3. Section 872.17 is revised to read as follows:

§ 872.17 Requirements for instructors.

Retired Air Force officers and noncommissioned officer instructors whose qualifications and subsequent performance of duty meet the standards prescribed by the Commander, Air University, will be authorized as follows:

(a) Although each school that qualified for an AFJROTC unit is authorized at least one officer, single and multiple units in high schools and military schools are authorized one retired officer instructor per 500 AFJROTC members (or major fraction thereof), and one retired enlisted instructor per 100 AFJROTC members (or major fraction thereof). Within these authorizations, an officer instructor may be substituted for an enlisted instructor, and vice versa.

(b) The number of instructor personnel authorized for each unit will be determined annually by Air University, based on the average number of member students.

(1) Supervisory personnel for multiple units will be obtained by organizing the multiple unit in such a way that these limitations are not exceeded.

(2) Multiple unit organization and management will be established wherever possible, to minimize the number of instructors required and thus reduce the cost of operation both to the schools and to the Air Force.

(c) The schools will forward to Air University, for approval, the names of the instructor personnel selected.

(d) Retired personnel will wear the Air Force uniform as prescribed by AFM 35-10 (Service and Dress Uniforms for AF Personnel) while conducting the AFJROTC program, and at such other times as considered appropriate.

(e) The Air University may conduct orientation programs and workshops for instructors.

4. Sections 872.25 and 872.26 are revised to read as follows:

§ 872.25 Shipping and other costs.

Charges for shipment of Government property to and from the institution, including the packaging and handling, will be paid for by the Air Force. All other costs incident to maintenance and local storage and safeguarding of the property will be paid by the institution.

§ 872.26 Acquisition of surplus Government property.

(a) Direct acquisition of Department of Defense assets from military Redistribution and Marketing (R&M) activities will be requested by Military Property Custodians by letter, certifying that the property requested is for Air Force Junior ROTC (AFJROTC) units for training purposes. Property will be returned to the servicing R&M activity when usage has terminated.

(b) Schools desiring to acquire other surplus Government property must process requests on SF 123, "Application for Donation of Surplus Personal Property." Submit requests through State surplus property agencies according to Department of Health, Education, and Welfare procedures. Property obtained through DHEW becomes institutional property and does not require the accountability records prescribed by Air Force directives.

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

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70-13750; Filed, Oct. 13, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4917]

[Oregon 2999 (Wash)]

WASHINGTON

Withdrawal for National Forest Recreation Areas

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 land is 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:

WENATCHEE NATIONAL FOREST

WILLAMETTE MERIDIAN

Fish Creek Recreation Area

T. 32 N., R. 18 E.,
Sec. 28, lot 3.

Elephant Rock Campground

T. 32 N., R. 18 E.,
Sec. 32, lots 3 and 4.

The areas described aggregate 105.40 acres in Chelan 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 8, 1970.

[F.R. Doc. 70-13772; Filed, Oct. 13, 1970; 8:46 a.m.]

[Public Land Order 4918]

[New Mexico 9509]

NEW MEXICO

Partial Revocation of Executive Order No. 6276

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. Executive Order No. 6276 of September 8, 1933, withdrawing lands to enable the State of New Mexico to make exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746-748, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 18 W.,
Sec. 9, lots 2, 3, and N½SW¼.

The area described aggregates 144.07 acres in Grant County.

The land is located 5 miles north of the village of Red Rock, N. Mex. The terrain is mountainous with shallow rocky soils. The elevation varies from 4,400 to 5,255 feet. The vegetal cover consists of tobosa and grama grasses, snakeweed and ocotillo.

2. At 10 a.m. on November 13, 1970, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior at 10 a.m. on November 13, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land shall be open to location for nonmetalliferous minerals at 10 a.m. on November 13, 1970. It has been and continues to be open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 8, 1970.

[F.R. Doc. 70-13773; Filed, Oct. 13, 1970; 8:46 a.m.]

[Public Land Order 4919]

[Colorado 11289, 11290]

COLORADO

Partial Revocation of National Forest Administrative Site Withdrawals

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. The Departmental Order of January 11, 1908, withdrawing national forest land for an administrative site, is hereby revoked so far as it affects the following described land:

(C-11289)

PIKE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Lake George Administrative Site

T. 12 S., R. 71 W.,
Sec. 29, S½SE¼SE¼, S½N½SE¼SE¼.

The area described contains 30 acres in Park County.

