

or equitable procedure for the payment of any debt may not exceed the restriction imposed by section 303(a), title III, Restriction on Garnishment, of the Consumer Credit Protection Act (82 Stat. 163, 164; 15 U.S.C. 1671 et seq.). The application of title III is discussed in Part 870 of this chapter. When the payment to a third person of moneys withheld pursuant to a court order under which the withholding exceeds that permitted by the CCPA, the excess will not be considered equivalent to payment of wages to the employee for purpose of the Fair Labor Standards Act.

(Sec. 3(m), 52 Stat. 1060, as amended; 29 U.S.C. 203(m))

Signed at Washington, D.C., this 25th day of June 1970.

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

[F.R. Doc. 70-8406; Filed, July 1, 1970;
8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-19a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

North Channel, Jamaica Bay, N.Y.

1. The city of New York requested the Commander, Third Coast Guard District to amend the operation regulations for their drawbridge across North Channel, Jamaica Bay, N.Y. A public notice dated February 12, 1970, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, Third Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 11, 1970 (35 F.R. 6011).

2. No comments were received and after consideration of all other known factors in this case this proposal is accepted. Accordingly, § 117.175 is amended by revising the heading of paragraph (b) and revising paragraph (c) to read as follows:

§ 117.175 Jamaica Bay and connecting waterways, New York.

(b) City of New York highway bridge at Shellbank Basin At Nolins Avenue. * * *

(c) Jamaica Bay North Channel, New York City Transit Authority bridge at Hamilton Beach, and city of New York highway bridge across North Channel (Grassy Bay) at Jamaica Bay Boulevard, Borough of Queens, New York, N.Y. At least 24 hours' advance notice required.

However, the draw shall be opened as soon as possible for the passage of vessels owned, controlled or employed by the United States or by the city of New York.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5))

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

Dated: June 24, 1970.

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

[F.R. Doc. 70-8402; Filed, July 1, 1970;
8:47 a.m.]

[CGFR 70-24a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cheesequake Creek, N.J.

1. The New Jersey Department of Transportation by letter dated January 16, 1970, requested the Commander, Third Coast Guard District to provide special operation regulations for its drawbridge on Route 35 across Cheesequake Creek, Morgan, South Amboy, N.J. A public notice dated February 12, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Third Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 4, 1970 (35 F.R. 5592).

2. Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration has been given to all relevant material presented, both for and against the proposal. After consideration of all other known facts in this case the proposal is accepted. Accordingly, 33 CFR 117.215(j) (4) is added to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

(j) * * *

(4) Route 35 drawbridge across Cheesequake Creek at Morgan, South Amboy, N.J.: The draw shall be opened promptly on signal at all times, except that between the hours of 7 a.m. to 7 p.m. from May 15 through October 15 the draw need be opened only on the hour.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5))

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

Dated: June 24, 1970.

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

[F.R. Doc. 70-8403; Filed, July 1, 1970;
8:47 a.m.]

[CGFR 70-26a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sacramento River, Calif.

1. The California Department of Public Works and the Southern Pacific Transportation Co. requested the Commander, 12th Coast Guard District to revise the operation regulations for their drawbridges across the Sacramento River at Knights Landing. A public notice dated December 19, 1969, setting forth the proposed revision was issued by the Commander, 12th Coast Guard District and made available to all persons known to have an interest in the subject. The Commandant also published the proposed revision in the FEDERAL REGISTER of March 31, 1970 (35 F.R. 5348). Included in this document was a proposed revision of § 117.714(h) relating to the operation regulations for the Western Pacific Railroad bridge and the County of Sacramento highway bridge across the Mokelumne River near Thornton, Calif.

2. No comments were received as a result of the notice published in the FEDERAL REGISTER. However, as a result of the public notice dated December 19, 1969, four comments were received regarding the proposed change to § 117.716 (a) (3), concerning the two bridges across the Sacramento River at Knights Landing. Three of these comments supported the proposed change. The fourth comment advised that during the grain hauling season, the operations of both the submitter would require drawtender attendance 24 hours a day and requested that the proposed regulations be so altered. The Commander, 12th Coast Guard District has recommended that this comment be accepted. The Commandant concurs in this recommendation and the proposal is altered accordingly.

4. Neither the public notice dated December 19, 1969, or the document published in the FEDERAL REGISTER of March 31, 1970, proposed changes to 33 CFR 117.716(a) (3) (i) and (ii). These two subdivisions prescribe special call signals for these two bridges. It is now apparent that these special call signals are not required and that the general signals prescribed in § 117.710(b) for all bridges across navigable waters in California are adequate for these two bridges. Accordingly, this document deletes subdivisions (i) and (ii) and rennumbers the special operation regulations previously discussed, as paragraph (a) (3). Since these changes are editorial in nature, notice and public procedure thereon are not necessary.

5. Concerning the proposed change to § 117.714(h) contained in the notice published in the FEDERAL REGISTER, it now appears that a planned long range highway project has rendered a change in the operation regulations impractical at this time. Therefore the proposed revision to § 117.714(h) containing the operation regulations for the two bridges across the Mokelumne River near Thornton, Calif., is hereby withdrawn.

6. Accordingly, § 117.716(a)(3) is revised to read as follows:

§ 117.716 Sacramento River and its tributaries, California.

(a) * * *

(3) Southern Pacific Co. railroad bridge and State of California highway bridge at Knights Landing. At least 12 hours' advance notice required, except that drawtenders shall be in constant attendance when the owners are notified by the Commander, 12th Coast Guard District that this will be required, or during a period when 20 or more passages through the bridge will be made in any 30-day period, provided 15 days' written notice of the contemplated traffic is given to the Commander, 12th Coast Guard District.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5))

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

Dated: June 24, 1970.

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

[F.R. Doc. 70-8404; Filed, July 1, 1970; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 505—REGULATIONS PROHIBITING TRANSACTIONS INVOLVING THE SHIPMENT OF CERTAIN MERCHANDISE BETWEEN FOREIGN COUNTRIES

General License for Offshore Transactions From Certain Countries

The Transaction Control Regulations are being amended by the addition of § 505.31. The section is a general license authorizing shipment of merchandise from certain foreign countries to certain scheduled destinations in cases where the exporting country has authorized the shipment under its regulations.

The following section is hereby added to the Transaction Control Regulations:

§ 505.31 General license for offshore transactions from certain countries.

(a) Except as provided in paragraph (b) of this section, all transactions pro-

hibited by § 505.10 are hereby authorized provided:

(1) Shipment is to a country listed in the schedule of § 505.10, other than China (Communist controlled), North Korea, North Viet Nam, or Tibet; and,

(2) Shipment is made from and licensed by one of the following foreign countries: Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, or the United Kingdom.

(b) This section does not authorize any transaction prohibited by Part 500, Part 515, or Part 530 of this chapter.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[F.R. Doc. 70-8408; Filed, July 1, 1970; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Benefits Director et al.

1. Section 2.87 is revised to read as follows:

§ 2.87 Chief Benefits Director and his designee delegated authority to take any necessary action as to programs of vocational rehabilitation, education, or special restorative training under 38 U.S.C. chapters 31, 34, 35, and 36 for the purpose of securing evidence of voluntary compliance directly or through the agencies to whom the Administrator has delegated responsibility for various schools or training establishments to implement Part 18 of this chapter.

This delegation of authority is identical to §§ 18a.2 and 21.4001(d) of this chapter.

2. Sections 2.90, 2.91, and 2.92 are added to read as follows:

§ 2.90 Chief Benefits Director delegated responsibility for obtaining evidence of voluntary compliance from recognized national organizations whose representatives are afforded space and office facilities in field stations under his jurisdiction.

This delegation of authority is identical to §§ 18a.2 and 21.4001(e) of this chapter.

§ 2.91 Chief Medical Director delegated responsibility for obtaining evidence of voluntary compliance implementing the provisions of Title VI, Civil Rights Act of 1964, in connection with payments to State homes, with State home facilities for furnishing nursing home care, and from recognized national organizations whose representatives are afforded space and office facilities in field stations under his jurisdiction.

This delegation of authority is identical to § 18a.3 of this chapter.

§ 2.92 General Counsel delegated responsibility, upon receipt of information from the Chief Benefits Director, the Chief Medical Director, or the designee of either of them, that compliance cannot be secured by voluntary means, of forwarding to the recipient or other person the notice required by § 18.9(a) of this chapter, and also is delegated responsibility of representing the agency in all proceedings resulting from such notice.

This delegation of authority is identical to § 18a.5 of this chapter.

[SEAL] DONALD E. JOHNSON,
Administrator.

[F.R. Doc. 70-8466; Filed, July 1, 1970; 8:52 a.m.]

PART 18a—DELEGATION OF RESPONSIBILITY IN CONNECTION WITH TITLE VI, CIVIL RIGHTS ACT OF 1964

In Chapter I, Part 18a is added to read as follows:

Sec.

18a.1 Delegations of responsibility between the Administrator and the Secretary, Department of Health, Education, and Welfare.

18a.2 Delegation to the Chief Benefits Director.

18a.3 Delegation to the Chief Medical Director.

18a.4 Duties of the Director, Contract Compliance Service.

18a.5 Delegation to the General Counsel.

AUTHORITY: The provisions of this Part 18a issued under 5 U.S.C. 301, 38 U.S.C. 210 (c) (1) and 38 CFR 18.9(d) and Appendix A, Part 18.

§ 18a.1 Delegations of responsibility between the Administrator and the Secretary, Department of Health, Education, and Welfare.

(a) Authority has been delegated to the Administrator of Veterans Affairs by the Secretary, Department of Health, Education, and Welfare to perform responsibilities of the Department of Health, Education, and Welfare and of the responsible HEW official under Title VI of the Civil Rights Act of 1964 and the Department's regulations issued thereunder (45 CFR Part 80) with respect to: proprietary (i.e., other than public or nonprofit) educational institutions, except if operated by a hospital; and post secondary, nonprofit, educational institutions other than colleges and universities, except if operated by a college or university, a hospital, or a unit of State or local government (i.e., those operating such institutions as an elementary or secondary school, an area vocational school, a school for the handicapped, etc.).

(1) The compliance responsibilities so delegated include:

(i) Soliciting, receiving, and determining the adequacy of assurances of compliance under 45 CFR 80.4;

(ii) All actions under 45 CFR 80.6 including mailing, receiving, and evaluating compliance reports under § 80.6(b); and

(iii) All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent

failure to comply, and resolutions of matters by informal means.

(2) The Department of Health, Education, and Welfare specifically reserves to itself the responsibilities for the effectuation of compliance under 45 CFR 80.8, 80.9, and 80.10.

(b) Authority has been delegated to the Secretary, Department of Health, Education, and Welfare, to perform responsibilities of the Veterans Administration and of the responsible Veterans Administration official under Title VI of the Civil Rights Act of 1964 and the Veterans Administration regulations issued thereunder (Part 18 of this chapter) with respect to institutions of higher learning, including post-high school institutions which offer nondegree courses for which credit is given and which would be accepted on transfer by a degree-granting institution toward a baccalaureate or higher degree; hospitals and other health facilities and elementary and secondary schools and school systems including, but not limited to, their activities in connection with providing or seeking approval to provide vocational rehabilitation to eligible persons under chapter 31 of title 38, United States Code, or education or training to eligible persons under chapters 34, 35, or 36 of title 38, United States Code.

(1) The compliance responsibilities so delegated include:

(i) Soliciting, receiving, and determining the adequacy of assurances of compliance under § 18.4 of this chapter;

(ii) Mailing, receiving, and evaluating compliance reports under § 18.6(b) of this chapter; and

(iii) All other actions related to securing voluntary compliance or related investigations, compliance reviews, complaints, determinations of apparent failure to comply and resolutions of matters by informal means.

(2) The Veterans Administration specifically reserves to itself responsibilities for effectuation of compliance under §§ 18.8, 18.9, and 18.10 of this chapter. Not included in the delegation to the Secretary, Department of Health, Education, and Welfare and specifically reserved to the Veterans Administration is the exercise of compliance responsibilities with respect to:

(i) Postsecondary schools which do not offer a program or courses leading, or creditable, towards the granting of at least a bachelor's degree, or its equivalent;

(ii) Privately-owned and operated proprietary technical, vocational, and other private schools at the elementary or secondary level; and

(iii) Those institutions of higher learning and elementary and secondary schools and school systems which, as of January 3, 1969, have already been subjected to formal noncompliance proceedings by the Department of Health, Education, and Welfare and have had their right to receive Federal financial assistance from that agency terminated for noncompliance with Title VI of the Civil Rights Act of 1964.

The Veterans Administration also retains the right to exercise delegated compliance responsibilities itself in special cases with the agreement of the appropriate official in the Department of Health, Education, and Welfare.

(c) Any institution of higher learning or a hospital or other health facility which is listed by the Department of Health, Education, and Welfare as having filed an assurance of compliance will be accepted as having met the requirements of the law for the purpose of payment under 38 U.S.C. chapters 31, 34, 35, or 36 and 38 U.S.C. sections 641, 5031-5037, and 5055.

(d) If the Department of Health, Education, and Welfare finds that a school, hospital or other health facility which has signed an assurance of compliance is apparently in noncompliance, action will be initiated by that Department to obtain compliance by voluntary means. If voluntary compliance is not achieved, the Veterans Administration will join in subsequent proceedings.

(e) An institution which is on the Department of Health, Education, and Welfare list of noncomplying institutions will be considered to be in a status of compliance for Veterans Administration purposes if an assurance of compliance is filed with the Veterans Administration and actual compliance is confirmed. Certificates of eligibility may be issued and enrollments approved and other appropriate payments made until such time as the Veterans Administration has made an independent determination that the institution is not in compliance.

§ 18a.2 Delegation to the Chief Benefits Director.

The Chief Benefits Director is delegated responsibility for obtaining evidence of voluntary compliance for vocational rehabilitation, education, and special restorative training to implement Title VI, Civil Rights Act of 1964. Authority is delegated to him and his designee to take any necessary action as to programs of vocational rehabilitation, education, or special restorative training under 38 U.S.C. chapters 31, 34, 35, and 36 for the purpose of securing evidence of voluntary compliance directly or through the agencies to whom the Administrator has delegated responsibility for various schools or training establishments to implement Part 18 of this chapter. The Chief Benefits Director also is delegated responsibility for obtaining evidence of voluntary compliance from recognized national organizations whose representatives are afforded space and office facilities in field stations under his jurisdiction.

§ 18a.3 Delegation to the Chief Medical Director.

The Chief Medical Director is delegated responsibility for obtaining evidence of voluntary compliance implementing the provisions of title VI, Civil Rights Act of 1964, in connection with payments to State homes, with State home facilities for furnishing nursing home care, and from recognized national organizations

whose representatives are afforded space and office facilities in field stations under his jurisdiction.

§ 18a.4 Duties of the Director, Contract Compliance Service.

Upon referral by the Chief Medical Director or the Chief Benefits Director, the Director, Contract Compliance Service will:

(a) Investigate and process all complaints arising under title VI of the Civil Rights Act of 1964;

(b) Conduct periodic audits, reviews and evaluations;

(c) Attempt to secure voluntary compliance by conciliatory or other informal means whenever investigation of a complaint, compliance review, failure to furnish assurance of compliance, or other source indicates noncompliance with title VI; and

report to the Chief Medical Director or the Chief Benefits Director, whichever is appropriate, the results of his investigations, audits, reviews and evaluations or the results of his attempts to secure voluntary compliance.

§ 18a.5 Delegation to the General Counsel.

The General Counsel is delegated the responsibility, upon receipt of information from the Chief Benefits Director, the Chief Medical Director, or the designee of either of them, that compliance cannot be secured by voluntary means, of forwarding to the recipient or other person the notice required by § 18.9(a) of this chapter, and also is delegated the responsibility of representing the agency in all proceedings resulting from such notice.

These VA regulations are effective upon publication in the FEDERAL REGISTER.

Approved: June 25, 1970.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Acting Deputy Administrator.

[F.R. Doc. 70-8463; Filed, July 1, 1970;
8:51 a.m.]

PART 18b—PRACTICE AND PROCEDURE UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND PART 18 OF THIS CHAPTER

In Chapter I, Part 18b is added to read as follows:

GENERAL RULES

Sec.	
18b.1	Scope of rules.
18b.2	Reviewing authority.
18b.9	Definitions.
18b.10	Records to be public.
18b.11	Use of gender and number.
18b.12	Suspension of rules.

APPEARANCE AND PRACTICE

18b.13	Appearance.
18b.14	Authority for representation.
18b.15	Exclusion from hearing for misconduct.

PARTIES

18b.16	Parties.
18b.17	Amici curiae.
18b.18	Complainants not parties.