in the project application; (b) Federal participation in any single expansion project shall be limited to a maximum of 3 years; (c) the Federal share of the approved project costs shall not exceed 90 per centum; and (d) the respective Federal and grantee shares are not applied to separate parts of the project but are treated as total project expenditures. If the grantee is a State vocational rehabilitation agency, grants shall be made only if the Administrator is satisfied that the State agency will comply with such conditions concerning the utilization of allotments and the expenditure of State funds as the Administrator may find necessary to assure that State funds will be effectively used to earn allotments under section 2 of the act.

§ 403.8 Project revisions.

A revision to an approved project shall be submitted whenever necessary to reflect any material change in the scope of the project or in its operation or administration.

§ 403.9 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Regional Commissioner and the State agency in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. The grantee and the State agency will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 403.10 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 403.11 Reports.

In the case of any project a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Administrator. All reports shall be submitted to the Regional Commissioner in the form and containing the information specified by the Administrator with a copy to the State agency.

§ 403.12 Payments.

Payment of the Federal share of an approved expansion project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

§ 403.13 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 403.14 Distribution of funds.

Federal funds for expansion projects (except for a reserve for priority projects) will be distributed initially each year on the basis of population so that there will be opportunity in each State to plan for orderly expansion of vocational rehabilitation services and to submit approvable applications under this subpart. Funds may be redistributed from time to time during the year if they are not to be used within the State.

§ 403.15 Factors considered in evaluating proposals.

In evaluating proposals for expansion grants a number of factors will be considered by the Social and Rehabilitation Service, such as the following: The extent to which a project proposal will result in an increased number of persons vocationally rehabilitated; the merit of a proposal in relation to other expansion proposals in the State; the distribution of expansion projects among the States and among various program areas, including disability groups; the extent to which proposals reflect stated priority concerns of the Social and Rehabilitation Service; the amount of Federal funds available for support of expansion projects; and alternate sources of financing for the proposed project activities.

Subpart B—Project Grants for Services for Migratory Agricultural Workers

§ 403.20 Terms.

For purposes of this subpart—

(a) The terms "act," "Administrator," "handicapped individual," "local rehabilitation agency," "Regional Commissioner," "State," "State agency," "State vocational rehabilitation agency," and "vocational rehabilitation services," except where the context indicates otherwise, shall have the same meanings as set forth in § 401.1 of this chapter.

(b) "Pilot or demonstration project" means a project to provide vocational rehabilitation services to handicapped migratory agricultural workers and to members of their families and to develop improved methods and techniques for the delivery of such services.

(c) "Migratory agricultural worker" means a person who occasionally or habitually leaves his place of residence on a seasonal or other temporary basis to engage in ordinary agricultural operations or in services incident to the preparation of farm commodities for the market in another locality in which he resides during the period of such employment. (See 29 CFR Part 11.)

(d) "Family members" or "members of the family" means any relative by blood or marriage of a handicapped migratory agricultural worker and other individuals living in the same household with whom the handicapped migratory agricultural worker has a close interpersonal relationship, and who are with the worker, or have accompanied the worker on his migratory tour to the point in time at which the State agency comes into contact with him.

(e) "Transportation" means the necessary travel and related costs in connection with transporting handicapped individuals who are migratory agricultural workers and members of their families who are with them for the purpose of achieving the vocational rehabilitation objective of the handicapped migratory agricultural worker. Transportation includes costs of travel and subsistence during travel (or per diem allowances in lieu of subsistence), and includes relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

§ 403.21 Purpose.

Project grants authorized in section 17 of the act shall be made for the purpose of paying part of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who are migratory agricultural workers and to members of their families (whether or not handicapped), where such services are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker.

§ 403.22 Non-Federal funds.

In the case of any project under this part, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to

match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this subpart for activities for which payment is made under another subpart of this part, another part of this chapter, or other authority.

§ 403.23 Application procedure.

(a) A State agency may submit an application to the Regional Commissioner at any time.

(b) A local rehabilitation agency shall submit an application to the State agency for State agency approval, and the State agency shall forward such applications to the Regional Commissioner.

(c) Final approval of all applications shall be made by the Administrator. Each applicant will be notified in writing of the action on its application.

§ 403.24 Joint projects in two or more States.

A State agency may, if it so desires, enter into an agreement with the vocational rehabilitation agencies of one or more other States to develop a cooperative program for the provision of vocational rehabilitation services to handicapped migratory agricultural workers and members of their families.

§ 403.25 Application content.

Applications shall be made in appropriate form and detail and shall (a) describe the purposes and objectives of the project and the specific activities to be undertaken; (b) provide for qualified and adequate staff including a project director, to accomplish the purpose of the project; (c) specify the duration of the project; (d) provide a proposed project budget; (e) (1) give assurance that there will be cooperation with other public and nonprofit private agencies having special skills and experience in the provision of services to migratory agricultural workers or their families, including programs dealing specifically with migratory agricultural workers authorized under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963; and (2) be accompanied by statements of such understandings and cooperative agreements, as appropriate; (f) contain an agreement to make such reports and to keep such records and accounts as the Administrator may require, and to make such records and accounts available for audit purposes; (g) give assurance that the level and duration of maintenance payments shall be consistent with any maintenance payments made to handicapped individuals in the State under the act; and (h) provide such other information as the Administrator may require.

§ 403.26 Project activities.

(a) Project activities for services for migratory agricultural workers shall include the provision of vocational rehabilitation services, which may include maintenance and transportation, to handicapped individuals who are migra-

tory agricultural workers and to their family members, upon determination that such services to family members are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker.

(b) Project activities may also include, but are not limited to, the following: (1) The planning and development of project activities to serve handicapped migratory agricultural workers and members of their families; (2) the extension of present vocational rehabilitation services to settings more readily available to handicapped migratory agricultural workers and members of their families; (3) the demonstration of innovative techniques for the delivery of vocational rehabilitation services, such as mobile rehabilitation teams and units; (4) pre-vocational, adjustment, and vocational training (including literacy training), and job placement activities, aimed either at enabling handicapped migratory agricultural workers and members of their families to leave the migrant stream or to return to employment within migratory agricultural labor; (5) the employment and training of special staff within a State agency to provide casework, referral, and other essential services to handicapped migratory agricultural workers and members of their families; and (6) the demonstration of patterns and techniques of family unit rehabilitation.

(c) Projects shall not include those activities designed primarily for (1) basic research, (2) staff training, unless such training is determined to have significant implication for improving the capacity of the State agency to serve handicapped migratory agricultural workers and members of their families and is included within a program of services to handicapped migratory agricultural workers and members of their families, or (3) initial staffing, and acquisition of initial equipment, except where necessary to provide services to handicapped migratory agricultural workers and members of their families.

(d) Project grants shall not be made for construction of rehabilitation facilities, except for minor remodeling or alteration of existing buildings necessary to provide services to handicapped migratory agricultural workers and members of their families.

§ 403.27 Federal financial participation.

(a) Federal financial participation will be available for only those activities approved in the project application and only in the total amount approved in the project application.

(b) Federal financial participation in any single project for services for migratory agricultural workers shall be limited to a maximum of 5 years. The Federal share of the approved project costs shall not exceed 90 per centum of the cost of the project.

§ 403.28 Project revision.

A revision to an approved project shall be submitted for approval whenever necessary to reflect any material change

in the scope of the project or in its operation or administration.

§ 403.29 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing, giving the reason for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. The State agency or the local agency will be given prompt notice in writing of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributed to the Federal grant shall be refunded.

§ 403.30 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 403.31 Reports.

In the case of any project a final report shall be submitted not later than 90 days following termination of the project. A progress report shall be submitted with each request for a continuation grant. Financial and other reports shall be submitted to the Regional Commissioner, in appropriate form, at intervals prescribed by the Administrator. Local rehabilitation agencies will submit reports to the State agency for forwarding to the Regional Commissioner.

§ 403.32 Payments.

Payment of the Federal share of an approved project grant for services for migratory agricultural workers may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

Subpart C—Project Grants for New Careers for the Handicapped

§ 403.35 Terms.

For purposes of this subpart—

(a) The terms "act," "Administrator," "handicapped individual," "nonprofit," and "Regional Commissioner" shall have the same meanings as set forth in § 401.1 of this chapter.

(b) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "State agency" or "State vocational rehabilitation agency" has the same meaning as set forth in § 401.1(v)

of this chapter and, in addition, means the Governor of American Samoa and the High Commissioner of the Trust Territory of the Pacific Islands.

§ 403.36 Purpose.

Under section 4(a)(2)(D) of the act, grants may be made to State vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train handicapped individuals to provide them with new career opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate public service employment.

§ 403.37 Non-Federal funds.

In the case of any project under this subpart for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this subpart for activities for which payment is made under another part of this chapter, or other authority.

§ 403.38 Application procedure.

Applications for grants under this program may be made at any time by State vocational rehabilitation agencies or by other public or private nonprofit agencies or organizations. The application shall be made in the form and detail required by the Administrator and shall be submitted to the Regional Commissioner for review for approval. Applicants other than a State vocational rehabilitation agency shall secure prior consultation and assistance from the appropriate State vocational rehabilitation agency or agencies in the development of their proposals and the preparation of their applications. If the applicant is an organization or agency other than a State vocational rehabilitation agency, the application must have prior approval of the appropriate State vocational rehabilitation agency or agencies before submittal to the Regional Commissioner for approval.

§ 403.39 Application content.

The application shall (a) describe the organization that will conduct the activities, indicating the nature and scope of its public service programs; (b) describe the specific recruitment and training activities to be undertaken for handicapped individuals; (c) provide for qualified and adequate staff, including a project director, to accomplish the purpose of the project; (d) specify the duration of the project; (e) describe supportive services to be provided to handicapped individuals to be served within the project; (f) indicate plans for ensuring that individuals successfully completing the program have an opportunity for appropriate public service employment; (g) indicate the extent to which the occupations for which training is being provided offer possibilities for continuing full-time employment

and realizable opportunity for promotion and advancement through structured channels of promotion; (h) assure that no training or instruction shall be provided to any individual for any one course of study for a period longer than 4 years; (i) set forth the proposed budget for the project; (j) contain an agreement to make such reports and to keep such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; and (k) contain such other information as the Administrator may require.

§ 403.40 Project activities.

(a) Projects for new careers for the handicapped may include, but are not limited to, such activities as the following: (1) The provision of training and education which might not otherwise be available to handicapped individuals in need of new occupations; (2) the development of special training programs to enable handicapped individuals to enter public service occupations generally not open to them; (3) the establishment of new jobs or new kinds of jobs either within existing programs or as a part of a new service in a State vocational rehabilitation agency or in another public or private nonprofit public service agency; and (4) the redefinition and restructuring of existing jobs to enable new career opportunities in community and institutional public service programs.

(b) Projects for new careers for handicapped individuals may not include: (1) Construction, alteration, or renovation of buildings except for such minor alteration as might be necessary to eliminate architectural barriers of buildings used for the training or employment of handicapped individuals; or (2) research.

§ 403.41 Selection of handicapped individuals to be served in projects.

Individuals to receive services under this subpart shall be only those individuals who have been determined by the State agency to be handicapped individuals who are suitable for such services.

§ 403.42 Examples of new career opportunities for the handicapped.

(a) New career opportunities for the handicapped under this subpart may include training and preparation for positions in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate public service employment. Such career opportunities may be designed either to provide training in those fields and disciplines leading to professional and other employment within public service agencies, or to develop those skills necessary for subprofessional and other employment within appropriate public service agencies.

(b) New career opportunities for the handicapped may include positions within State vocational rehabilitation agencies and other public service agencies, and institutions and facilities such as hospitals, rehabilitation facilities, mental health centers, schools, libraries, and courts, which represent either new

occupations for handicapped individuals in need of new types of gainful employment or new or redefined subprofessional positions within public service agencies. Such positions may include, but are not limited to, rehabilitation counselor aides, outreach workers, recreation aides, nursing home aides, hospital aides, mental health aides, community health service workers, library aides, school daycare aides, school clerical aides, patrolman aides, juvenile court aides, parole aides, and probation aides.

§ 403.43 Federal financial participation.

(a) Federal financial participation will be available only for those activities approved, and in the amount specified, in the project application.

(b) Federal funds may be used to finance the costs of salaries and related expenses, including travel expenses; necessary supportive services provided to those handicapped individuals being recruited and trained for new career opportunities; training allowances for trainees; training supplies, rental of space; purchase of equipment; and other expenses approved by the Administrator.

(c) Federal financial participation in any single project shall be limited to a maximum of 5 years.

§ 403.44 Project revision.

A revision to an approved project shall be submitted whenever necessary to reflect any material change in the scope of the project or in its operation or administration.

§ 403.45 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 403.46 Reports.

In the case of any project, a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Administrator. All reports shall be submitted to the Regional Commissioner in the form and containing the information specified by the Administrator, with copies to the State vocational rehabilitation agency if the grantee is other than the State agency.

§ 403.47 Payments.

Payment of the Federal funds for an approved project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

§ 403.48 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 403.49 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Regional Commissioner and the State agency in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or part, at any time at the discretion of the Administrator. The grantee, and the State agency, if the grantee is other than the State agency, will be given prompt notice of the termination, including the reasons therefor. Such information shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

Subpart D—Projects With Industry

§ 403.60 Terms.

For purposes of this subpart—

(a) The terms "act," "Administrator," "handicapped individual," "Regional Commissioner," and "vocational rehabilitation services" shall have the same meanings as set forth in § 401.1 of this chapter.

(b) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "State agency" or "State vocational rehabilitation agency" has the same meaning as set forth in § 401.1(v) of this chapter and, in addition, means the Governor of American Samoa and the High Commissioner of the Trust Territory of the Pacific Islands.

§ 403.61 Purpose.

Under section 4(a)(2)(B) of the act, contracts or jointly financed cooperative arrangements may be made with employers and organizations for the establishment of projects which are designed to prepare handicapped individuals for gainful employment in the competitive labor market and under which such individuals may be provided training and employment in a realistic work setting and such other services as are necessary for such individuals to continue to engage in such employment.

§ 403.62 Employers and organizations.

A project may be undertaken only upon execution of a contract or arrangement between the Administrator and an employer or organization. Any industrial, business, or commercial enterprise; labor organization; or employer, industrial, or community trade association; or other agency or organization with the capacity to arrange, coordinate, or conduct training and other employment programs for the handicapped in a realistic work setting, may enter into such contracts or arrangements. Such training and employment programs shall include a planned and systematic sequence of training and instruction in occupational and employment skills, and provide reasonable assurance of gainful employment at the successful termination of such training and instruction.

§ 403.63 Project activities.

Projects with industry may include, but are not limited to, such activities as the following: (a) The provision of on-the-job training for handicapped individuals; (b) the provision of prevocational and other job readiness training for handicapped individuals; (c) such special orientation for supervisors; foremen, and other personnel as might contribute to the training and continuing employment of handicapped individuals; (d) supportive services such as job coaching, basic education, personal adjustment training, and personal and job counseling to assist handicapped individuals to maintain themselves in employment; (e) the recruitment and employment of special placement personnel by employers or organizations to assist in the job placement of additional numbers of handicapped persons; and (f) such other activities as may be necessary to prepare handicapped individuals for competitive employment and to assist them to continue to engage in such employment.

§ 403.64 Application procedure.

(a) An employer or organization desiring to apply for a project for training and employing the handicapped shall consult the State vocational rehabilitation agency for technical advice in the development of the project. In those cases where applicant employers or organizations are located in more than one State and propose to operate a project in more than one State, the applicant shall request technical advice from the Administrator.

(b) Where the proposed project involves activities to be conducted within a single State, the State vocational rehabilitation agency will explore the feasibility of the project. Where the proposed project involves activities to be conducted in more than one State, the Administrator shall conduct, or coordinate in association with the appropriate State agencies, studies of project feasibility.

(c) Where projects involve activities to be conducted in a single State, the application shall be submitted to the appropriate State vocational rehabilitation

agency for review and approval, and the State agency shall forward such application to the Regional Commissioner for approval. Approved applications shall be forwarded to the Administrator for execution of the contract or cooperative agreement. Where projects involve activities to be conducted in more than one State, the application shall be submitted to the Administrator for coordination with and approval of the Regional Commissioners and the appropriate State vocational rehabilitation agencies, regarding project activities to be conducted in their respective States, prior to the execution of the contract or cooperative arrangement by the Administrator.

§ 403.65 Application content.

The application shall (1) include a description of the nature and scope of the project activities; (2) provide for qualified and adequate staff to accomplish the purposes of the project; and (3) provide a proposed budget.

§ 403.66 Prior assurances for contracts and arrangements.

Prior to entering into a contract or a cooperative arrangement with an applicant, it will first be determined that there is:

(a) Concurrence with the project by the bargaining agent where there is a collective bargaining agreement applicable to the employer and the occupation;

(b) Reasonable assurance that the wage rate to be set for trainees will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character;

(c) No abnormal labor condition such as a strike, a lock-out, or other similar condition, existing with respect to the applicant; and

(d) Reasonable assurance that the State agency will, to the maximum extent practicable, maintain a continuing relationship with the handicapped individuals to be served in the project in order to provide, or ensure the availability of, necessary vocational rehabilitation services and related supportive services.

§ 403.67 General provisions of contracts and arrangements.

Any contract or arrangement entered into shall, in addition to standard provisions:

(a) Provide for adherence to the terms or conditions of employment prescribed by any applicable Federal, State, or local law;

(b) Provide that determination by competent authority of failure to adhere to the terms or conditions required by subsection (a) of this section shall constitute cause for termination of the contract or arrangement;

(c) Provide that the recruitment, examination, appointment, training, promotion, retention, or any other personnel action with respect to any handi-

capped individual receiving training or employment, shall be without regard to race, sex, color, creed, age, or national origin, and that violation shall constitute grounds for termination of the contract or arrangement and that the United States shall have a right to seek judicial enforcement of this provision;

(d) Provide that trainees shall be compensated for hours spent in production of any goods or services;

(e) Provide that individuals to receive training or employment services under the contract or arrangement will include only those individuals who have been determined by the appropriate State agency to be handicapped individuals who are suitable for such services;

(f) Provide reasonable assurance that handicapped individuals successfully completing the training program will be employed by the employer or within a similar enterprise;

(g) Specify the duration of the project;

(h) Contain an agreement to make such reports and to keep such records and accounts as the Administrator may require, and to make such records and accounts available for audit purposes; and

(i) Contain an agreement to provide such other information as the Administrator may require.

§ 403.68 Rates under contracts or arrangements.

The contract or arrangement shall include the rate of compensation to be paid to trainees. In no case shall the wage rate paid a trainee be less than the following, whichever is highest:

(a) The minimum entrance rate for inexperienced workers in the same occupation or if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area;

(b) The minimum rate required under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act, to the extent that such acts are applicable to the trainee; and

(c) Any minimum rate applicable to the trainee and required under any other Federal law, or any State or local law.

The contract or arrangement shall further provide for an increasing rate of payment to trainees if the training program is of such duration that periodic increases are reasonable and if the proficiency of such trainees merits such increases.

§ 403.69 On-the-job training.

The contract or arrangement shall (a) Provide for methods of instruction, progression of trainees, and size of the training group (including any appropriate combination of individualized or group training), which shall be comparable in duration to other training programs for the particular occupation, and adequate in content to qualify trainees for employment;

(b) Provide adequate and safe facilities and equipment; and

(c) Require that suitable records of attendance, performance and progress of trainees be maintained and that such records be made available to the Administrator when so requested.

§ 403.70 Sharing of costs.

Although no minimum share will be required of applicants, they may be expected to share the costs of projects. In such cases, the costs to be borne by the parties to the contract or arrangement will be a matter of negotiation.

§ 403.71 Payments.

(a) Payments under a contract or arrangement shall be pursuant to the terms thereof and may be made in advance on the basis of estimated costs of operation or by way of reimbursement and shall be subject to such requirements as the Administrator may establish;

(b) The total payments shall not exceed the amount specified in the contract or arrangement. Contracts or arrangements may provide for payment with respect to such items as job training and related supportive services; instruction and supervision of trainees; training materials and supplies, including consumable materials, instructional aids, excessive waste and scrap; bonding fees, liability and insurance premiums; the purchase or modification of equipment adapted to the special capacity of handicapped individuals; such minor alteration and renovation as are necessary to ensure access to and utilization of buildings by the handicapped; and other expenses approved by the Administrator.

PART 404—PROJECT GRANTS AND ASSISTANCE FOR REHABILITATION FACILITIES

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AUTHORITY: The provisions of this Part 404 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4.

Subpart A—General

§ 404.1 Terms.

For purposes of this part—
(a) The terms "act," "Administrator," "handicapped individual," "non-profit," "Regional Commissioner," "rehabilitation facility," "Secretary," and "workshop" shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "Construction" includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

(c) "Region" means a geographical region designated by the Department of Health, Education, and Welfare.

(d) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(e) "State agency" or "State vocational rehabilitation agency" has the same meaning as set forth in § 401.1(v) of this chapter and, in addition, means the Governor of American Samoa and the High Commissioner of the Trust Territory of the Pacific Islands.

§ 404.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 404.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the act, or which conflict with his duties in such other position.

§ 404.4 Technical assistance consultation.

The Administrator may require that, where appropriate, a technical assistance consultation precede the award of any grant or be conducted during the grant period of any grant awarded under this part. Such consultation shall be performed by a consultant acceptable to both the Administrator and the appropriate State agency.

§ 404.5 Standards.

In all projects under this part, applications shall take into consideration the standards and criteria developed with the advice of the National Policy and Performance Council, set forth in the publication, "Standards for Rehabilitation Facilities and Sheltered Workshops" (VRA, 1967), as modified from time to time, and such other standards as may be designated by the Administrator. Where appropriate, an application shall demonstrate a reasonable expectation that the grant will enable the rehabilitation facility to make substantial progress towards meeting such standards and criteria. In the case of rehabilitation facilities already meeting such standards and criteria, the application shall demonstrate a reasonable expectation that the grant will make possible substantial improvement in the facility.

Subpart B—Project Development Grants

§ 404.10 Purpose.

Project development grants authorized in section 12(g)(2) of the act shall be made for the purpose of paying part of the cost of organized, identifiable activities which are undertaken for the program planning for, and the development of a project for the construction of a specific rehabilitation facility.

§ 404.11 Applications.

Applications for project development grants may be made at any time by public or other nonprofit agencies, institutions, or organizations which are either operating or are studying the feasibility of operating a rehabilitation facility. Applications shall be made in the form and detail required by the Administrator and shall include (a) a statement of the purpose of the project; (b) description of the nature and scope of the activities of the applicant; (c) description of the nature and scope of the activities to be undertaken, the methods to be used in accomplishing the purpose, qualifications of the staff to be assigned to the project, and the planning staff available; (d) identification of community resources to be represented in the planning activity; (e) a proposed budget; (f) an agreement to make such financial and administrative reports and to keep such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; and (g) such other information as the Administrator may require.

§ 404.12 Consultations with and approval of application by State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Applications shall be reviewed by the appropriate State agency or agencies for approval. The State agency shall indicate the relationship of the project to the purposes and priorities of the State rehabilitation facilities plan. Approved

applications shall be forwarded to the Regional Commissioner for review for approval.

(b) Each applicant shall be notified in writing of the action on the application. Where applications are disapproved by the State agency, the applicant shall be notified by the State agency giving the reasons for disapproval, and the State agency shall forward a copy of such notification to the Social and Rehabilitation Service.

§ 404.13 Duration of project.

Project development grants shall be awarded for specified periods of not more than 12 months. Project development grants may be extended for periods beyond 12 months only under unusual circumstances.

§ 404.14 Project reports.

The final project development grant report shall be submitted to the appropriate State vocational rehabilitation agency and the Regional Commissioner at the termination of the grant period, and shall describe such planning studies as (a) the sources of potential clients and disability groups to be served in the facility; (b) the services to be provided in the facility and the proposed staffing plan; (c) the relationship of the proposed program to the programs of existing facilities and agencies in the area; (d) the participation of community planning agencies and community health, welfare and social service agencies in the planning effort and evidence of both program and financial support of these agencies for the new or expanded facility; (e) in the case of a rehabilitation facility which is or which includes a workshop, the expected sources of industrial subcontracting or other types of work and evidence of the interest of representatives of industry and labor; (f) the anticipated relationship of the State vocational rehabilitation agency to the new program as agreed to by the State agency; (g) proposed compliance with applicable safety and labor standards; and (h) a proposed plan for financing of construction and operation of the new or expanded facility.

§ 404.15 Federal financial participation.

Federal financial participation shall be available for salaries (including fringe benefits) of additional personnel assigned directly to the project; fees for consultant services; staff or consultant travel; costs associated with the use of volunteers in the project; preparation of the report; only such architectural planning as is incidental to program planning, but not including working drawings; and such other costs as are set forth in the approved application. The amount of a grant shall not exceed 90 per centum of the cost of the project.

§ 404.16 Payments.

Payment of the Federal share of the costs of the project shall be made quarterly, or for such other period as the Administrator may determine, as an

advance for estimated costs or as reimbursement to the grantee.

§ 404.17 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

Subpart C—Grants for Construction of Rehabilitation Facilities

§ 404.20 Purpose.

Under section 12 of the act, grants may be made to pay part of the cost of the construction of public or other nonprofit rehabilitation facilities. Construction of rehabilitation facilities may include construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such newly acquired, expanded, remodeled, altered, or renovated buildings. The cost of construction of rehabilitation facilities may include the cost of architectural fees and acquisition of land in connection with construction, but may not include the cost of offsite improvement. Construction of a rehabilitation facility may include construction of residential accommodations, except that in the case of a rehabilitation facility which is primarily a workshop, construction of such residential accommodations may include only such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of mentally retarded individuals and individuals with severe problems of mobility.

§ 404.21 Applications.

An application may be submitted at any time by a State vocational rehabilitation agency or any other public or nonprofit organization or agency which operates or proposes to operate a public or other nonprofit rehabilitation facility. Applications shall be made in the form and detail required by the Administrator and, to the extent applicable, shall include (a) a detailed estimate of the cost of the project; (b) a description of applicant's financial resources for the project; (c) a description of both the applicant's existing and proposed program of services; (d) in the case of a private, nonprofit rehabilitation facility which is or which includes a workshop, a statement that applicable Federal and State wage and hour standards will be observed or, in the case of a rehabilitation facility which is or which includes a workshop and is operated by a State, county, or municipal

government, a statement that the facility will comply with wage and hour standards specified by the Administrator, which will be at least equal to those imposed by the Fair Labor Standards Act; (e) in the case of a rehabilitation facility which is or which includes a workshop, a description of the expected sources of industrial subcontracting and other types of work; (f) a description of the existing and the proposed staffing plans; (g) a description of the relationship of the applicant agency to the State vocational rehabilitation agency or agencies and to other facilities and agencies in the community; (h) a description of community support for the project and preliminary project planning; (i) in the case of proposed acquisition of buildings or land, a statement as to its suitability for rehabilitation facility purposes and evidence of its value as determined by qualified assessors; (j) an itemized equipment list including all requested initial equipment; (k) a set of schematic drawings of the proposed project; and (l) such other information as the Administrator may require.

§ 404.22 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Administrator may, at any time, approve exceptions to those conditions and assurances where he finds that such exceptions are not inconsistent with the act and the purposes of the program:

(a) That the applicant has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) That the Administrator's approval of the final working drawings and specifications, which must conform to the standards of construction and equipment specified by the Administrator, and the regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities will be obtained before the project is advertised or placed on the market for bidding.

(c) That the applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining open competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of open competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific

fixed equipment items which are not included in the construction contract where such action is found by the Administrator, upon written justification by the applicant, to be required by the needs of the program.

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Administrator.

(e) That applicant will submit to the Administrator for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility.

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications.

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times.

(h) That applicant will furnish progress reports and such other information as the Administrator may require.

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(j) That sufficient funds will be available to meet the non-Federal share of the cost of construction. Availability of funds for the non-Federal share of construction costs shall mean (1) funds immediately available, placed in escrow, or acceptably pledged, or (2) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (3) other assurances acceptable to the Administrator.

(k) That sufficient funds will be available, when construction of the project is completed, for its effective use as a rehabilitation facility as evidenced by a proposed operating budget for the 2-year period immediately following completion of the project, or by such other evidence as the Administrator finds acceptable.

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276a et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327-332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) Provisions pertaining to applicable labor standards provisions of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act, except in the case of contracts in the amount of \$2,000 or less, and the rules and regulations issued under each of these acts.

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance.

(iii) Representatives of the Administrator will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for the maintenance and operation of such facilities.

(n) That the grantee will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order.

(o) That, for a period of not less than 20 years after the completion of construction of the project, it will be used as a public or other nonprofit rehabilitation facility.

(p) That the applicant will incorporate in the bid document and construction contracts the standards for the design, construction, and alteration of buildings issued by the Administrator of General Services or the Secretary of Housing and Urban Development pursuant to the act approved August 12, 1968 (Public Law 90-480). Prior to the issuance of such standards, the applicant shall incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1-1961, as modified from time to time.

(q) That the applicant will comply with the provisions of Executive Order No. 11296 relating to evaluation of flood hazards; and the provisions of Executive Order No. 11288 relating to the prevention, control, and abatement of water pollution.

(r) That the applicant will conform to all the regulations of this subpart.

§ 404.23 Approval of State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Each application shall be reviewed by the appropriate State agency or agencies for approval. Approved applications shall be

forwarded to the Regional Commissioner for review for approval.

(b) The approval by the State vocational rehabilitation agency or agencies shall contain or be accompanied by a statement indicating the relationship of the project to the purposes and priorities established in the State rehabilitation facilities plan, and the manner and extent to which the project will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency or agencies.

(c) Each applicant shall be notified in writing of the action on the application. Where applications are disapproved by the State agency, the applicant shall be notified by the State agency, giving the reasons for disapproval, and the State agency shall forward a copy of such notification to the Social and Rehabilitation Service.

§ 404.24 Amendment to an approved application.

Any amendment to an approved application resulting in a substantial change, shall be processed in the same manner as the original application. No such change shall be put into effect without the approval of the Administrator.

§ 404.25 Distribution of funds.

Federal funds available for construction projects (except for a reserve for priority projects) will be distributed initially each year to each region on the basis of population. Opportunity will be given for the submittal of approvable applications from within each State. Funds may be redistributed from time to time during the year if they are not to be used within the region.

§ 404.26 Factors considered in evaluating proposals.

In approving applications, the Administrator will give consideration to the availability of rehabilitation facilities and other pertinent factors. Preference will be given to those rehabilitation facilities which are primarily vocationally oriented, as contrasted with those which are primarily medically oriented.

§ 404.27 Federal financial participation.

(a) The amount of a grant with respect to any construction project shall be equal to the same percentage of the cost of the project as the Federal share which would be applicable in the case of a rehabilitation facility (as defined in section 625(g) of the Public Health Service Act, 42 U.S.C. 2910(g)) in the same location.

(b) Federal funds will be available for the following types of expenditures under projects approved by the Administrator: (1) Costs of construction contracts; (2) architects' fees; (3) acquisition of land; (4) acquisition of existing buildings; (5) site survey and soil investigation; (6) supervision and inspection at the site; (7) fixed equipment; (8) movable equipment; and (9) other costs specifically approved in the application.

(c) Federal funds shall not be available for the costs of offsite improvements.

§ 404.28 Construction payments.

Payments will be made on the basis of a certification by a qualified individual as to the amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections to determine that the work has been performed upon a project or purchases have been made in accordance with the approved plans and specifications. Payments shall be made at periodic intervals consistent with the construction progress of the project. In extraordinary circumstances when necessary to maintain construction progress, advance payments may be made. Final payments shall not be made until after completion of the project.

§ 404.29 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 404.30 Construction standards.

Approved projects shall be constructed according to minimum standards of construction and equipment for rehabilitation facilities specified by the Administrator. Applicable State and local codes and regulations must be observed. The Administrator's standards must be followed where they exceed any State and local codes and regulations.

§ 404.31 Recovery: good cause for other use of facility.

(a) If, within 20 years after completion of any construction project for which funds have been paid under this subpart, the rehabilitation facility shall cease to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(b) In determining whether there is good cause for releasing the applicant or other owner of the facility from its obligation, the Administrator shall take into consideration the extent to which:

(1) The facility will be devoted by the applicant or other owner to use for an-

other public or nonprofit purpose which will promote the purpose of the act; or

(2) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes.

Subpart D—Initial Staffing Grants

§ 404.40 Purpose.

Initial staffing grants authorized in section 12(f) of the act shall be made for the purpose of paying part of the costs of compensation of the initial professional and technical staff of any public or nonprofit rehabilitation facility constructed after November 8, 1965.

§ 404.41 Professional and technical staff.

Professional and technical staff for purposes of this section shall include such staff as workshop directors, placement specialists, foremen, floor supervisors, vocational instructors, physicians, nurses, psychologists, social workers, vocational evaluators, vocational counselors, physical therapists, occupational therapists, recreation therapists, speech and hearing therapists, administrators, special educators, business managers, medical record librarians, aides in professional fields, and staff in such other positions as the Administrator may approve.

§ 404.42 Eligibility of rehabilitation facilities.

Initial staffing grants may be made only with respect to operation of a rehabilitation facility following construction. Preference shall be given to the staffing of rehabilitation facilities constructed with assistance under Subpart C of this part. Where the rehabilitation facility was in operation prior to construction, an initial staffing grant shall be made only for additional staff which enables the facility to provide new services or extend existing services to a substantially increased number of clients. Where the construction consists of remodeling, renovation, or alteration of an existing rehabilitation facility, such remodeling, renovation, or alteration shall be extensive enough to result in the addition of new services or the extension of existing services to a substantially increased number of handicapped individuals. If the requirements for a grant are met in each instance, there shall be no maximum number of initial staffing grants for which a rehabilitation facility may be eligible.

§ 404.43 Applications.

The application for initial staffing grants may be made prior to the commencement of operation of a rehabilitation facility or during the 15-month period following the commencement of operation of the facility. Applications shall be in the form and detail required by the Administrator. The project application shall include (a) a narrative description of the rehabilitation facility's existing program services and staff; (b)

a list of job titles and job specifications of staff positions for which assistance is requested; (c) estimates of salary needs for the initial 15 months of assistance and for the following 3-year period; (d) a financial statement for the most recent year of operation; (e) a narrative description of the need for personnel; (f) a narrative description of the related construction project; (g) evidence of new services or of the extension of services to an additional number of clients; (h) a description of the facility's plans for assuming the full cost of staffing at the termination of the grant; (i) in the case of a grant for a private, nonprofit rehabilitation facility which is or which includes a workshop, assurance that applicable Federal and State wage and hour standards will be observed or, in the case of a grant for a rehabilitation facility which is or which includes a workshop, and is operated by a State, county, or municipal government, assurance that the facility will comply with wage and hour standards specified by the Administrator, which will be at least equal to those imposed by the Fair Labor Standards Act; (j) assurance that the rehabilitation facility meets safety standards specified by the Administrator; (k) assurance that salaries are commensurate with the duties performed; (l) proposed starting date for the staffing project; (m) an agreement to make such financial and administrative reports and to make such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; and (n) such other information as the Administrator may require.

§ 404.44 Approval of State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Each application shall be reviewed by the appropriate State agency or agencies for approval. Approved applications shall be forwarded to the Regional Commissioner for review for approval.

(b) The approval by the State vocational rehabilitation agency or agencies shall contain or be accompanied by a statement indicating the relationship of the project to the purposes and priorities established in the State rehabilitation facilities plan and shall indicate the manner and extent to which the project will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency.

(c) Each applicant shall be notified in writing of the action on the application. Where an application is disapproved by the State agency, the applicant shall be notified by the State agency, giving the reasons for disapproval, and the State agency shall forward a copy of such notification to the Social and Rehabilitation Service.

§ 404.45 Federal financial participation.

The amount of Federal financial participation under an initial staffing grant shall be related directly to the date of

the commencement of the operation of the rehabilitation facility. The date of commencement of operation of a rehabilitation facility shall be that date on which the first client is admitted for services after the completion of the related construction project or such earlier date after completion of such project as is specified in the approved application for the initial staffing grant. A grant shall not exceed 75 per centum of eligible compensation costs (including salary and fringe benefits) for the period ending with the close of the 15th month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

§ 404.46 Payments.

Payment of the Federal share of the costs of the initial staffing project shall be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 404.47 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 404.48 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Regional Commissioner and the State agency in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated in whole or in part at any time at the discretion of the Administrator. The grantee and the State agency will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

Subpart E—Rehabilitation Facility Improvement Grants

§ 404.50 Purpose.

Rehabilitation facility improvement grants authorized in section 13(b) of the act shall be made for paying part of the cost of projects for rehabilitation facilities to analyze, improve, and increase their professional services to the handi-

capped, their business management or any other part of their operations affecting their capability to provide employment and services for the handicapped.

§ 404.51 Eligible applicants.

Any public or other nonprofit rehabilitation facility which has been in operation for at least 12 months (or an organization directly responsible for operation of such a rehabilitation facility) shall be eligible to apply for a rehabilitation facility improvement grant.

§ 404.52 Applications.

Applications for rehabilitation facility improvement grants may be made at any time. Applications shall be made in the form and detail required by the Administrator. The project application shall include (a) a detailed description of the present program within the rehabilitation facility and of existing needs for improvement; (b) a statement of the extent to which the rehabilitation facility improvement grant will make possible such improvement; (c) a proposed project budget; (d) in the case of a grant for a private, nonprofit rehabilitation facility which is or which includes a workshop, assurance that applicable Federal and State wage and hour standards will be observed or, in the case of a grant for a rehabilitation facility which is or which includes a workshop and is operated by a State, county, or municipal government, assurance that the facility will comply with wage and hour standards specified by the Administrator which will be at least equal to those imposed by the Fair Labor Standards Act; (e) assurance that the rehabilitation facility meets safety standards prescribed by regulations of the Secretary of Labor; (f) an agreement to make such administrative and financial reports and to keep such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; (g) a description of plans for maintaining the improvement after the expiration of the period of Federal assistance; and (h) such other information as the Administrator may require. Applications for grants for salary assistance shall also include (i) a description of how existing staff are and will be utilized; (j) description of qualifications and utilization of additional staff; and (k) assurance that salaries of staff assisted through the grant will be commensurate with the duties to be performed.

§ 404.53 Review by State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Each application shall be reviewed by the appropriate State vocational rehabilitation agency or agencies prior to forwarding to the Regional Commissioner for review for approval.

(b) The State agency or agencies shall make recommendations for approval or disapproval, and shall indicate the relationship of the project to the purposes

and priorities established in the State rehabilitation facilities plan and the manner and extent to which the project will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency.

(c) Each applicant shall be notified in writing of the action on the application, by the Social and Rehabilitation Service.

§ 404.54 Federal financial participation.

Federal financial participation shall be available for the following types of expenditures under approved projects: (a) Staff salary assistance (including fringe benefits) in the employment of additional staff; (b) staff development activities, including educational leave; (c) studies by a recognized expert or consultant concerning the professional or business practices within the rehabilitation facility; (d) purchase or rental of equipment; and (e) other forms of assistance to rehabilitation facilities to carry out the purposes of this subpart as may be approved in the application. Federal financial participation shall not be available to pay costs of acquiring, constructing, expanding, remodeling, or altering any building. Federal financial participation shall not exceed 90 per centum of the total project cost for the first year of each project and may decrease in each subsequent year in which continuation support is provided.

§ 404.55 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrances of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period (not in excess of 3 years) for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail prescribed by the Administrator.

§ 404.56 Distribution of funds.

Federal funds available for rehabilitation facility improvement grants (except for a reserve for priority projects) will be distributed initially each year to each region on the basis of population, with a view to making grants available for rehabilitation facilities in each State. Funds may be redistributed from time to time during the year if they are not to be used within the region.

§ 404.57 Payments.

Payments of the Federal share of the cost of the rehabilitation facility improvement project shall be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 404.58 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-599), a State, as defined

in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 404.59 Reports.

The grantee shall submit to the Regional Commissioner and to the State agency periodic activity reports describing the effect of the grants in improving the program of the rehabilitation facility. Financial, administrative, and activity reports shall be submitted in the form and at the intervals prescribed by the Administrator.

§ 404.60 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Regional Commissioner and the State agency in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated in whole or in part, at any time at the discretion of the Administrator. The grantee and the State agency will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

Subpart F—Technical Assistance to Rehabilitation Facilities

§ 404.65 Furnishing of technical assistance.

Technical assistance authorized in section 13(c) of the act will be furnished, directly, or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof to provide technical assistance and consultation to public and other nonprofit rehabilitation facilities. Such technical assistance may be in such areas as the provision of medical, psychological, social, vocational, and other rehabilitation services within rehabilitation facilities; the utilization of subprofessional and support personnel within rehabilitation facilities; vocational evaluation and work adjustment techniques and practices; plant layout, contract procurement wage standards, industrial engineering, systems accounting, planning for efficient production on new contracts, work simplification, labor relations, and quality control.

§ 404.66 Per diem payments.

Experts or consultants, while providing technical assistance consultations pursuant to § 404.65, shall be entitled to receive compensation at rates fixed by the

Secretary, but not exceeding \$100 per diem, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the government service employed intermittently.

§ 404.67 Recommendations and reports.

A rehabilitation facility which receives technical consultations will be furnished with the recommendations of the consultant. A copy of the recommendations will also be furnished to the appropriate State agency. The rehabilitation facility will be expected to give a prompt report concerning the consultation and a report 6 months afterwards as to what has been done about the recommendations.

Subpart G—National Policy and Performance Council

§ 404.70 Appointment and composition.

The National Policy and Performance Council shall consist of 12 members not otherwise in the full-time regular employ of the United States and appointed by the Secretary without regard to civil service laws. The Secretary shall, from time to time, appoint one of the members to serve as chairman. The appointed members shall be selected from among leaders in the vocational rehabilitation and workshop fields, State and local government, business and from among representatives of related professions, labor leaders, and the general public.

§ 404.71 Term of office.

Each appointed member shall hold office for a term of 4 years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term; and except that, of the members first appointed, three shall hold office for a term of 3 years, three shall hold office for a term of 2 years, and three shall hold office for a term of 1 year, as designated by the Secretary at the time of appointment. No member of the Council shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

§ 404.72 Duties.

The Council shall (a) advise the Administrator with respect to the policies and criteria to be used in determining whether or not to make grants for projects for training services under Subpart H of this part; (b) make recommendations with respect to rehabilitation facility improvement and the extent to which the program under Subpart E of this part is effective in accomplishing its purpose, especially insofar as it relates to rehabilitation facilities which are or which contain workshops; and (c) perform such other services with respect to rehabilitation facilities which are or which contain workshops as the Administrator may request. The Administrator shall make available to the Council such technical, administrative, and other as-

sistance as it may require to carry out its functions.

§ 404.73 Per diem payments.

Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the government service employed intermittently.

Subpart H—Grants for Projects for Training Services

§ 404.75 Purpose.

Under section 13(a) of the act, grants may be made to States and public and other nonprofit organizations and agencies to pay 90 per centum of the cost of projects for providing training services, leading to gainful employment, to handicapped individuals in public or other nonprofit rehabilitation facilities.

§ 404.76 Terms.

For purposes of this subpart, unless otherwise indicated in this subpart, the terms below are defined as follows:

(a) "Training services" includes (1) training in occupational skills; (2) related services, including work evaluation, work testing, provision of occupational tools and equipment required by an individual to engage in such training, and job tryouts; and (3) payment of weekly training allowances to individuals receiving such training and related services.

(b) "Training in occupational skills" means a planned and systematic sequence of instruction under competent supervision which is designed to impart predetermined skills and knowledge with respect to a specific occupational objective or a job family, and to assist the individual to adjust to a work environment through the development of appropriate patterns of behavior.

(c) "Work evaluation" means the appraisal of the individual's capacity (1) to adjust to a work environment, (2) to acquire occupational skills, and (3) to attain appropriate vocational goals.

(d) "Work testing" means the utilization of work simulated or real, to assess the individual's productive, physical, and psychological capacity to adapt to a work environment.

(e) "Job tryouts" means work experience, within a rehabilitation facility or in conjunction with outside industry or other community resources to assist the individual to acquire knowledge and develop skills, and to assess his readiness for job placement or fitness to engage in a specific occupation.

§ 404.77 Eligible applicants.

States and public and other nonprofit organizations and agencies shall be eligible to apply for grants for projects for

training services. A State agency may apply for a grant for use in a rehabilitation facility operated or designated by the State agency.

§ 404.78 Qualification of rehabilitation facilities.

A basic condition for the receipt of a grant is that the rehabilitation facility, to be involved in the provision of training services, shall meet the following requirements: (a) It is a public or private nonprofit rehabilitation facility; (b) it has been in operation at least 1 year; (c) it will provide training courses in occupational skills (with the major portion of each course being provided within the rehabilitation facility) and related services including work evaluation, work testing, and job tryouts and the major portion of each of these items with the exception of job tryouts, will be provided within the rehabilitation facility; (d) it meets applicable safety standards prescribed by regulation of the Secretary of Labor; (e) it substantially meets the standards promulgated by the Administrator with the advice of the National Policy and Performance Council; and (f) it prepares trainees for gainful employment.

§ 404.79 Application procedure.

(a) Application for a project for training services shall be in the form and detail required by the Administrator. In the case of an applicant other than a State vocational rehabilitation agency, the application shall be reviewed by the appropriate State agency, and forwarded to the Regional Commissioner for review for approval. In the case of an application by a State agency, the application shall be submitted to the Regional Commissioner. Where the Social and Rehabilitation Service considers that an application has grant potential, it shall arrange for a survey of the facility which will be the site of the training services project.

(b) The Social and Rehabilitation Service will notify each applicant in writing of the action taken on its application.

§ 404.80 Application content.

The application for a grant shall: (a) Describe how the project will be organized including designation of a project director; (b) describe the role of the State agency in the project and its relationship with the facility in which the training is to be provided, including the determination by the State agency as to whether individuals are suitable for and in need of training services; (c) describe the rehabilitation facility in which the training will be provided, giving information on, (1) the kinds of training to be provided in relationship to employment possibilities, the manner in which this training will be provided, and the length of the various training programs, (2) the staff and the qualifications of the staff that will be assigned to the project, as well as other supportive resources available, and (3) the methods to be followed in the development of the individualized training program for each

trainee based upon his specific needs, capacities, interests, and other relevant factors; (d) specify the duration of the project; (e) set forth a budget for the project; (f) describe the procedures that will be followed for the placement and follow up of trainees in gainful employment upon completion of training; (g) contain an agreement to make such reports and to keep such records as the Administrator may require and to make such records and accounts available for audit purposes; (h) where the training will be provided in a private, nonprofit rehabilitation facility which is or which contains a workshop, give assurance that applicable Federal and State wage and hour standards will be observed or, where the training will be provided in a rehabilitation facility which is or which contains a workshop and is operated by a State, county, or municipal government, give assurance that the rehabilitation facility will comply with wage and hour standards specified by the Administrator, which will be at least equal to those imposed by the Fair Labor Standards Act, as amended; (i) give assurance that the rehabilitation facility will meet safety standards prescribed by regulation of the Secretary of Labor; (j) give assurance that the rehabilitation facility will substantially meet the standards promulgated by the Administrator with the advice of the National Policy and Performance Council; (k) state the source, or sources, of non-Federal funds; and (l) include such other information as the Administrator may require.

§ 404.81 Assurances from applicant.

The applicant shall submit with his application assurances that (a) weekly training allowances will not reduce, but will supplement, any wages or other remuneration due a trainee, and the amount of the payment for the weekly training allowance will be identified and disbursed separately from any payment representing wages or other remuneration due a trainee, (b) no trainee will remain in training when it is determined that he is no longer making reasonable progress (as indicated by regular training progress reports) toward the completion of his training program or the development of a capability for gainful employment, or in any event for more than 2 years, (c) in the event any portion of the training services is performed outside the designated rehabilitation facility the applicant will retain responsibility for the quality of such services, and (d) the full range of training services will be made available to each trainee to the extent of his need for such services.

§ 404.82 Site survey of rehabilitation facilities.

A site survey will be made prior to final determination of an application that is considered to have grant potential in order to determine whether the proposed project facility meets applicable safety standards prescribed by regulations of the Secretary of Labor and substantially meets standards promulgated by the Administrator with the advice of the Na-

tional Policy and Performance Council. A site survey may also be made whenever the Administrator deems it necessary in connection with the project. The survey shall be conducted by a team competent in the field of rehabilitation facilities. The team shall include two or more of the following: (a) A representative of the State agency, (b) a person from an operating rehabilitation facility, other than the applicant, (c) technical assistance consultants from Social and Rehabilitation Service panels, or (d) other qualified persons except that where a State agency is the applicant, no officer or employee of such agency shall participate on the survey team. A written report of the survey in the form and detail required by the Administrator shall be submitted to the Social and Rehabilitation Service.

§ 404.83 Selection of individuals to enter a project for training services.

The individuals to receive training services under a project will include only individuals who have been certified as eligible pursuant to § 401.30(b) of this chapter and have been determined, by the appropriate State agency of the State in which the rehabilitation facility is located, to be suitable for and in need of such training services.

§ 404.84 Weekly training allowances.

(a) A weekly training allowance shall be available to each trainee, except that such allowance shall not be paid for any period in excess of 2 years and for any week shall not exceed \$25 plus \$10 for each of his dependents, or \$65, whichever is less. Dependents shall be included whose relationship to the trainee is that of spouse, parent, child under the age of 21 (including an adopted child or step-child), or handicapped child whose dependency is related to the handicap, and who are living in the same home with the trainee.

(b) The amount of the weekly training allowance shall be determined in accordance with §§ 404.85 and 404.86. It is anticipated that ordinarily the trainee will receive the maximum allowance of \$25 per week for himself, but such allowance may be adjusted pursuant to the provisions of § 404.86. In view of the incentive factor, however, the adjusted weekly training allowance available to a trainee shall not be less than \$10 per week. To the extent that the weekly training allowance is paid for dependents, the amount shall be \$10 per week for each dependent.

(c) The State agency shall make final determination, after consultation with the project facility and in accordance with the training services plan, with respect to (1) the amount of the weekly training allowance and (2) any adjustment to be made in the amount of the allowance.

§ 404.85 Factors considered in determining the amount of weekly training allowances.

In determining the amount of such allowance the following factors shall be considered: (a) The extent of the need

for the allowance, including any expenses reasonably attributable to receipt of training services, (b) the extent to which the allowance will help ensure entry into and satisfactory completion of training and (c) the extent which the allowance will motivate the trainee to achieve a better standard of living.

§ 404.86 Factors considered in adjustment of weekly training allowances.

(a) Adjustment in the weekly training allowances may be made at any time during the individual's training period and the amount of the allowance shall be reviewed periodically. The project facility may propose the adjustment, but the final determination shall be made by the State agency.

(b) In considering whether adjustment is appropriate the following factors will be considered: (1) Whether the trainee is earning a wage, (2) the relationship of the amount of wages, if any, to the amount of the allowance, (3) any other material change in the economic condition of the individual or his family, and (4) the effect of any adjustment on the incentive of the trainee.

§ 404.87 Federal financial participation.

(a) Federal financial participation will be available only in those costs set forth in the approved application for a training services project. Such costs may include (1) compensation costs (including salary and fringe benefits) of full-time or part-time employees of the project, (2) travel costs of such employees for travel essential to the project, (3) the purchase or rental of supplies, equipment, and materials necessary for the project, (4) indirect costs, if the rehabilitation facility is not operated by the State agency, (5) telephone, postage, and other communication costs, (6) in the case of a grant to a State agency, services provided through purchase or other contractual arrangement with a rehabilitation facility (not operated by the State agency) as set forth in the approved application provided such service costs include only items permitted by direct grant, (7) the purchase of psychological and other tests and testing materials to be used in the work evaluation of trainees, (8) the purchase of occupational tools and equipment required by trainees, to engage in training and job tryouts such tools and equipment to remain the property of the rehabilitation facility, (9) the payment of weekly training allowances, and (10) other costs as may be approved in the application. Federal financial participation shall be at the rate of 90 per centum of approved costs.

(b) Federal financial participation shall not be available to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

§ 404.88 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purposes on the date of the award. The initial award shall also specify the project period for

which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 404.89 Payments.

Payments of the Federal share of an approved training services project may be made in installments, and in advance for estimated costs of operation or by way of reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

§ 404.90 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 404.91 Reports.

Progress, financial, and other reports shall be submitted in the form and at intervals prescribed by the Administrator.

§ 404.92 Project revision.

A revision of an approved project for training services shall be submitted whenever necessary to reflect any material change in the scope of the project or its operation or administration.

§ 404.93 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Social and Rehabilitation Service in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. The grantee will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 404.94 Factors considered in evaluating proposals.

In evaluating proposals for grants for projects for training services a number of factors will be considered by the Social and Rehabilitation Service such as: The distribution of training services projects among the regions; the types of disability groups served; the merit of a proposal in relation to other projects for training services in the region; and the amount

of Federal funds available for support of training services projects.

Subpart I—State Planning Grants for Rehabilitation Facilities

§ 404.100 Purpose.

Planning grants authorized in section 12(g)(1) of the act shall be made for the purpose of paying part of the cost of organized efforts by the State vocational rehabilitation agencies to make an initial determination of the State's needs for rehabilitation facilities, and to provide for a continuing program for assessing such needs and evaluating activities for establishment, construction, utilization, development, and improvement of rehabilitation facilities.

§ 404.101 Single application.

A single application shall be made by any State for a grant for a State planning project for rehabilitation facilities. Application may be made at any time by the State vocational rehabilitation agency, or, in States in which there is a separate agency for the blind, by either agency: *Provided*, That the other agency in the State submits in writing an endorsement of the application indicating agreement with the objectives and program stated therein and support for the project.

§ 404.102 Joint planning by two or more States.

A State agency may, if it so desires, enter into an agreement with the vocational rehabilitation agencies of one or more other States to develop a cooperative plan for (a) determining the need for rehabilitation facilities and (b) a continuing program to assess such needs and evaluate activities related to the establishment, construction, utilization, development and improvement of rehabilitation facilities.

§ 404.103 Application content.

Applications shall be made in the form and detail required by the Administrator and shall be submitted to the Regional Commissioner for review for approval. Applicants are encouraged to secure prior consultation and assistance from their Regional Commissioner in the development of their proposals and the preparation of the applications. The project application for an initial grant under this subpart shall include (a) designation of an individual with primary responsibility for the implementation of the project activities; (b) a description of the nature and scope of the activities to be undertaken during the initial grant period, and during the remainder of the project period, and the methods to be used in accomplishing the purposes of the project; (c) a proposed budget; (d) a description of the number and qualifications of the staff to be assigned to carry out effectively the purposes of the project; (e) a description of the methods by which representatives from public and other nonprofit agencies interested in the development and utilization of rehabilitation facilities will be involved in the planning effort either as individual consultants or as an advisory council; (f)

a description of how this planning effort will be closely coordinated with other related planning in the State authorized under the act or other authority; (g) an agreement to make such financial and administrative reports and to keep such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; (h) an agreement to submit a project report, hereinafter referred to as the State rehabilitation facilities plan, to the Regional Commissioner at the termination of the initial State planning grant; (i) such other information as the Administrator may require.

§ 404.104 Duration of project.

Initial State planning grants for rehabilitation facilities shall be available for a 12-month period. Continuation planning grants shall be available for 12-month periods commencing with the termination of the initial grant or subsequent continuation grants. An application for a continuation grant shall include a proposed budget, an agreement to review and update the rehabilitation facilities plan, and such other provisions as the Administrator may require.

§ 404.105 State rehabilitation facilities plan: content.

The State rehabilitation facilities plan shall include (a) an inventory of existing rehabilitation facilities within the State, or which can be readily utilized although located outside the State, and a description of services provided therein; (b) an evaluation of utilization patterns of existing facilities and their utilization potential; (c) a determination of needs for new rehabilitation facilities throughout the State including (1) relative needs on a geographical and disability basis, (2) a priority list of programmed projects over a short-range period, and (3) long-range goals; (d) a description of continuing activities of the State agency in the area of rehabilitation facilities as evidenced by anticipated programs under the act, the Medical Facilities Survey and Construction Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act, and other pertinent authority; (e) a description of continuing coordination of this planning with other planning activities within the State which involve rehabilitation facilities; and (f) such other information as the Administrator may require.

§ 404.106 Federal financial participation.

Federal financial participation shall be available for salaries (including fringe benefits) of employees who are assigned full or part time specifically to the planning activities; cost of travel of project staff or consultants; fees for special consultants; expenses attendant to the operation of an advisory council; services provided to the project under contract with planning organizations as set forth in the approved application; preparation and distribution of the State rehabilitation facilities plan and amendments thereto; and such other costs as

are set forth in the approved application. The amount of any grant under this subpart shall not exceed 90 per centum of the cost of the project and shall not be greater than \$75,000 for any one year.

§ 404.107 Payments.

Payment of the Federal share of the costs of the State planning project shall be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee.

PART 405—RESEARCH AND DEMONSTRATION

Subpart A—General

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405.28	National Advisory Council on Vocational Rehabilitation.
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Subpart E—Intramural Research and Information

405.40	Intramural research.
405.41	Information service.

AUTHORITY: The provisions of this Part 405 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4.

Subpart A—General

§ 405.1 Terms.

For purposes of this part—

(a) The terms "act," "Administrator," "handicapped individual," "non-profit," "Regional Commissioner," "rehabilitation facility," "Secretary," "vocational rehabilitation services," and "workshop" shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "Demonstration" means (1) a pilot study or experimental attempt to provide more and better vocational rehabilitation services than are available, for the purpose of testing or establishing standards or methods of service that are practicable and effective for general application in the vocational rehabilitation program; or (2) provision of a special type of rehabilitation service in order to test its value in vocational rehabilitation and to provide information on costs, methods of administration, methods of providing services, or rehabilitation techniques; or (3) provision of vocational rehabilitation services to handicapped individuals in a specific disability category not adequately served.

(c) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) "State agency" or "State vocational rehabilitation agency" has the same meaning as set forth in § 401.1(v) of this chapter and, in addition, means the Governor of American Samoa and the High Commissioner of the Trust Territory of the Pacific Islands.

§ 405.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 405.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the act, or which conflict with his duties in such other position.

§ 405.4 Audit and review.

(a) All fiscal transactions relating to Federal financial assistance under this part are subject to audit by the Department of Health, Education, and Welfare to determine whether expenditures have been made in accordance with the act, the regulations, and other requirements.

(b) From time to time members of the staff of the Social and Rehabilitation Service review administrative, fiscal and program methods and practices in connection with activities under this part, and make suggestions for the improvement of such methods and practices.

Subpart B—Research and Demonstration in Vocational Rehabilitation

§ 405.10 Purpose.

Special project grants authorized in section 4(a) (1) of the act shall be made for the purpose of paying part of the cost of organized, identifiable activities which are undertaken to seek solutions to vocational rehabilitation problems common to all or several States, or to contribute to the development of more effective vocational rehabilitation services in all or several States. Types of projects for which such grants may be made are: (a) Research in vocational rehabilitation; (b) demonstration programs in rehabilitation; and (c) establishment of special rehabilitation facilities or services meeting the purpose specified in section 4(a) (1) of the act. See also §§ 405.25 and 405.26 regarding rehabilitation research and training centers program.

§ 405.11 Applications.

Applications for special project grants may be made at any time by State vocational rehabilitation agencies and by other public or nonprofit agencies and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Administrator. The project application shall cover (a) a statement of the purpose of the project; (b) designation of an individual as director-in-charge; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to individuals served or studied under the project; (f) an agreement to make such reports and to keep such reports and accounts, including property and financial controls, as the Administrator may require, and to make such records available for audit purposes; and (g) such other information as the Administrator may require. See also §§ 405.23 and 405.24.

§ 405.12 Approval of applications for special projects for research, demonstration, or establishment of special facilities or services.

Application for grants for paying part of the cost of a special project for research, demonstration, or establishment of special facilities or services may be made only upon an official application form which may be obtained from the Administrator. Completed applications are submitted to the Administrator who processes them with the assistance of advisory groups for submission to the National Advisory Council on Vocational Rehabilitation. (See Subpart C of this

part.) The applicant may be requested to submit further information either before or after consideration of a project by the National Advisory Council on Vocational Rehabilitation. Except as the Council may otherwise specify, all projects which meet the requirements for a grant are submitted to the Council which makes recommendations to the Administrator. The Administrator then determines the action to be taken with respect to each project and informs the applicant accordingly.

§ 405.13 Approval of State agency.

The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any special project which involves either direct services to handicapped individuals or the establishment of facilities which will render direct services to handicapped individuals of that State.

§ 405.14 Federal financial participation.

Federal financial participation will be available for the following types of expenditures under projects approved by the Administrator: (a) Salaries, cost of travel, and related expenses of project personnel; (b) necessary supplies, equipment, and related expenses; (c) purchase or provision of vocational rehabilitation services to individuals served by the project; (d) costs of administration and other indirect costs of the project, subject to such limitations as the Administrator may establish; and (e) such other costs as are approved by the Administrator. Expenditures under the project shall be in connection with the conduct of the project as approved.

§ 405.15 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 405.16 Payments.

Payment of the Federal share of an approved special project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

§ 405.17 Revisions.

A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revisions originating with the grantee shall be submitted in writing and will be given appropriate review. Project revisions may be initiated by the Administrator if, on the basis of reports, it appears that Federal funds are not being used effectively,

or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

§ 405.18 Confidential information.

(a) All information obtained by a grantee as to personal facts about individuals served by the project, including lists of names and addresses and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 405.19 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. The grantee and the State agency will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 405.20 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 405.21 Patents.

In accordance with Department of Health, Education, and Welfare Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under the Social and Rehabilitation Service grant shall be promptly and fully reported to the Inventions Office, Department of Health, Education, and Welfare. The grantee institution and the project director shall neither have nor make any commitments or obligations

which conflict with the requirements of this policy.

§ 405.22 Publications and copyright policy.

Grantees may publish results of any activity assisted by the grant without prior review by the Social and Rehabilitation Service: *Provided*, That such publications carry a footnote acknowledging the assistance received under the grant, and that copies of the publications are furnished to the Social and Rehabilitation Service. Where a grant results in a book or other copyrightable material, the author is free to copyright the work, but the Social and Rehabilitation Service reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 405.23 Wage and hour standards for rehabilitation facilities which are or which contain workshops.

Applications for grants under this subpart for rehabilitation facilities, which are or which contain workshops shall, in the case of private, nonprofit rehabilitation facilities, specify that applicable Federal and State wage and hour standards will be observed or, in the case of rehabilitation facilities operated by a State, county, or municipal government, give assurance that such facilities will comply with wage and hour standards specified by the Administrator, which will be at least equal to those imposed by the Fair Labor Standards Act.

§ 405.24 Nondiscrimination in employment under construction contracts.

Applications for grants under this subpart which provide for construction shall specify that the grantee will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246 and will otherwise comply with requirements prescribed by and pursuant to such order.

§ 405.25 Rehabilitation research and training centers program; scope.

(a) Special project grants under section 4(a)(1) of the act are also made for paying part of the cost of identified research and training activities carried on through rehabilitation research and training centers. Such activities must be part of a continuing program of coordinated, scientific research and professional and technical training designed to solve complex problems regarding management of disabling conditions and preparation of the handicapped for employment.

(b) Support may be given for center programs which emphasize the medical management of disabling conditions, the adjustment to limitations of function, the individual and environmental preparation necessary for the employment of

the handicapped, or combinations of these activities. In carrying out program objectives, centers may serve populations that are mixed or that derive from a categorical disability group requiring specialized knowledge and techniques.

§ 405.26 Rehabilitation research and training centers program; applicable rules.

(a) *Grantees.* Universities having well-recognized programs of research and training and State vocational rehabilitation agencies or public or private nonprofit comprehensive rehabilitation facilities or institutions associated with such universities, may apply for center grants. The center program must have a separate organizational identity.

(b) *Applications.* The application shall cover the proposed research, training and service activities, specify how these functions will form a unified program, and contain such other information as the Administrator may require.

(c) *Other provisions.* The provisions of §§ 405.10-405.24 shall apply to grants for rehabilitation research and training centers.

Subpart C—National Advisory Council on Vocational Rehabilitation

§ 405.28 National Advisory Council on Vocational Rehabilitation.

(a) *Appointment and composition.* The National Advisory Council on Vocational Rehabilitation shall consist of the Secretary (or his designee) as Chairman, and 12 members appointed by the Secretary without regard to civil service laws. The 12 appointed members shall be leaders in fields concerned with vocational rehabilitation or in public affairs, and six of such 12 shall be selected from leading medical, educational, or scientific authorities who are outstanding for their work in the vocational rehabilitation of handicapped individuals. Three of the 12 appointed members shall be persons who are themselves handicapped.

(b) *Term of office.* Each appointed member of the Council shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. None of such 12 members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

(c) *Duties.* The Council is authorized to review applications for special projects submitted under section 4(a)(1) of the act and recommend for grants any such project, or any project initiated by it, which it believes show promise of making valuable contributions to the vocational rehabilitation of handicapped individuals. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of section 4 of the act for such periods in addition to conference periods, as he may determine.

(d) *Per diem payments.* Appointed members of the Council while attending

meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(e) *Report to Congress.* The Secretary shall transmit to the Congress annually a report concerning the special projects initiated under section 4(a)(1) of the act, the recommendations of the National Advisory Council on Vocational Rehabilitation, and any action taken with respect to such recommendations.

Subpart D—Research Fellowships Under Section 7 of the Act

§ 405.30 Purpose.

Under the authority of section 7 of the act, the Administrator is authorized to establish and maintain research fellowships in technical matters relating to vocational rehabilitation services for the purpose of increasing the number and competence of personnel concerned with the provision of such services. Financial assistance may be provided to individuals who are securing advanced research training or carrying out independent research in rehabilitation problems or methods. Such fellowships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation.

§ 405.31 Eligibility.

Research fellowships are available to any person who has demonstrated ability and special aptitude for advanced training or productive scholarship in the professional fields which contribute to the vocational rehabilitation of handicapped persons. Predoctoral, postdoctoral, and special research awards are made. A candidate for a fellowship shall meet the qualifications established by the Administrator for carrying out the purpose of research fellowships, including:

(a) The individual shall have filed an application in the form and manner prescribed by the Administrator, and shall have supplied pertinent information with respect to his scholastic and other qualifications and personal fitness for the proposed work;

(b) He shall be a citizen of the United States or shall have been lawfully admitted for permanent residence to the United States;

(c) He shall not be receiving other Federal educational benefits during the period of the Social and Rehabilitation Service fellowship.

§ 405.32 Submittal and review of applications.

(a) Research fellowship application forms may be obtained from the Administrator. Applications may be submitted at any time.

(b) Selection of fellows is based on ability as evidenced by letters of recommendation, academic records, and other appropriate evidences of scholarly and research activity. Applications are submitted to the Research Fellowship Board of the Social and Rehabilitation Service for review and recommendation. Applications are presented to the Fellowship Board as soon as possible after they are received. However, in order to allow sufficient time for preliminary review, it is necessary that the application and all supporting documents be received at least 3 months prior to the desired notification date of action on the application.

(c) The Administrator determines the action to be taken on the award and the applicant is informed accordingly in writing.

§ 405.33 Benefits.

Research fellowship awards may include:

(a) Stipends at rates fixed by the Administrator;

(b) Actual tuition costs and related fees, payable directly to the educational institution or facility;

(c) Vacation or other leave in accordance with the custom of the institution at which the fellow is working, but not in excess of 1 month per year; and

(d) Transportation and related expenses, in accordance with the Standard Government Travel Regulations, for travel to the location of the fellowship and travel required to carry out the purposes of the fellowship, including attendance at meetings. Such travel allowance shall not include expenses of transporting dependents, shipping charges for personal effects or household goods, or foreign travel.

§ 405.34 Denials or terminations in the best interests of the United States.

Whenever with respect to an applicant for, or a recipient of, a research fellowship who otherwise meets the qualifications for such fellowship there is substantial reason to believe that the fellowship should be denied or terminated on grounds that the applicant or fellow has engaged in such criminal or other conduct as reflects seriously and adversely on his moral character, the Administrator shall so notify such applicant or fellow and inform him that, unless a request for a review it made within 20 days of the mailing of such notice, his application or request for renewal will be denied or his fellowship terminated. Any such request for review shall be promptly submitted by the Administrator to the Chairman of the Departmental Fellowship Review Panel for further proceedings in accordance with the regulations of the Secretary providing for such review. (Part 10 of this title.)

§ 405.35 Conditions.

(a) *Location.* Research under a rehabilitation research fellowship shall be carried out only at the educational institution or facility specified in the award. It is the responsibility of the applicant to make all necessary arrangements for the conduct of his proposed research fellowship work with the institution or agency where the work will be done.

(b) *Publications.* All publications resulting from work accomplished under a Social and Rehabilitation Service research fellowship shall carry appropriate acknowledgment of the award, and copies of such publications shall be furnished to the Social and Rehabilitation Service. Where the work accomplished under a research fellowship award results in a book or other copyrightable material, the author is free to copyright the work, but the Social and Rehabilitation Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable material resulting from the award supported activity.

(c) *Patents.* In accordance with Department of Health, Education, and Welfare Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under the Social and Rehabilitation Service grant shall be promptly and fully reported to the Inventions Office, Department of Health, Education, and Welfare. The fellow shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

(d) *Confidential information.* All information as to personal facts given or made available to a research fellow in the course of his activities under the research fellowship award, including lists of names and addresses and records of evaluation, shall be held to be confidential. The use of such information and records shall be limited to purposes directly connected with the research fellowship award and may not be disclosed either directly or indirectly unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. The final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

(e) *Final report.* The fellow is expected to send a copy of a final report to the Social and Rehabilitation Service within 30 days after termination of his award. A copy of the dissertation is required from predoctoral fellows.

§ 405.36 Duration.

A research fellowship may be awarded for varying periods, such as for a full 12 months, and may be subject to extension or renewal by the Administrator; *Provided*, That no research fellowship, or a combination of research fellowships and traineeships, shall be awarded to any

individual for any one course of study for a period longer than 4 years.

§ 405.37 Payment.

Payment of fellowship awards shall be made according to methods and rates established by the Administrator.

§ 405.38 Termination.

The Administrator may terminate a research fellowship appointment before its expiration date at the request of the fellow or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the award.

Subpart E—Intramural Research and Information

§ 405.40 Intramural research.

Under section 7 of the act, the Administrator is authorized, directly or by contract to conduct research, studies, investigations, and demonstrations, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment.

§ 405.41 Information service.

Under section 7 of the act, the Administrator is also authorized, directly or by contract, to plan, establish, and operate an information service, to make available to agencies, organizations, and other groups and persons concerned with vocational rehabilitation, information on rehabilitation resources useful for various kinds of disability and on research and the results thereof and on other matters which may be helpful in promoting the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment. Activity under this authority may include the establishment and operation of a national information service in rehabilitation, using modern automated data equipment, to collect, store, analyze, retrieve, and disseminate information on the Federal-State program, research, training, prosthetics and orthotics, rehabilitation facilities, and other related aspects of vocational rehabilitation, as a service to agencies and individuals.

PART 406—TRAINING AND TRAINEESHIPS

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AUTHORITY: The provisions of this Part 406 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4.

Subpart A—General

§ 406.1 Terms.

For purposes of this part—

(a) The terms "act," "Administrator," "construction of a rehabilitation facility," "establishment of a rehabilitation facility," "handicapped individual," "nonprofit," "rehabilitation facility," "Regional Commissioner," and "vocational rehabilitation services" shall, except where the context indicates otherwise, have the same meanings as set forth in § 401.1 of this chapter.

(b) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "State agency" or "State vocational rehabilitation agency" has the same meaning as set forth in § 401.1(v) of this chapter and, in addition, means the Governor of American Samoa and the High Commissioner of the Trust Territory of the Pacific Islands.

§ 406.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 406.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded.

Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the act, or which conflict with his duties in such other position.

§ 406.4 Audit and review.

(a) All fiscal transactions relating to Federal financial assistance under this part are subject to audit by the Department of Health, Education, and Welfare to determine whether expenditures have been made in accordance with the act, the regulations, and other requirements.

(b) From time to time members of the staff of the Social and Rehabilitation Service review administrative, fiscal and program methods and practices in connection with activities under this part, and make suggestions for the improvement of such methods and practices.

Subpart B—Training and Traineeships in Vocational Rehabilitation

§ 406.10 Purpose.

Under section 4(a)(1) of the act, grants may be made to pay part of the cost of organized identifiable activities which are undertaken to seek solutions to vocational rehabilitation problems common to all or several States, or to contribute to the development of more effective vocational rehabilitation services in all or several States. Such grants may be for training, including education of personnel in all fields or disciplines which contribute to vocational rehabilitation, through the provision of training, teaching or traineeship grants. Grants for training and traineeships may include training and traineeships in physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation.

§ 406.11 Applications.

Applications for project grants may be made at any time by State vocational rehabilitation agencies and by other public or nonprofit agencies and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Administrator. The project application shall cover (a) a statement of the purpose of the project; (b) a statement that the project will be under the direction of a single qualified project director; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to individuals served or studied under the project; (f) an agreement to make such reports and to keep such records and accounts including

property and financial controls, as the Administrator may require, and to make such records available for audit purposes; and (g) such other information as the Administrator may require.

§ 406.12 Approval of applications for training or traineeships.

Application for grants for paying a part of the cost of a project for training or traineeships may be made only upon an official application form which may be obtained from the Administrator. Completed applications are submitted to the Administrator for processing and evaluation with the assistance of advisory groups. The applicant may be requested to submit further information. When all pertinent information has been obtained, a determination of the action to be taken is made by the Administrator who notifies the applicant accordingly.

§ 406.13 Approval of State agency.

The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any project which involves direct services to handicapped individuals.

§ 406.14 Federal financial participation.

Federal financial participation will be available for the following types of expenditures under projects approved by the Administrator: (a) Salaries, cost of travel, and related expenses of project personnel; (b) necessary supplies, equipment, and related expenses; (c) purchase or provision of vocational rehabilitation services to individuals served by the project; (d) costs of administration and other indirect costs of the project, subject to such limitations as the Administrator may establish; and (e) such other costs as are approved by the Administrator. Expenditures under the project shall be in connection with the conduct of the project as approved. Federal funds may not be used to provide training to any individual in any one course of study extending for more than 4 years. Federal funds may be used for traineeships only for individuals who are citizens of the United States or who have been lawfully admitted for permanent residence to the United States.

§ 406.15 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 406.16 Payments.

Payment of the Federal share of an approved project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

§ 406.17 Revisions.

A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revision originating with the grantee shall be submitted in writing and will be given appropriate review. Project revisions may be initiated by the Administrator if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

§ 406.18 Confidential information.

(a) All information obtained by a grantee as to personal facts about individuals served by the project, including lists of names and addresses and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, of his representative, has been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 406.19 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. The grantee and the State agency will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 406.20 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 406.21 Patents.

In accordance with Department of Health, Education, and Welfare Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under the Social and Rehabilitation Service grant shall be promptly and fully reported to the Inventions Office, Department of Health, Education, and Welfare. The grantee institution and the project director shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

§ 406.22 Publications and copyright policy.

Grantees may publish results of any activity assisted by the grant without prior review by the Social and Rehabilitation Service: Provided, that such publications carry a footnote acknowledging the assistance received under the grant, and that copies of the publications are furnished to the Social and Rehabilitation Service. Where a grant results in a book or other copyrightable material, the author is free to copyright the work, but the Social and Rehabilitation Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

Subpart C—Training Under Section 7 of the Act

§ 406.30 Purpose.

Under section 7 of the act, the Administrator is authorized to provide short-term training and instruction in technical matters relating to vocational rehabilitation services for the purpose of increasing the number and competence of personnel concerned with the provision of such services. Such training and instruction shall include the establishment and maintenance of traineeships to provide financial assistance to individuals who are pursuing technical or other specialized training courses. Such training, instruction, and traineeships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation.

§ 406.31 Benefits.

Traineeship awards may include (a) amounts allowed to meet living costs of the trainee during training, payable according to the methods, intervals, and rates established by the Administrator; and (b) costs of travel and necessary per diem allowance in lieu of subsistence in connection with the training course, in conformity with the Standard Government Travel Regulations.

§ 406.32 Applications.

Applications by prospective trainees for stipends or other allowances are

made to the institution from which the applicant proposes to take instruction. Completed applications are filed with the institution to be processed under rules established by the Social and Rehabilitation Service.

§ 406.33 Eligibility requirements.

A candidate for a traineeship award shall meet the requirements established by the Administrator, including:

(a) The candidate shall have filed an application in the form and manner prescribed by the Administrator and have supplied all pertinent information requested;

(b) He shall have been accepted by the educational institution or other sponsoring agency for admission to a course of study meeting the standards established by the Administrator with respect to rehabilitation training;

(c) He shall be a citizen of the United States, or shall have been lawfully admitted for permanent residence to the United States;

(d) He shall meet any other requirements set by the Administrator as necessary to carry out the purposes of section 7 of the act.

§ 406.34 Conditions.

(a) Training shall be carried out only at the educational institution or agency designated by the Administrator in the traineeship award. A change of the training institution shall be made by the trainee only with the consent of the Administrator.

(b) Individuals receiving traineeship awards shall not be required to perform any services for the Social and Rehabilitation Service.

(c) The Social and Rehabilitation Service assumes no responsibility for employing or placing an individual awarded a traineeship, and a trainee is free to seek employment of his own choice upon conclusion of training supported by the award.

(d) Any publication resulting from work accomplished under the traineeship award shall include an acknowledgment of the award, and copies of such publication shall be furnished to the Social and Rehabilitation Service. Where the work accomplished under a traineeship award results in a book or other copyrightable material, the author is free to copyright the work, but the Social and Rehabilitation Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the award-supported activity.

§ 406.35 Duration.

A traineeship award shall extend for one academic year, unless a shorter period is specified in the award. The Administrator may extend or renew an award upon application: *Provided*, That no training or instruction (including a combination of traineeship and research fellowship awards) shall be provided to any individual for any one course of study for a period longer than 4 years.

§ 406.36 Payment.

Payment of traineeships shall be made according to methods and in amounts established by the Administrator.

§ 406.37 Termination.

The Administrator may terminate any traineeship prior to the date it would otherwise expire, either on request of the trainee or because of unsatisfactory performance, unfitness, or inability to carry out the purpose of the traineeship.

Subpart D—Project Grants for New Careers in Rehabilitation**§ 406.40 Purpose.**

Under section 4(a)(2)(C) of the act, grants may be made to State vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train individuals for new career opportunities in order to provide appropriate manpower in programs serving handicapped individuals and to upgrade or expand those services.

§ 406.41 Application procedure.

Applications for grants under this program may be made at any time by State vocational rehabilitation agencies or by other public or private nonprofit agencies, or organizations, including universities and other educational institutions. The application shall be made in the form and detail required by the Administrator and shall be submitted to the Regional Commissioner for review for approval. Applicants other than a State vocational rehabilitation agency shall secure prior consultation and assistance from the appropriate State vocational rehabilitation agency and the Regional Commissioner in the development of their proposals and the preparation of their applications.

§ 406.42 Approval of State agency.

The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any project which involves direct services to handicapped individuals.

§ 406.43 Application content.

The application shall (a) describe the organization that will conduct the project activities, indicating the nature and scope of its programs serving handicapped individuals, or its relationship to other agencies directly serving handicapped individuals; (b) describe the specific recruitment and training activities to be undertaken; (c) provide for qualified and adequate staff, including a project director, to accomplish the purpose of the project; (d) specify the duration of the project; (e) describe supportive services to be available to trainees; (f) indicate plans for ensuring that individuals successfully completing the training program will have an opportunity for employment in programs serving handicapped individuals; (g) indicate the extent to which the occupations for which training is being provided offer possibilities for continuing full-time employment

and realizable opportunity for promotion and advancement through structured channels of promotion; (h) assure that no training or instruction shall be provided to any individual for any one course of study for a period longer than 4 years; (i) set forth the proposed budget for the project; (j) contain an agreement to make such reports and to keep such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; and (k) contain such other information as the Administrator may require.

§ 406.44 Project activities.

(a) Projects for new careers in rehabilitation may include, but are not limited to, such activities as the following: (1) The establishment of new jobs or new kinds of jobs either within existing programs or as a part of a new service in a State vocational rehabilitation agency or in another public or private nonprofit agency serving the handicapped; (2) the redefinition and restructuring of existing jobs to create new career opportunities in community, institutional, and other programs serving the handicapped; (3) the provision of work experience and related supportive services, such as basic education and remedial education services, counseling and guidance, health and medical services, and other forms of assistance designed to improve the performance of enrollees, increase their employability, and prepare them, to the maximum extent possible, for the occupation for which training is being provided; (4) the training of professional and managerial staff in the effective utilization of new types of staff; and (5) the development of a special recruitment activity designed to identify and attract persons with an interest in employment in programs serving handicapped individuals.

(b) Projects for new careers in rehabilitation may not include: (1) The provision of vocational rehabilitation services to handicapped individuals, except as may be provided by trainees during the course of their training; (2) the establishment or construction of rehabilitation facilities; or (3) research.

§ 406.45 Federal financial participation.

(a) Federal financial participation will be available only for those activities and in the amount specified in the approved project application.

(b) Federal funds may be used to finance the costs of salaries and related expenses, including travel expenses; necessary supportive services; training stipends for trainees (as determined by the Administrator); training supplies; rental of space; purchase of equipment; and other costs approved by the Administrator.

§ 406.46 Project revision.

A revision to an approved new careers in rehabilitation project shall be submitted whenever necessary to reflect any material change in the scope of the project or in its operation or administration.

§ 406.47 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 406.48 Reports.

In the case of any project a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Administrator. All reports shall be submitted to the Regional Commissioner in the form and containing the information specified by the Administrator, with copies to the State agency, if the grantee is not the State vocational rehabilitation agency.

§ 406.49 Payments.

Payment of the Federal funds for an approved new careers in rehabilitation project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Administrator may establish.

§ 406.50 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 406.51 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Regional Commissioner and the State agency in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or part, at any time at the discretion of the Administrator. The grantee and the State agency, if the grantee is other than the State agency, will be given prompt notice of the termination, including the reasons therefor. Such information shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

PART 408—PROJECT GRANTS FOR REHABILITATION OF THE MENTALLY RETARDED

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 408.15 Publications and copyright policy.

Authority: The provisions of this Part 408 issued under sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b). Interpret and apply the Vocational Rehabilitation Act, as amended, 29 U.S.C. ch. 4.

§ 408.1 Terms.

For purposes of this part—

(a) The terms "act," "Administrator," "eligible," "nonprofit," "Regional Commissioner," and "vocational rehabilitation services," shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "Establishment of special facilities and services" means the development, improvement, expansion, or coordination of any programs contributing to the rehabilitation of mentally retarded individuals.

(c) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 408.2 Purpose.

Project grants for rehabilitation of the mentally retarded authorized in section 4(a)(1) of the act shall be made for the purpose of paying part of the cost of organized, identifiable activities which are undertaken to contribute to the rehabilitation of those mentally retarded individuals generally not eligible for vocational rehabilitation services. Types of projects for which such grants may be made include: (a) Establishment of special facilities or services for the diagnosis, treatment, training, or care of the mentally retarded; (b) training, including in-service training and education of personnel in all fields or disciplines which contribute to the rehabilitation of the mentally retarded, through provision of training, teaching, or traineeship grants; (c) demonstration projects in rehabilitation of the mentally retarded.

§ 408.3 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished un-

der this part for activities for which payment is made under another part of this chapter, or other authority.

§ 408.4 Application procedure.

(a) Applications for project grants for the rehabilitation of the mentally retarded may be made at any time by States and public or other nonprofit organizations, agencies, and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Administrator. Applicants shall secure prior consultation and assistance from the Regional Commissioner in the development of their proposals and the preparation of their applications. Completed applications are submitted to the Administrator who processes and evaluates them with the assistance of advisory groups. The applicant may be requested to submit further information either before or after consideration of a project. The Administrator determines the action to be taken with respect to each project and informs the applicant accordingly.

(b) In the case of a project which includes provision of direct vocational rehabilitation services to mentally retarded persons who are eligible for vocational rehabilitation services, the approval of the State vocational rehabilitation agency (see § 403.1(c)) shall be secured by the applicant.

§ 408.5 Application content.

The project application shall include—

(a) A statement of the purpose of the project; (b) provision for qualified and adequate staff, including a project director, to accomplish the purpose of the project; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to the individuals served or studied under the project; (f) an assurance that, where appropriate, project activities will be coordinated with programs and activities of other related public and private agencies serving mentally retarded persons in the community, such as health, education, welfare, and vocational rehabilitation agencies; (g) an agreement to make such reports and to keep such records and accounts, including property and financial controls, as the Administrator may require, and to make such records available for audit purposes; and (h) such other information as the Administrator may require.

§ 408.6 Project activities.

Projects for rehabilitation of the mentally retarded may include, but are not limited to, such activities as the following: (a) The expansion and extension of present services in order to serve additional numbers of mentally retarded persons; (b) the demonstration of newly developed techniques and methods that have been found to be effective in the rehabilitation of the mentally retarded; (c) the initiation of new rehabilitation services or activities for the mentally retarded; (d) the initiation or expan-

sion of rehabilitation programs for mentally retarded individuals with special problems, such as the multiply handicapped adolescent or adult mentally retarded, who might not be eligible for vocational rehabilitation services, or mentally retarded children who cannot profit from available educational or vocational rehabilitation programs; (e) training of personnel in disciplines or occupations contributing to the rehabilitation of the mentally retarded; and (f) the extension of mental retardation programs and activities to areas of urban or rural poverty.

§ 408.7 Federal financial participation.

Federal financial participation will be available for the following types of expenditures under projects approved by the Administrator: (a) Salaries, cost of travel, and related expenses of project personnel; (b) necessary supplies, equipment, and related expenses; (c) purchase or provision of rehabilitative services to individuals served by the project; (d) cost of administration and other indirect costs of the project, subject to such limitations as the Administrator may establish; and (e) such other costs as are approved by the Administrator. Expenditures under the project shall be in connection with the conduct of the project as approved. Federal funds may not be used to provide training to any individual in any one program of study extending for more than 4 years. Federal funds may be used for traineeships only for individuals who are citizens of the United States or who have been lawfully admitted for permanent residence to the United States.

§ 408.8 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Social and Rehabilitation Service all interest earned on grant funds.

§ 408.9 Project revision.

A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revisions originating with the grantee shall be submitted in writing and will be given appropriate review. Project revision may be initiated by the Administrator if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing projects for rehabilitation of the mentally retarded.

§ 408.10 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Regional Commissioner in writing, giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. The grantee will be given prompt notice of the termination, including the reasons therefor. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

§ 408.11 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Administrator.

§ 408.12 Reports.

In the case of any project a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Administrator. All reports shall be submitted in the form and containing the information specified by the Administrator, with a copy to the Regional Commissioner.

§ 408.13 Payments.

Payment of the Federal share of an approved project may be made in advance for estimated costs of operation, or as reimbursement to the grantee, and shall be subject to such requirements as the Administrator may establish.

§ 408.14 Confidential information.

(a) All information obtained by a grantee as to personal facts about individuals served by the project, including lists of names and addresses and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 408.15 Publications and copyright policy.

Grantees may publish results of any activity assisted by the grant without prior review by the Social and Rehabilitation Service: Provided that such publications carry a footnote acknowledging the assistance received under the grant, and that copies of the publications are furnished to the Social and Rehabilitation Service. Where a grant results in a book or other copyrightable material, the author is free to copyright the work, but the Social and Rehabilitation Service reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

PART 409—VENDING STAND PROGRAM FOR THE BLIND ON FEDERAL AND OTHER PROPERTY

Sec.	Terms.
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409.3	Application for designation as licensing agency; content.
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409.15	Revocation of designation as licensing agency; effect.

AUTHORITY: The provisions of this Part 409 issued under sec. 2, 49 Stat. 1559, as amended; 20 U.S.C. 107a.

§ 409.1 Terms.

Unless otherwise indicated in this part, the terms below are defined as follows:

(a) "Act" means the Randolph-Shepard Vending Stand Act (Public Law 732, 74th Cong., 49 Stat. 1559, as amended by section 4 of Public Law 565, 83d Cong., 68 Stat. 863; 20 U.S.C. 107, chapter 6A).

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Administrator" means the Administrator of the Social and Rehabilitation Service in the Department of Health, Education, and Welfare.

(d) "Licensing agency" means the State agency designated by the Administrator pursuant to the act and this part, to issue licenses to blind persons for the operation of vending stands on Federal and other property.

(e) "Commission for the Blind" means a State agency which provides services exclusively for the blind and other visually handicapped individuals.

(f) "Program" means all the activities of the licensing agency, pursuant to the act and this part related to vending stands on Federal and other property.

(g) "Federal property" means any building, land, or other real property, owned, leased, or occupied by any department or agency of the United States or any instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any Territory or possession of the United States.

(h) "Other property" means property which is not Federal property and on which vending stands are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending stands on any Federal property.

(i) "License" means a written instrument issued by the licensing agency to a blind person, pursuant to the act and this part, authorizing such person to operate a vending stand on Federal or other property.

(j) "Operator" means a blind person licensed to operate a vending stand on Federal or other property under the act.

(k) "Permit" means the official authorization given a licensing agency by a department or agency in control of the maintenance, operation, and protection of Federal property, or person in control of other property, whereby the licensing agency is authorized to establish a vending stand.

(l) "Vocational Rehabilitation Act" means that act, as amended (29 U.S.C. ch. 4).

(m) "Vocational rehabilitation services" means those services necessary to render a blind person fit to engage in remunerative employment.

(n) "State vocational rehabilitation agency" or "State agency" means that agency in the State providing vocational rehabilitation services to the blind as the sole State agency under a State plan approved pursuant to the provisions of the Vocational Rehabilitation Act.

(o) "Vending stand" means:

(1) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment as are necessary for the vending of such articles as may be approved by the licensing agency and the Federal department or agency having control of the maintenance, operation and protection of Federal property or person in the control of other property; and

(2) Manual or coin-operated vending machines or similar devices for vending such articles.

(p) "Blind person" means a person having not more than 10 per centum visual acuity in the better eye with correction. This means a person who has

(1) Not more than 20/200 central visual acuity in the better eye after correction; or

(2) An equally disabling loss of the visual field; i.e., a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20°. Such blindness shall

be certified by a duly licensed ophthalmologist.

(q) "State" means a State, territory, or possession, or the District of Columbia.

§ 409.2 Application for designation as licensing agency; general.

(a) Applications for designation as licensing agency may be submitted only by a State vocational rehabilitation agency.

(b) The application shall:

(1) Be submitted in writing to the Administrator;

(2) Be approved by the chief executive of the State; and

(3) Be transmitted over the signature of the executive officer of the State agency making application.

§ 409.3 Application for designation as licensing agency; content.

The application shall indicate:

(a) The licensing agency's legal authority to perform the functions necessary for the administration of the program, including its authority to issue regulations to govern the program which would have the force and effect of law within the State, and that such regulations will be issued in accordance with the provisions of State law.

(b) The licensing agency's organization for carrying out the program, including the methods of coordinating the vending stand program and the vocational rehabilitation program.

(c) The broad policies and standards to be employed in the selection of suitable locations for vending stands.

(d) The policies to be followed in making suitable vending stand equipment and adequate initial stocks of merchandise available and the sources of funds to be used therefor.

(e) The sources of funds for the management of the program and the amounts of funds, if any, to be set aside from the proceeds of the operation of vending stands.

(f) The policies and standards governing the relationship of the licensing agency to the operators, including their selection, duties, supervision, transfer, and financial participation.

(g) The methods to be followed in providing suitable training to blind persons selected for licensing under the program.

(h) The arrangements made or contemplated, if any, for the utilization of the services of any agency or organization; the agreements therefor and the services to be provided; the procedures for the supervision and control of the services provided by such agency or organization and the methods used in evaluating services received, the basis for remuneration, and the fiscal controls and accounting procedures.

(i) The arrangements made or contemplated, if any, for the vesting in accordance with the laws of the State, of the right, title to, and interest in vending stand equipment or stock (including vending machines), used in the program in a nominee of the licensing agency to hold such right, title to, and interest for program purposes.

(j) That the designated State licensing agency will:

(1) Cooperate with the Administrator in carrying out the purpose of the act;

(2) Take effective action, including the termination of licenses, to carry out full responsibility for the management and operation of each vending stand in its program, in accordance with its established rules and regulations, this part, and the terms and conditions governing the permit;

(3) Submit promptly to the Administrator a description of any changes in the legal authority of the licensing agency, its rules and regulations, and any other matters which form a part of the application;

(4) If it intends to set aside, or cause to be set aside, funds from the proceeds of the operation of vending stands, obtain a prior determination by the Administrator that the funds to be set aside do not exceed a reasonable amount;

(5) Furnish each operator a copy of its rules and regulations and a description of the arrangements for providing services, and take adequate steps to assure that each operator understands the provisions of such documents and the provisions of the permit and any agreement under which he operates, as evidenced by his signed statements; and

(6) Make such reports in such form and containing such information as the Administrator may from time to time require and comply with such provisions as the Administrator may from time to time find necessary to assure the correctness and verification of such reports.

§ 409.4 Rules and regulations of licensing agency; general.

(a) The State agency shall submit with its application rules and regulations which it has issued or proposes to promulgate immediately upon approval of its application. In the event proposed rules and regulations are submitted, the licensing agency shall within a reasonable time after the approval of its application, submit a copy of the promulgated regulations. Such rules and regulations shall contain adequate provisions to enable the licensing agency to carry out its responsibilities under the act and this part, and to assure the conduct of the program and the operation of each vending stand in accordance with the act, this part, and the regulations and conditions of the departments and agencies in control of maintenance, operation, and protection of Federal property, including the conditions contained in the permits, as well as all applicable State laws, local ordinances and regulations.

(b) Such rules and regulations and amendments thereto shall be filed or published in accordance with State law.

(c) Such rules and regulations shall include provisions adequate to insure that the right, title to, and interest in each vending stand used in the program and the stock will be vested in accordance with the laws of the State in only the following:

(1) The licensing agency;

(2) Its nominee, subject to the conditions specified in § 409.3(i); and

(3) The operator. The decision whether title may be vested in the operator rests with each State.

(d) Notwithstanding the provisions of paragraph (c) of this section, any right, title to, or interest which existed on June 30, 1955, in stock may continue so long as:

(1) The interest is with respect to the stock of a stand established under the program prior to July 1, 1955, and

(2) The operator was licensed in the program (whether or not for the operation of the vending stand in question) prior to July 1, 1955.

§ 409.5 Rules and regulations; ownership by operators.

If a State decides that title may be vested in the operator, the rules and regulations shall specify:

(a) That a written agreement shall be entered into with each operator who is to have such ownership, such agreement containing in full the terms and conditions governing such ownership in accordance with criteria in the State agency's regulations, any applicable Federal regulations and the terms and conditions of the permit.

(b) Reasonable criteria to govern the determination as to the circumstances under which title may be so vested. Such criteria shall contain reasonable provisions to enable an operator to purchase vending stand equipment. No individual may be denied the opportunity to become an operator because of his inability to purchase the vending stand equipment or the initial stock.

(c) Whether the operator-owner or licensing agency shall be required to maintain the vending stand in good repair and in an attractive condition and replace worn-out or obsolete equipment; and if the former, provide that upon his failure to do so, the licensing agency may make or cause to be made, the necessary maintenance, replacement, or repairs and make equitable arrangements for reimbursement.

(d) That where the operator owns such equipment and is required to maintain the vending stand in good repair and in an attractive condition and replace worn-out or obsolete equipment or agrees to purchase additional new equipment, service charges for such purposes shall be equitably reduced, and the method for determining such amount.

(e) That the State licensing agency shall retain a first option to repurchase such equipment, and in the event the operator dies, or for any other reason ceases to be a licensee or transfers to another vending stand, ownership of such equipment shall become vested in the licensing agency subject to an obligation on its part to pay to such operator or his estate, the fair value therein as determined in accordance with its regulations.

(f) That the operator, his personal representative or next of kin shall be entitled to an opportunity for a fair hearing with respect to the determination of the amount to be paid by the licensing agency for an operator's ownership in the equipment.

(g) The method to be used in determining the fair value of the operator's ownership in the equipment.

§ 409.6 Rules and regulations; issuance and conditions of licenses.

The rules and regulations of the licensing agency shall further provide:

(a) Objective criteria for licensing qualified applicants, including a provision for giving preference to blind persons who are in need of employment and have resided for at least one year in the State in which the stand is to be located. Such criteria shall also include provisions to assure that licenses will be issued only to persons who are determined by the licensing agency to be:

- (1) Blind;
- (2) Citizens of the United States;
- (3) At least 21 years of age; and
- (4) Certified by the State vocational rehabilitation agency as qualified to operate a vending stand.

(b) For the issuance of licenses for an indefinite period but subject to termination if, after affording the operator an opportunity for a fair hearing, the licensing agency finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, or the agreement with the operator.

(c) For the assignment to the operator of the income from vending machines within reasonable proximity to and in direct competition with the vending stand. (If a vending machine vends articles of a type authorized by the permit and is so located that it attracts customers who would otherwise patronize the vending stand, such machine shall be considered to be in reasonable proximity to and in direct competition with the stand.)

(d) The policies to govern the duties, supervision, transfer and financial participation of the operators.

§ 409.7 Rules and regulations; hearings.

The rules and regulations shall specify the procedure whereby the licensing agency affords an opportunity for a fair hearing to each operator (or to his personal representative or next of kin in cases described in § 409.5(f)) dissatisfied with any action arising from the operation or administration of the vending stand program.

§ 409.8 Rules and regulations; set aside of funds.

The rules and regulations of the licensing agency shall specify the extent to which funds are to be set aside or caused to be set aside from the proceeds of the operation of the vending stands and that in no case will the amounts to be set aside exceed a reasonable amount as determined by the Administrator. Funds may be set aside only for the purposes of:

- (a) Maintenance and replacement of equipment;
- (b) The purchase of new equipment;
- (c) Management services;
- (d) Assuring a fair minimum of return to operators of vending stands; and the rules and regulations of the licensing agency shall set out the method of de-

termining the charge for each of the above listed purposes. Such method will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The rules and regulations shall further provide that adequate records will be maintained to support the reasonableness of the charges for each of the purposes listed in this section.

§ 409.9 Use of servicing arrangement.

(a) The licensing agency may enter into an agreement whereby another agency or organization undertakes to furnish services. Such agreement shall be in writing and contain provisions which:

(1) Clearly insure the retention by the licensing agency of full responsibility for the management and operation of all phases of the program;

(2) Specify the type and extent of the services to be provided under such agreement;

(3) Provide that no charges will be collected from operators except as specified in such agreement;

(4) Specify that such other agency or organization may not be allowed to exercise any function with respect to funds for the purchase of new equipment or for assuring a fair minimum of return to operators, except to collect and hold solely for the purchase of new equipment or for order of the licensing agency any charges authorized for those purposes by the licensing agency; and

(5) Specify that only the licensing agency shall have control with respect to selection, placement, financial participation and termination of the operators, and the preservation, utilization, and disposition of program assets.

(b) If the licensing agency permits any agency or organization other than an operator to hold any right, title to, or interest in vending stands or stock, the arrangement shall be one permitted by State law and shall specify in writing that all such right, title to, or interest is held as the nominee of the licensing agency for program purposes and subject to the paramount right of the licensing agency to direct and control the use, transfer, and disposition of such vending stands or stock.

§ 409.10 Approval of application for designation as licensing agency.

When the Administrator determines that the application and rules and regulations (or proposed rules and regulations) indicate a plan of program operations which will stimulate and enlarge the economic opportunities for the blind and meet the other requirements of the act and of this part, he shall approve the application and shall designate the applying agency as the State licensing agency.

§ 409.11 Permit for establishment of vending stands.

Prior to the establishment of each vending stand, the designated State licensing agency shall submit and have approved, in accordance with regulations of the department or agency in

control of the maintenance, operation, and protection of the Federal property (or procedures of the person in control of other property), an application for a permit setting forth the exact location, the amount of space to be occupied, the type of shelter and/or equipment, the types of items of merchandise to be offered for sale at each vending stand, including the number, location, and types of vending machines and other terms and conditions desired to be included in the permit.

§ 409.12 Maintenance and repair of vending stands.

The licensing agency shall maintain (or cause to be maintained) all vending stands in good repair and in an attractive condition and shall replace or cause to be replaced wornout and obsolete equipment as required to insure the continued successful operation of the stand.

§ 409.13 Revocation of designation as licensing agency.

The Secretary shall revoke the designation of any licensing agency if he finds after affording such agency an opportunity for a hearing, as hereinafter provided, that, in the administration of the program, there is a failure on the part of such agency to comply substantially with the provisions of the act or of this part.

§ 409.14 Revocation of designation as licensing agency; procedures.

(a) If the Administrator has reason to believe that, in the administration of the program, there is a failure on the part of any licensing agency to comply substantially with the act and this part, he shall so inform such agency in writing, setting forth, in detail, the areas in which there is such failure and giving it a reasonable opportunity to comply.

(b) If, after the lapse of a reasonable time, the Administrator is of the opinion that such failure to comply still continues and that the licensing agency is not taking the necessary steps to comply, he shall offer to such agency, by reasonable notice in writing thereto and to the chief executive of the State, an opportunity for a hearing before the Secretary (or person designated by the Secretary) to determine whether there is a failure on the part of such agency to comply substantially with the provisions of the act and of this part.

(c) If it is thereupon determined that there is a failure on the part of such agency to comply substantially with the act and this part, appropriate written notice shall be given to such agency and to the chief executive of the State revoking said agency's designation as licensing agency effective 90 days from the date of such notice.

(d) If, before the expiration of such 90 days, the Secretary (or person designated by him) determines that the licensing agency is taking the necessary steps to comply, he may postpone the effective date of such revocation for such time as he deems necessary for the best interest of the program.

(e) If, prior to the effective date of such revocation, the Secretary (or person designated by him) finds that there is no longer a failure on the part of the licensing agency to comply substantially with the provisions of the act and of this part, he shall so notify the agency and the chief executive of the State, in which event the revocation of the designation shall not become effective.

§ 409.15 Revocation of designation as licensing agency; effect.

(a) Effective upon the receipt of the notice of revocation of a State agency's designation as licensing agency, in accordance with § 409.14(c), the licensing agency's authority to issue licenses to

blind persons for the operation of vending stands on Federal and other property under the act and this part shall be suspended, except upon special authorization by the Administrator.

(b) After the effective date of the revocation of a State agency's designation as licensing agency, such agency shall have no authority to issue licenses to blind persons for the operation of vending stands under the act and this part.

(c) If, at the expiration of 60 days from the effective date of a revocation of a State agency's designation as licensing agency, no other agency in the State is designated, pursuant to the provisions of the act and this part, as licensing agency,

all licenses issued by the agency whose designation has been revoked shall terminate.

Effective date: These regulations shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: July 28, 1969.

MARY E. SWITZER,
*Administrator, Social and
Rehabilitation Service.*

Approved: October 8, 1969.

/s/ ROBERT H. FINCH,
Secretary.

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