2. Public Land Order No. 1659 of June 17, 1958, withdrawing national forest land for a recreation area and guard and ranger stations is hereby revoked so far as it affects the following described lands:

(C-11290)

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Minturn Ranger Station

T. 5 S., R. 81 W.,
Sec. 36, lots 15, 16, 17, and 18.

The area described aggregates approximately 173.36 acres in Eagle County.

3. The land described in paragraph 1 of this order shall immediately be made available for consummation of a pending Forest Service exchange. The land described in paragraph 2 shall be open at 10 a.m. on November 13, 1970, to such forms of disposition or use as may by law be made of national forest lands subject to valid existing rights, except that the rights to all of the minerals in the land are owned by the State of Colorado and the land is not subject to disposition under the U.S. mining laws, or leasing under the mineral leasing laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 8, 1970.

[F.R. Doc. 70-13774; Filed, Oct. 13, 1970; 8:46 a.m.]

[Public Land Order 4920]

[Riverside 2767, 2768]

CALIFORNIA

Partial Revocation of Public Water Reserve No. 22, and Stock Driveway No. 235, California No. 17

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, 43 U.S.C. sec. 141 (1964), the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. sec. 300 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of August 8, 1914, creating Public Water Reserve No. 22, is hereby revoked so far as it affects the following described land:

(Riverside 2767)

MOUNT DIABLO MERIDIAN

T. 29 S., R. 37 E.,
Sec. 35, S½NE¼.

The lands described aggregate approximately 80 acres in Kern County.

2. The departmental order of January 21, 1933, creating Stock Driveway Withdrawal No. 235, California No. 17, is hereby revoked so far as it affects the following described lands:

(Riverside 2768)

MOUNT DIABLO MERIDIAN

T. 29 S., R. 37 E.,
Sec. 21, lot 16;
Sec. 28, lots 1, 8, 9, and 16.
T. 30 S., R. 37 E.,
Sec. 4, lot 5, SE¼NE¼, E½SE¼;
Sec. 10, W½NW¼;
Sec. 15, SE¼NW¼.

The lands described aggregate approximately 492.19 acres in Kern County.

3. None of the lands described above shall be open to disposition under the public land laws generally until an appropriate classification order is issued by an authorized officer of the Bureau of Land Management.

The lands described in paragraph 1 of this order have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals. These lands will be open to location under the mining laws for nonmetalliferous minerals at 10 a.m. on November 13, 1970.

The lands described in paragraph 2 of this order are open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Riverside District and Land Office, Bureau of Land Management, Riverside, Calif. 92502.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 8, 1970.

[F.R. Doc. 70-13775; Filed, Oct. 13, 1970; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[7th Rev. S.O. 1041]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of October 1970.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a) (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept newly harvested grain grain, or to store grain on the ground, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1041 Service Order No. 1041.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC RER 376, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co. identification marks—ATSF.
Burlington Northern Inc., identification marks—BN, CBQ, GN, NP, SPS.
Chicago, Rock Island and Pacific Railroad Co. identification marks—RI.
Chicago and North Western Railway Co. identification marks—CNW, CMO, MSTL, CGW.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co. identification marks—MILW.
Illinois Central Railroad Co. identification marks—IC.
Missouri-Kansas-Texas Railroad Co. identification marks—MKT.
Missouri Pacific Railroad Co. identification marks—MP.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(4) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(5) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraph (2) or (4) of this paragraph, at a junction with the car owner.

(6) Junction points with the car owner shall be those listed by the car owner

in its specific registration in the Official Railway Equipment Register, ICC RER No. 376, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(7) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(8) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (2) or (4) of this paragraph.

(b) *Application*. The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective* date. This order shall become effective at 12:01 a.m., October 12, 1970.

(d) *Expiration date*. This order shall expire at 11:59 p.m., November 15, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-13833; Filed, Oct. 13, 1970; 8:50 a.m.]

[S.O. 1051]

PART 1033—CAR SERVICE

Distribution of Privately Owned Coal Cars

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 6th day of October 1970.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal to electric utility generating stations; that coal stockpiles of several utility generating stations are being depleted; and that certain car distribution regulations prescribed by the Commission in Docket 12530 (80 ICC 530 and 93 ICC 701) limit the use of privately-owned freight cars used for the transportation of coal; and that fuller utilization of shipper-owned or receiver-owned coal cars in unit train service will substantially assist in relieving the existing emergency and advance the public interest by contributing to a steady and ample supply of fuel to electric utility generating stations.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1051 Service Order No. 1051.

(a) Distribution of privately owned coal cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Place promptly in a position for loading coal for transportation in unit train service to an electric utility generating station, without regard to the provisions of the Commission's Order in Docket 12530 (80 ICC 530 and 93 ICC 701), all coal cars owned by the shipper or consignee which are available for placement for loading and which are ordered placed by the car owner.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any privately owned coal cars furnished under the provisions of subparagraph (1) of this paragraph, unless loaded in unit train service and consigned to an electric utility generating station.

(b) The term "Unit Train Service" used in this order means the movement of a single shipment of coal of not less than 2,500 tons, tendered to one carrier, on one bill-of-lading, at one origin, on 1 day and destined to one consignee, at one plant, at one destination, via one route.

(c) The term "Privately Owned Coal Cars" used in this order means any open top freight car listed in the Official Railway Equipment Register, ICC R.E.R. No. 376, issued by E. J. McFarland, or successive issues thereof as having a mechanical designation "GA," "GB," "GD," "GE," "GH," "GRA," "GS," "GT," "HD," "HM," "HK," or "HT," and which are owned or leased by either the coal shipper or the electric utility company named as the consignee.

(d) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) Effective date: This order shall become effective at 12:01 a.m., October 12, 1970.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1 (10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-13834; Filed, Oct. 13, 1970; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Great Swamp National Wildlife Refuge, N.J.

On page 11244 of the FEDERAL REGISTER of July 14, 1970, there was published a notice of a proposed amendment to 50 CFR 32.31. The purpose of this amendment is to provide public hunting of big game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. After consideration of all comments, suggestions, and objections received, the proposed amendment is hereby adopted without change.

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

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd (c), (d))

Section 32.31 is amended by the following additions:

§ 32.31 List of open areas; big game.

* * * * *

NEW JERSEY

Great Swamp National Wildlife Refuge.

* * * * *

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 8, 1970.

[F.R. Doc. 70-13786; Filed, Oct. 13, 1970; 8:47 a.m.]

PART 32—HUNTING

Arrowwood and Chase Lake National Wildlife Refuges, N. Dak.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,800 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 m. to sunset on November 6, 1970, and from sunrise to sunset November 7, 1970, through November 15, 1970.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

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 November 15, 1970.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chase Lake National Wildlife Refuge, N. Dak., is closed for the 1970 season. Population levels are too low on the refuge to allow hunting.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

OCTOBER 6, 1970.

[F.R. Doc. 70-13818; Filed, Oct. 13, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Expenses of Raisin Administrative Committee and Rate of Assessment for 1970–71 Crop Year

Notice is hereby given of a proposal regarding expenses of the Raisin Administrative Committee for the 1970–71 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1970, (1970–71 crop year), a budget of expenses in the total amount of $118,150 and an assessment rate of 85 cents per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and 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 follows:

§ 989.321 Expenses of the Raisin Administrative Committee and rate of assessment for the 1970–71 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $118,150 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1970, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 85 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

Dated: October 8, 1970.

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

[F.R. Doc. 70-13780; Filed, Oct. 13, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 697]

[Administrative Order No. 616]

SPECIAL INDUSTRY COMMITTEE FOR ALL INDUSTRY IN AMERICAN SAMOA

Appointment; Convention; Notice of Hearing

Pursuant to section 5 of section 6(a)(3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and to Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 9 for American Samoa. Pursuant to section 6(a)(3) and section 8 of the Act, as amended (29 U.S.C. 206(a)(3), 208) and to Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a)(3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session at 9 a.m., March 29, 1971, in the Legislative Hall, Pago Pago, American Samoa, and shall commence its hearing at 1 p.m. on the same date at the same place. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of $1.60 an hour.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations,