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Agencies in this issue—

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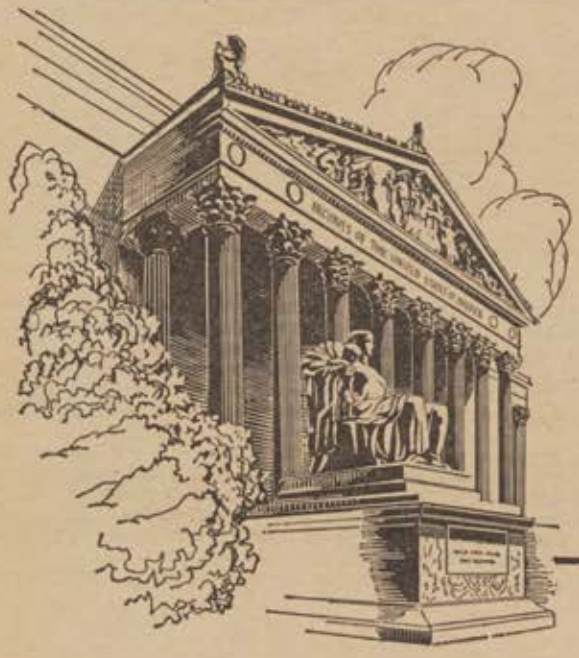

FEDERAL REGISTER

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (14) is added under paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

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

(14) One Special Assistant to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70–4160; Filed, Apr. 6, 1970; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

President's Committee on Consumer Interests

Section 213.3371 is amended to show that one position of Director for Consumer Education and one position of Director for Publications are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (f) and (g) are added under § 213.3371 as set out below.

§ 213.3371 President's Committee on Consumer Interests.

* * * * *

(f) One Director for Consumer Education.

(g) One Director for Publications.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70–4161; Filed, Apr. 6, 1970; 8:47 a.m.]

Title 7—AGRICULTURE

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

[959.310 Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of onions grown in the production area.

In § 959.310 (34 F.R. 19290), paragraph (e) is hereby amended to include an additional subparagraph (4) to read as follows:

§ 959.310 Limitation of shipments.

* * * * *

(e) *Special purpose shipments and culls.* * * *

(4) *Export.* Onions handled for export may be packaged or loaded on Sundays if they are handled in accordance with the safeguard provisions of §§ 959.120–959.126: *Provided,* That prior approval is obtained from the committee for such packaging or loading on Sundays.

* * * * *

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

Effective date. Issued April 3, 1970, to become effective upon issuance.

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

[F.R. Doc. 70–4272; Filed, Apr. 6, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATON OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in subparagraph (e)(4) relating to the State of Illinois, subdivision (i) relating to Greene County is deleted.

2. In § 76.2, in subparagraph (e)(19) relating to the State of Virginia, subdivision (vi) relating to Isle of Wight County is deleted.

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

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

The amendments exclude portions of Greene County, Ill., and a portion of Isle of Wight County, Va., from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of April 1970.

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

[F.R. Doc. 70-4190; Filed, Apr. 6, 1970; 8:50 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(4) relating to the State of Illinois, subdivision (ii) relating to Montgomery County, and subdivision (iii) relating to Shelby County are deleted, and a new subdivision (ii) relating to Menard County is added to read:

(e) * * *

(4) *Illinois.*

* * * * *

(ii) That portion of Menard County comprised of Road District No. 5 and Road District No. 6.

* * * * *

2. In § 76.2, in paragraph (e)(13) relating to the State of North Carolina, subdivision (i) relating to Duplin County, and subdivision (iii) relating to Lenoir County are deleted.

3. In § 76.2, in paragraph (e)(18) relating to the State of Texas, subdivision (vi) relating to Harris County is deleted.

4. In § 76.2, in paragraph (e)(19) relating to the State of Virginia, subdivision (iii) relating to King William and Hanover Counties is amended to read:

(e) * * *

(19) Virginia.

* * * * *

(iii) The adjacent portions of King William and Hanover Counties bounded by a line beginning at the junction of Secondary Highway 605 and U.S. Highway 360; thence, following U.S. Highway 360 in a southwesterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a northeasterly direction to Secondary Highway 614; thence, following Secondary Highway 614 in an easterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a northwesterly direction to State Highway 30; thence, following State Highway 30 in a southeasterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a southerly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a southeasterly direction to its junction with U.S. Highway 360.

* * * * *

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

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

The amendments quarantine a portion of Menard County in Illinois, and a portion of King William County in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude portions of Montgomery and Shelby Counties in Illinois; portions of Duplin and Lenoir Counties in North Carolina; and a portion of Harris County in Texas from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76, will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of April 1970.

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

[F.R. Doc. 70-4153; Filed, Apr. 6, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9748; Amdt. No. 61-48]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Recent Flight Experience

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to allow the use of instrument proficiency checks required under Parts 121, 123, 127, and 135 to meet the recent instrument experience requirements of § 61.47.

This amendment was originally proposed by Notice 69-34 and published in the FEDERAL REGISTER on August 16, 1969 (34 F.R. 13329). Sixteen public comments were received, and all but one favored the proposal.

As was explained in the notice, § 61.47(g) presently states that a pilot who successfully passes a flight test required for a category, class, type, or instrument rating is considered to meet the recency of experience requirement of the paragraph of § 61.47 that is appropriate to the flight test, but no such credit is given for proficiency checks conducted under Parts 121, 123, 127, and 135. Thus, a pilot operating under Part 121, 123, 127, or 135 must have the recent instrument experience required by § 61.47 (d) or (e), as appropriate, in addition to the instrument portion of the proficiency checks required by the applicable part.

Inasmuch as the instrument portion of the proficiency check required under Parts 121, 123, 127, and 135 is essentially equivalent to the instrument flight test, the FAA considers that the instrument proficiency check fulfills the purpose of the recent instrument experience requirements of assuring continuing instrument proficiency. Therefore, credit is given for the instrument portion of the proficiency check under Parts 121, 123, 127, and the instrument check under Part 135 toward the recent instrument experience specified in paragraphs (d) and (e) of § 61.47.

Several comments were received recommending that credit for instrument checks be extended to cover these checks when taken by pilots who do not conduct operations subject to Part 121, 123, 127, or 135. While this recommendation may have merit, it is considered to be outside the scope of the notice and therefore is not being adopted at this time. However, the FAA will study the feasibility of including this provision in a future amendment.

In regard to instrument checks given to pilots conducting operations under Part 127, it is to be noted that an instrument check is not specified in that part. However, the Administrator has authorized some air carriers to conduct IFR operations under that part in accordance with conditions and limitations, including instrument check procedures specified in the air carrier's operations specifications. Therefore, this amendment gives credit in § 61.47(g) for instrument checks required by those operations specifications to pilots conducting operations under Part 127.

In addition to the foregoing amendment, the word "section" appearing in the second sentence of § 61.47(a) has been changed to "paragraph". This change is editorial and does not involve a substantive change.

Interested persons have been given an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 61.47 of Part 61 of the Federal Aviation Regulations is amended, effective May 7, 1970, as follows:

1. Paragraph (a) is amended by deleting the word "section" in the second sentence and inserting in place thereof the word "paragraph".

2. Paragraph (g) is amended to read as follows:

* * * * *

(g) *Credit given for flight tests or proficiency checks.* A pilot who successfully passes one of the following flight tests or proficiency checks is considered to meet the recency of experience as follows:

(1) A flight test required for a category, class type, or instrument rating is considered to meet the recency of experience requirement of the paragraph of this section that is appropriate to the flight test.

(2) An instrument proficiency check required by § 121.441, § 123.27(j), or § 135.131 of this chapter, or by the procedures specified in operations specifications of an air carrier under § 127.243 of this chapter, is considered to meet the instrument experience requirements of paragraphs (d) and (e) of this section.

* * * * *

(Secs. 313(a), 601, 602, 604, of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1422, 1424; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 1, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-4157; Filed, Apr. 6, 1970; 8:47 a.m.]

[Docket No. 9668; Amdt. No. 97-696]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Incorporation by Reference of Standard Instrument Approach Procedures

The purpose of these amendments to Part 97 of the Federal Aviation Regulations is to eliminate the need for the publication of Standard Instrument Approach Procedures (SIAPs) in the FEDERAL REGISTER.

These amendments were proposed in Notice No. 69-28 issued on June 20, 1969 (34 F.R. 9875). Several comments were received in response to the notice and all of them favored the amendments. One of these comments also recommended that the FAA make photocopies of the SIAPs available by mail. Such copies have always been available upon written request of interested persons. They will continue to be available in the same manner after the adoption of these amendments. One other comment recommended that the proposal also include those forms sometimes designated as "panels" or "511's". These forms are used for procedures that are not revised in accordance with TERPS criteria. However, to clarify this matter all FAA Forms used for the amendment of those SIAPs not yet revised to conform with TERPS criteria will be designated as FAA Form 3139 and specifically referred to in § 97.10 of the amendments adopted herein.

At the present time, SIAPs are adopted as amendments to Part 97, and are published in their entirety in the FEDERAL REGISTER, on a weekly basis. Contemporaneously with publication in the FEDERAL REGISTER, the SIAPs are made available to the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts where they are published as approach procedure charts or "approach plates". These charts are made available to the members of the aviation community and are read by pilots to ascertain instrument approach requirements.

The large volume of amendments to the SIAPs, their complex technical nature, and the need for a special publication format, makes their publication in the FEDERAL REGISTER expensive and cumbersome. For this reason, and because most airmen use the charts printed by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts, the FAA is taking advantage of the recently adopted provision for incorporation by reference in 5 U.S.C. 552(a)(1), set out in greater detail in 1 CFR Part 20, which makes the publication of the SIAPs in the FEDERAL REGISTER in their entirety unnecessary.

Under this amendment Subparts B and C of Part 97 are amended to provide for incorporation by reference into Part 97 those SIAPs adopted by the FAA and described as FAA Form 8260-3, 8260-4, 8260-5 or 3139. In addition, the FAA would continue to promulgate, revise, and cancel SIAPs by adopting amendments to Part 97. Notices of proposed rule making in cases where safety in air commerce does not require immediate action, and amendments revising Part 97 would continue to be published in the FEDERAL REGISTER on a weekly basis. The amendments would identify the SIAPs and incorporate them by reference by incorporating by reference FAA Form 8260-3, 8260-4, 8260-5 or 3139.

All incorporated SIAPs would be available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW. 20590. The National Flight Data Center would also maintain an historical file of all SIAPs. Copies of SIAPs adopted in a particular FAA Region would also be available for examination at the headquarters of that region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office would be available for examination at that office. The incorporated SIAPs would continue to be portrayed on instrument approach procedure charts that can be obtained from the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts. Finally, on payment of a fee, individual copies of SIAPs may be obtained from the Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW. 20590, or from the applicable FAA Regional Office. A weekly transmittal of all copies of weekly issuances of new, revised, and canceled SIAPs is obtainable on a subscription basis from the Superintendent of Documents.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is hereby amended effective May 7, 1970, to read as follows:

1. Subpart B is amended by adding a new § 97.10 to read as follows:

§ 97.10 General.

This subpart prescribes standard instrument approach procedures other than those based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). Standard instrument approach procedures adopted by the FAA and described on FAA Form 3139 are incorporated into this part and made a part hereof as provided in 5 U.S.C. 552(a)(1) and pursuant to 1 CFR Part 20. The incorporated standard instrument approach procedures are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that office. Based on the information contained on FAA Form 3139, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts.

2. Section 97.20 of Subpart C is amended to read as follows:

§ 97.20 General.

This subpart prescribes standard instrument approach procedures based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). The standard instrument approach procedures adopted by the FAA and described on FAA Form 8260-3, 8260-4, or 8260-5 are incorporated into this Part and made a part hereof as provided in 5 U.S.C. 552(a)(1)

and pursuant to 1 CFR Part 20. The incorporated standard instrument approach procedures are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that Region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that Office. Based on the information contained on FAA Form 8260-3, 8260-4, and 8260-5, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of areonautical charts.

(Secs. 307, 313, 601, 602, 603, 902, 1110, 1202, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1422, 1423, 1472, 1510, 1522; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 31, 1970.

J. H. SHAFFER,
Administrator.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by Director of the Federal Register on May 12, 1969.

[F.R. Doc. 70-4156; Filed, Apr. 6, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-83]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Canned Tomatoes and Canned Tomato Concentrates From Italy

In Treasury Decision 69-13 published in the FEDERAL REGISTER on December 31, 1968, the net amount of the bounty or grant on canned tomatoes and canned tomato concentrates was ascertained and determined or estimated to be 1,500 lire per 100 kilos of canned tomatoes and 3,300 lire per 100 kilos of canned tomato concentrates.

Information now available indicates an increase in the amount of bounty or grant being paid on canned tomatoes and canned tomato concentrates exported from Italy on and after February 21, 1970.

In accordance with section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), the net amount of the bounty or grant on canned tomatoes and canned tomato concentrates exported from Italy on and after February 21, 1970, has been ascertained and determined or estimated, and such net amount is hereby declared to be 2,000 lire per 100 kilos of canned tomatoes and 3,300 lire per 100 kilos of canned tomato concentrates, except concentrates of 95 percent or higher. For concentrates which are 95 percent or higher, the amount is 11,220 lire per 100 kilos.

Effective February 21, 1970, and until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable canned tomatoes and canned tomato concentrates imported directly or indirectly from Italy, which were exported from Italy on or after February 21, 1970, and which benefit from such bounty or grant, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Italy—Canned Tomatoes and Canned Tomato Concentrates" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: March 31, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-4188; Filed, Apr. 6, 1970; 8:49 a.m.]

[T.D. 70-81]

PART 53—APPRAISEMENT

Antidumping—Steel Bars, Reinforcing Bars, and Shapes From Australia

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). The Secretary's determination was published in the FEDERAL REGISTER for November 27, 1969 (34 F.R. 18955).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on February 27, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. The Tariff Commission's determination was published in the FEDERAL REGISTER for March 5, 1970 (35 F.R. 4161).

On behalf of the Secretary of the Treasury, I hereby make public these determinations in this finding of dumping with respect to steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia.

Section 53.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia.	Australia....	70-81

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-4187; Filed, Apr. 6, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 148d—CYCLOSERINE

Confirmation of Effective Date of Order Repealing Provision for Certification of Combination Drug Containing Cycloserine and Isoniazid

An order was published in the FEDERAL REGISTER of January 15, 1970 (35 F.R. 531), amending the antibiotic drug regulations to repeal provision for certification of cycloserine capsules with isoniazid. The order repealed § 148d.3 and revoked all antibiotic certificates previously issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendment promulgated thereby became effective February 24, 1970.

Dated: March 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-4167; Filed, Apr. 6, 1970; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chief Medical Director

In § 2.6(a), subparagraph (5) is amended to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

Employees occupying or acting in the positions designated in this section are delegated authority as indicated:

(a) *Department of Medicine and Surgery.* The Chief Medical Director is delegated authority:

* * * * *

(5) To designate the Assistant Chief Medical Director for Dentistry, and authority is hereby delegated such designee, to perform the functions prescribed in subparagraph (4) of this paragraph.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: March 31, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-4164; Filed, Apr. 6, 1970; 8:47 a.m.]

PART 17—MEDICAL

Extensions of Community Nursing Home Care

Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

The Chief Medical Director, his deputy, or the Regional Medical Director may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of an unusual nature such as when a medical and economic need continues to exist, additional time is required to complete other arrangements for care, or when readmission to a hospital is not deemed professionally advisable despite terminal deterioration of the veteran's medical condition.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: March 31, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-4165; Filed, Apr. 6, 1970; 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 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 16, 1970, through September 30, 1970, during daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1970.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

MARCH 31, 1970.

[F.R. Doc. 70-4170; Filed, Apr. 6, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 9-4.51—Research Agreements and Contracts With Educational Institutions

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

1. Section 9-4.5109-4 *Technical reports,* is revised to read as follows:

§ 9-4.5109-4 Technical reports.

Technical reports, preprints, and articles prepared for publication during the period covered should be listed with bibliographic references. Reprints of all such material not previously submitted should be appended and material contained in them need not be duplicated in the report.

2. In § 9-4.5109-8 *Summary and distribution of reports,* the table is revised as follows:

§ 9-4.5109-8 Summary and distribution of reports.

* * * * *

DISTRIBUTION AND SCHEDULE OF DOCUMENTS

Type	When due	Number of copies for: Field office	Hq program division	DTI ext. Oak Ridge *	Hq patents OGC
1. Summary: 200 words on scope and purpose (S.I.E. Form).	At start of initial contract and each renewal period.	1	3		
2. Renewal proposal	Not later than 3 months nor earlier than 6 month before contract expires.	2	4		
3. Annual progress reports [b] [c]	With renewal proposal, but bound separately.	2	4	•1	
4. Other progress reports, brief topical reports, etc. (Desired when significant result, develop or when work has direct programmatic impact.) [b] [c]	As deemed necessary by investigator or as specifically requested by appropriate Hq Division.	2	4	•1	
5. Conference papers. [c]	Same as 4 above	2	4	•1	
6. Final report. [b] [c]	When contract is completed	2	2	•1	1

* AEC contract administrator informs contractor which types of documents are to be transmitted to DTIE. For each document so identified, contractor sends the additional copy to the contract administrator for transmittal to DTIE, accompanied by one copy of AEC Form 427.

[b] Report shall be prefaced by an informative abstract of no more than 200 words.

[c] 9-4.5109-4 requires the listing of technical reports, articles, and preprints and the appendage of reprints not previously submitted.

3. In § 9-4.5112-3, *Payments under special research support agreements,* paragraph (a) is revised to read as follows:

§ 9-4.5112-3 Payments under special research support agreements.

(a) Payments will be made to contractors under a special research support agreement in accordance with the contract provisions (see Article B-XI of § 9-16.5002-8). The letter of credit procedure, as provided for by Treasury Department Circular No. 1075, as revised April 10, 1969, will generally be used when the total of AEC contracts with advance financing at an institution provide for a continuing annual level of support of

$250,000 or more. When the total AEC contracts with advance financing provide for an annual level of AEC support of less than $250,000, AEC will generally make advance payments covering the first 90 percent of the amount of the estimated AEC Support Cost as set forth in Article A–III of the contract. The field office may revise Article B–XI of § 9–16.5002–8, regarding the timing and amounts of advance payments, in accordance with the following provisions. The advance payments may be made at times and in amounts determined by the field office, provided that no single payment will exceed 45 percent of the estimated AEC Support Cost for the pertinent contract period except on the basis of a request from the Contractor evidencing that a specified amount is required in connection with expenditures or commitments made under the contract. The timing and amounts of payments should be determined on the basis of limiting the amount of advances to the extent feasible consistent with effective and efficient contract administration and performance of the research, for the purpose of slowing the rate of cash withdrawals from the Treasury and thereby decreasing the financing costs to the Federal Government. In determining the timing and amounts of payments, consideration should be given to funds already available to the Contractor, the expected expenditures under the contract, any information from the Contractor regarding the need for funds, and the administrative cost of additional payments.

* * * * *

4. Section 9–4.5112–4 *Payments under cost-type contracts,* is revised to read as follows:

§ 9–4.5112–4 Payments under cost-type contracts.

Payments for allowable costs incurred under cost-type contracts will be made in accordance with the provisions of the contract. Payments will generally be made on the basis of after-the-fact reimbursement of contractor costs upon submission by the contractor of an appropriate monthly invoice or voucher. In the event that it is determined that advance payments to the contractor are appropriate, the letter of credit procedure, as provided for by Treasury Department Circular No. 1075, as revised April 10, 1969, may be used when the total of AEC contracts at an institution provide for a continuing annual level of support of $250,000 or more.

5. In section 9–16.5002–8 *Outline of special research support agreement with educational institutions,* paragraph (a) of Article B–III—Publication of Results, is revised; subparagraph (c)(1) of Article B–XI—Payments, is revised; and the paragraph entitled "Progress Report" in Article B–XXI—Reports and Renewal Proposals, is revised. The affected portions of 9–16.5002–8 read as follows:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

ARTICLE B–III—PUBLICATION OF RESULTS

(a) Research results obtained under this contract shall be made available to all through normal and accepted channels without restriction except that no Restricted Data as defined in the Atomic Energy Act of 1954, as amended, or other classified information shall be disclosed to unauthorized persons. Published results shall indicate that the research was supported by the Commission. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Commission. The Contractor shall also inform the Commission when the article is published and furnish _____ copies of the article as finally published.

* * * * *

ARTICLE B–XI—PAYMENTS

* * * * *

(c) * * *

(1) The Commission shall issue a letter of credit as provided for by Treasury Department Circular No. 1075, as revised April 10, 1969, under which payments to the Contractor with respect to the amount of consideration provided for in Article III of this contract will be made. The Contractor agrees that the first ninety (90) percent of the estimated AEC Support Cost as set forth in Article A–III of the contract will be under the letter of credit and will be subject to the submission by the Contractor of a Payment Voucher on Letter of Credit (TUS 5401), in accordance with procedures based upon Treasury Department Circular No. 1075, as revised April 10, 1969, which are agreed to by the parties. Following submission by the Contractor of a final report provided for in Article B–XXI, in form and content satisfactory to the Commission, and submission of a certified statement showing the total expenditures and evidencing the Contractor's performance under the contract, and upon submission by the Contractor to the Commission of such invoices or vouchers as are satisfactory to the Commission, the Commission shall pay the Contractor the concluding payment of the consideration provided for in Article III of this contract, or said concluding payment will be included under the letter of credit and will be subject to submission by the Contractor of a Payment Voucher on Letter of Credit, in accordance with the procedure described above. If, following submission of an annual report, the contract is extended for an additional period of performance, an additional payment may similarly be made at the time of execution of the extension which, when added to the payments already made for the expiring period, will not exceed the currently estimated AEC Support Cost for the expiring period; a concluding payment for the pertinent period, if appropriate, may be made following submission of a certified statement showing the AEC Support Cost for the pertinent period and evidencing the Contractor's performance under the contract.

* * * * *

ARTICLE B–XXI—REPORTS AND RENEWAL PROPOSALS

* * * * *

PROGRESS REPORT

The progress report shall briefly describe the scope of investigations undertaken and the significant results obtained. It shall also indicate compliance with the contract requirements and any failures to comply. The report shall indicate the approximate percentage of time or effort which the principal investigator(s) has devoted to the project since the beginning of the current term of the agreement and indicate the amount of effort which is expected to be devoted during the remainder of the current term. Technical reports, preprints, and articles prepared for publication shall be listed with bibliographic references. Reprints of all such material not previously submitted shall be appended and material contained therein need not be duplicated in the report. Progress reports shall be submitted approximately 3 months in advance of the expiration of the current contract term and shall give the Contractor's best estimate of the probable events and occurrences in regard to the remainder of the current contract term. Except as the Commission may otherwise request, no further progress report will be required for any contract year unless there has been a significant change in scientific results or contract compliance between the latest progress report by the Contractor and its actual experience; this shall be reported promptly.

* * * * *

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

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

For the U.S. Atomic Energy Commission.

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

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 70–4130; Filed, Apr. 6, 1970; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Procurement of ADPE

This amendment provides standard terminology to be used in solicitation of offers in the procurement of ADPE relative to implementation of the provisions of Federal Information Processing Standards Publication 7.

The table of contents for Part 101–32 is amended to add the following entries:

101–32.408–1 Implementation of the Code for Information Interchange and Related Media Standards.
101–32.408–2 Standard terminology for use in solicitation documents.

Subpart 102–32.4—Procurement and Contracting

Section 101–32.403 is revised to read as follows:

§ 101–32.403 Procurement authority.

To allow for the orderly implementation of a program for the economic and efficient procurement of ADPE, software, and maintenance services, agencies are authorized to procure these items in accordance with the provisions of this § 101–32.403 and under certain circumstances as provided in §§ 101–32.404 and 101–32.405.

(a) The exercise of procurement authority shall be accomplished in accordance with the procurement guidance provided in § 101-32.408.

(b) In those instances where agencies are authorized to procure ADPE, software, or maintenance services under the provisions of this § 101-32.403, two copies of the solicitation document (RFP, IFB, or RFQ), as applicable, and any subsequent amendments thereto shall be forwarded to the General Services Administration, Federal Supply Service, ADP Procurement Division—FTP, Washington, D.C. 20406, as soon as available but in no event later than the date issued to industry. In addition, one copy of the resulting purchase/delivery order or contract shall be forwarded upon issuance.

Section 101-32.408 is amended as set forth below and §§ 101-32.408-1, and 101-32.408-2 are added as follows:

§ 101-32.408 Procurement guidance.

* * * * *

(b) Appropriate provisions of the Federal Property Management Regulations (FPMR);

(c) The policies and guidance stated in applicable Bureau of the Budget directives; and

(d) Federal Information Processing Standards Publications (FIPS PUBS) as issued by the National Bureau of Standards under the direction of the Bureau of the Budget.

§ 101-32.408-1 Implementation of the code for information interchange and related media standards.

The President, by memorandum dated March 11, 1968, addressed to the heads of departments and agencies, directed that all computers and related equipment configurations brought into the Government on and after July 1, 1969, be capable of using the American Standard Code for Information Interchange (ASCII), and ancillary standards. The President directed the Secretary of Commerce to provide Federal agencies with the details of these standards and their application. The Department of Commerce has published the Federal Information Processing Standards Publications (FIPS PUBS), identified in this section, as a means for implementing ASCII and related media standards. Copies of the specifications contained in the FIPS PUBS are available from General Services Administration, Region 3, Federal Supply Service, Self-Service Stores and Fuels Division—3FRSB, Washington, D.C. 20407. If instances arise in which an agency cannot comply with the provisions of section 5 of FIPS PUB 7 (which requires that computers and related equipment configurations brought into the Federal Government inventory must have the capability to use ASCII and the formats prescribed by the magnetic tape and paper tape standards when these media are used), the head of the agency is authorized to waive application. All waivers and the reasons therefor shall be coordinated with the National Bureau of Standards sufficiently in advance of final agency authorization so that the National Bureau of Standards may consider the impact of the decision on the Federal standards program.

(a) FIPS PUB 1, Code for Information Interchange, promulgates the USA Standard Code for Information Interchange (ASCII) and specifies the code and character set for use in Federal information processing systems, communications systems, and associated equipment.

(b) FIPS PUB 2, Perforated Tape Code for Information Interchange, specifies the representation of the ASCII code and format on perforated tape to be used in Federal information processing systems, communications systems, and associated equipment.

(c) FIPS PUB 3, Recorded Magnetic Tape for Information Interchange (800 CPI NRZI), specifies the code and format to be used when recording on ½-inch nine-track magnetic tape and the type of reels to be used when recording in Federal information processing systems and associated equipments.

(d) FIPS PUB 7, Implementation of the Code for Information Interchange and Related Media Standards, supplements FIPS PUBS 1, 2, and 3 and provides details concerning their implementation and applicability.

§ 101-32.408-2 Standard terminology for use in solicitation documents.

To assist agencies in complying with the provisions of section 5 of FIPS PUB 7, the standard terminology in (a) through (e) below, shall be included in solicitation of offers for acquisition of ADPE and related software under authority of this Subpart 101-32.4 unless a waiver from these requirements is obtained in accordance with section 9 of FIPS PUB 7. This standard terminology covers all equipment and software to which Federal Information Processing Standards shall be applied except for telecommunications equipment which is subject to conformance with the plan for National Communications System, as provided in section 7 of FIPS PUB 7.

(a) *ASCII system requirements.* The system, upon receiving a hardware or software command from the operator, must accept data on magnetic tape, paper tape, or any other input media covered by an approved Federal Information Processing Standard Publication (FIPS PUB) in ASCII code and collating sequences prescribed in FIPS PUB 1 and in the format prescribed in FIPS PUBS 2, 3, or other applicable FIPS PUBS. Such data may be translated, if necessary, into a form upon which the proposed equipment can internally process, provided the output of the processed data to magnetic tape, paper tape, and other output media is in the ASCII code and collating sequence as prescribed in FIPS PUB 1 and in the format prescribed in FIPS PUBS 2, 3, or other applicable FIPS PUBS.

(b) *Magnetic tape drives.* Tape drives operating at 800 CPI, must be nine channel, NRZI, and must be capable of reading and recording in the ASCII code and format, as specified in FIPS PUBS 1 and 3.

(c) *Punched paper tape readers and punches.* Punched paper tape equipment must be capable of reading and punching in the prescribed ASCII code and format delineated in FIPS PUBS 1 and 2.

(d) *Data acquisition, preparation, transcription and data communications terminal devices.* Input devices and related equipment, e.g., typewriter terminals, CRT (cathode ray tube) terminals, remote terminals, must be capable of utilizing the coded character set as specified in FIPS PUB 1, or a specified subset thereof if indicated elsewhere in the solicitation.

(e) *Display devices and printers.* Display devices and printers must be capable of displaying the coded character set as specified in FIPS PUB 1, or a specified subset thereof if indicated elsewhere in the solicitation.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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

Dated: March 30, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-4175; Filed, Apr. 6, 1970; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Subpart E—Annual Interest Grants for Construction of Academic Facilities

Part 170 of Title 45 of the Code of Federal Regulations dealing with the administration of the Higher Education Facilities Act of 1963, is hereby amended by adding a new subpart, Subpart E, covering the terms and conditions under which annual interest grants will be made to reduce the cost of borrowing for construction of academic facilities under section 306 of such Act.

The new Subpart E reads as follows:

Subpart E—Annual Interest Grants for Construction of Academic Facilities

Sec.

AUTHORITY: The provisions of this Subpart E issued under sec. 306, 82 Stat. 1060; 20 U.S.C. 746.

Subpart E—Annual Interest Grants for Construction of Academic Facilities

§ 170.71 Eligibility for annual interest grants.

(a) Annual interest grants may be made to institutions of higher education, higher education building agencies, and cooperative graduate center boards, to reduce the cost to them of borrowing funds, other than those available under this part, for the construction of academic facilities.

(b) No annual interest grant shall be made unless the Commissioner finds that the applicant is unable to secure a loan in the amount with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to direct Federal loans under Subpart D of this part. For the purpose of making such determination, the applicant shall comply with such procedures as the Commissioner may establish, including public advertising for bids from other sources.

(c) Annual interest grants may not be made with respect to loans consummated prior to the filing of an application under this subpart or Subpart D.

§ 170.72 Amount of annual interest grants.

Except where a limitation of general applicability is promulgated, each grant shall be in an amount approximately equal to but not more than the difference between (a) the average annual debt service which is required to be paid, during the life of the loan, on the amount borrowed from private sources for the construction of an academic facility covered by the application, and (b) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amount if the applicable interest rate were 3 percent per annum.

§ 170.73 Submission of applications.

Each applicant desiring to receive annual interest grants shall submit an application for such grant assistance, in the manner and containing the information specified by the Commissioner. Requests for application forms may be made to the Director of Higher Education for the appropriate regional office of the Department of Health, Education, and Welfare.

§ 170.74 Conditions for approval of annual interest grants.

An application for annual interest grants will be approved only if the Commissioner is satisfied that:

(a) The facilities to be constructed are urgently needed to accommodate more students or to replace inadequate academic facilities in order to prevent a decrease in student enrollment capacity;

(b) Funds will be available as required to pay the total development cost of the facilities;

(c) The applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of application;

(d) The applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan and annual interest grants, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan; and

(e) The applicant's financing plan meets the conditions of § 170.76 and is otherwise practical and feasible.

§ 170.75 Limits governing extent of Federal assistance.

The principal amount of a loan (or portion thereof) on which an annual interest grant is approved may not exceed (a) 85 percent of the estimated development cost of the project or 90 percent of the actual development cost less the amount of any other Federal financial assistance (including loans from non-Federal sources, the repayment of the principal or interest on which is subsidized or insured by an agency of the Federal Government) the applicant has obtained or is assured of obtaining under any law other than that covered by this subpart, with respect to the construction of the project or (b) $5 million: *Provided, however,* That the aggregate principal amount of loans (or portions thereof) with respect to which annual interest grants are approved during any Federal fiscal year may not exceed $5 million for projects at any one institution or branch campus thereof.

§ 170.76 Approval of financing plans.

(a) Except as provided in paragraph (b) of this section, in order to be acceptable a financing plan submitted pursuant to § 170.73 must: (1) Provide that the term of the loan with respect to which an annual interest grant is to be paid does not exceed 30 years or the useful life of the facilities with respect to which such annual interest grant is to be made, whichever is the lesser; (2) provide that such loan is to be repaid in substantially annual level installments of interest and principal over the term of the loan, except that interest only may be paid for an initial period not exceeding 5 years; and (3) contain such other terms and conditions as will assure the Commissioner that the support provided by the Government over the term of the loan is no more than is necessary to effectuate the purposes of this subpart.

(b) Financing plans may also be acceptable where the term of the loan is longer than 30 years or the annual installments of interest and principal are not substantially level, if the Commissioner finds that unusual circumstances warrant such exceptions: *Provided, however,* That in no event shall the term of the loan exceed 40 years.

§ 170.77 Evidence of lowest possible cost of loan.

An applicant shall demonstrate to the satisfaction of the Commissioner that the loan it proposes to obtain is at the lowest possible net interest cost. In the case of an applicant proposing to issue tax-exempt bonds to finance the construction of academic facilities, a sale pursuant to public advertising for bids for the securities in an advertising medium acceptable to the Commissioner will be deemed to meet this requirement. An applicant not issuing tax-exempt securities will be expected to submit offers from at least three (3) lending institutions normally engaged in making long term construction loans. The applicant must have furnished each such institution with the information necessary to enable it to specify in its offer the amount, interest rate, maturity period, security and prepayment provisions of the loan.

§ 170.78 Annual interest grant agreements.

Upon approval of an application for annual interest grants, the Commissioner shall prepare and send to the applicant a proposed agreement, which shall contain the terms and conditions relating to the receipt of annual interest grants including a description of the project and the facilities, the maximum principal amount of the loan (or portion thereof) on account of which annual interest grants payments will be made, the maximum annual grant amount and the anticipated term of the annual interest grant payments. The proposed agreement shall also provide that where a loan is not consummated prior to execution of such agreement by the Commissioner, no grant shall be made thereunder unless the Commissioner concurs in the rate of interest and other terms and conditions of the loan. The agreement once executed by the applicant and the Commissioner creates a contractual obligation on the part of the Commissioner to make annual interest grants in future years in accordance with the terms and conditions of the agreement for so long as the applicant carries out its obligations under the agreement. The agreement for annual interest grants is not entered into for the benefit of, nor to induce the making of loans by or the sale of bonds to, third parties, and the Commissioner shall not entertain grievances or claims of such third parties.

§ 170.79 Payment of annual interest grants.

The first payment will normally be made fifteen (15) days prior to the first anniversary date following initial use of the project. Annual interest grants shall be paid annually approximately fifteen (15) days prior to the anniversary date of the loan. The first payment shall accrue from the date of such initial use to the first anniversary date thereafter. Grant assistance shall not accrue during any period prior to initial use of the project. Payment of annual interest

grants will usually be made directly to the applicant. However, payment will be made directly to a trustee, paying agent or lender pursuant to an assignment of such payments by the applicant.

§ 170.80 Reduction of grant where refinancing produces lower cost.

Where the Commissioner finds that the applicant could have accelerated repayment of the loan outstanding and obtained a new loan where to do so would have resulted in a net savings in the cost of the loan, the amount of annual interest grants shall be computed as if such refinancing had been undertaken.

§ 170.81 Conversion of direct loans to annual interest grants.

Applicants who have already secured approval of a direct loan under this part or who have applications on file with the Office of Education which have not yet been approved will be given an opportunity to convert such loans or applications for such loans to annual interest grants or applications for annual interest grants under the provisions of this subpart.

§ 170.82 Priority considerations; closing dates.

Applications shall be processed in such manner as is necessary and appropriate to encourage distribution of the available funds in accordance with urgency of need for academic facilities and special consideration will be given to institutions committed to the enrollment of a substantial number of students from low income families. The Commissioner may, from time to time, set closing dates by which applications must be filed in order to be assured of consideration during a given period of time.

§ 170.83 Preceding provisions not exhaustive of authority of Government.

The provisions of this subpart are not exhaustive of the authority of the Government to impose, at such time as it may deem appropriate, further limitations respecting the amount of the annual interest grant or the amount on which such grant is based.

Dated: February 25, 1970.

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

Approved: April 1, 1970.

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

[F.R. Doc. 70-4178; Filed, Apr. 6, 1970; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[46025]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Order. 1. Preparatory to the reprinting of the revised edition of Volume II of the Commission's rules and regulations numerous editorial changes were made in Parts 2, 5, 15, and 18. The majority of the changes involve substituting the term "Hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.[1]

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

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules and regulations, that effective April 10, 1970, Parts 2, 5, 15, and 18 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 30, 1970.

Released: March 30, 1970.

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

Chapter I, Title 47 of the Code of Federal Regulations, is amended with respect to Parts 2, 5, 15, and 18 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.1, the definitions *Domestic fixed public service, Flight test station, International broadcasting station, International fixed public radio service, Primary standard of frequency, Radio waves (or Hertzian waves),* and *Standard broadcasting station* are amended; *Gc/s (gigacycle per second), Kc/s (kilocycle per second),* and *Mc/s (megacycle per second),* are deleted; and *GHz (gigahertz), kHz (kilohertz),* and *MHz (megahertz)* are added. Listed in alphabetical order, the new or amended definitions read as follows:

§ 2.1 Definitions.

* * * * *

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunications originating and terminating solely at points all of which lie within: (a) The State of Alaska, or (b) the State of Hawaii, or (c) the contiguous 48 States and the District of Columbia, or (d) a single possession of the United States. Generally, in cases where service is afforded on frequencies above 72 MHz, radiocommunications between the contiguous 48 States (including the District of Columbia) and Canada or Mexico, or radiocommunications between the State of Alaska and Canada, are deemed to be in the domestic fixed public service.

* * * * *

Flight test station. An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft: *Provided, however,* Flight test stations, when operating on the frequency 3281 kHz, are designated as land stations, only with respect to operation on the frequency 3281 kHz.

* * * * *

GHz (gigahertz). A unit of frequency equivalent to 1,000 megahertz.

* * * * *

International broadcasting station. A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kHz and 26,100 kHz, whose transmissions are intended to be received directly by the general public in foreign countries.

* * * * *

International fixed public radio service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 States (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 States (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service: *Provided, however,* That communications solely between Alaska, or any one of the contiguous 48 States (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

* * * * *

kHz (kilohertz). A unit of frequency equivalent to 1,000 hertz.

* * * * *

MHz (megahertz). A unit of frequency equivalent to 1,000 kilohertz.

* * * * *

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Boulder, Colo. The operating frequency of all radio stations will be determined by comparison with this standard or through the standard signals of stations WWV, WWVH, or

[1] In § 2.106, Table of Frequency Allocations, changes were accomplished by Commission Order released Dec. 5, 1969, 34 F.R. 19421.

WWVB of the National Bureau of Standards.

* * * * *

Radio waves (or Hertzian waves). Electromagnetic waves of frequencies lower than 3000 GHz propagated in space without artificial guide.

* * * * *

Standard broadcasting station. A broadcasting station operated on a frequency in the band 535–1605 kHz.

* * * * *

2. Section 2.101 is amended to read as follows:

§ 2.101 Nomenclature of frequencies.

Band No.	Frequency subdivision	Frequency range
4	VLF (very low frequency)	Below 30 kHz.
5	LF (low frequency)	30 to 300 kHz.
6	MF (medium frequency)	300 to 3000 kHz.
7	HF (high frequency)	3 to 30 MHz.
8	VHF (very high frequency)	30 to 300 MHz.
9	UHF (ultra high frequency)	300 to 3000 MHz.
10	SHF (super high frequency)	3 to 30 GHz.
11	EHF (extremely high frequency).	30 to 300 GHz.

3. In § 2.102, paragraphs (a), (c), (d), (e), and the introductory text of paragraph (g) are amended to read as follows:

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kHz and 90 GHz, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

* * * * *

(c) The use of frequencies in the bands above 25 MHz allocated exclusively to Government stations and the use of frequencies below 25 MHz which may not be in accordance with § 2.106 may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may communicate with stations of the maritime mobile service. They shall then conform to those provisions of the Radio Regulations which relate to the maritime mobile service. For this purpose aircraft stations should use the frequencies allocated to the maritime mobile service. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region 1 should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that region.

(e) Non-Government services operating on frequencies in the band 25–50 MHz must recognize that it is shared with various services of other countries; that harmful interference may be caused by skywave signals received from distant stations of all services of the United States and other countries radiating power on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

* * * * *

(g) In the bands above 25 MHz which are allocated to the non-Government land mobile service, fixed stations may be authorized on the following conditions:

* * * * *

4. In § 2.103, the introductory text of paragraph (a) and subparagraph (1) are amended to read as follows:

§ 2.103 Government use of non-Government frequencies.

(a) Government stations may be authorized to use non-Government frequencies in the bands above 25 MHz if the Commission finds that such use is necessary for coordination of Government and non-Government activities: *Provided, however,* That:

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Emergency Preparedness (the more important of which are contained in subparagraphs (2), (3), and (4) of this paragraph), a complete list of which is available for public examination at each of the Commission's Field Engineering and Monitoring Bureau Field Offices:

* * * * *

5. In § 2.104, paragraph (a)(1) is amended to read as follows:

§ 2.104 Radio astronomy station notification.

(a) * * *

(1) The center of the frequency band observed, in kilohertz up to 30,000 kHz inclusive, and in Megahertz above 30,000 kHz.

* * * * *

6. In § 2.105, the introductory text of paragraphs (a) and (b) and paragraph (d) are amended to read as follows:

§ 2.105 Application and format of the Table of Frequency Allocations.

(a) In the Table of Frequency Allocations below 25 MHz, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

* * * * *

(b) In the Table of Frequency Allocations between 5000 and 25,000 kHz, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

* * * * *

(d) In Column 6 (above 25 MHz) the letter G means Federal Government radio stations, i.e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i.e., those whose frequencies are assigned by the Commission.

* * * * *

7. In § 2.201, paragraph (h) is amended to read as follows:

§ 2.201 Emission, modulation, and transmission characteristics.

* * * * *

(h) Whenever the full designation of an emission is necessary, the symbol for that emission, as given above, shall be preceded by a number indicating in kilohertz the necessary bandwidth of the emission. Bandwidths shall generally be expressed to a maximum of three significant figures, the third figure being almost always a nought or a five.

8. In § 2.202, paragraph (e) and Tables I, II, and III are amended to read as follows:

§ 2.202 Bandwidths.

* * * * *

(e) In the formulation of the table, the following terms have been employed:

Bn = Necessary bandwidth in Hertz.
B = Telegraph speed in bauds.
N = Maximum possible number of black plus white elements to be transmitted per second, in facsimile and television.
M = Maximum modulation frequency in Hertz.
C = Subcarrier frequency in Hertz.
D = Half the difference between the maximum and minimum values of the instantaneous frequency. Instantaneous frequency is the rate of change of phase.
t = Pulse duration in seconds.
K = An overall numerical factor which varies according to the emission and which depends upon the allowable signal distortion.

I AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Continuous wave telegraphy, A1.	$B_n=BK$ $K=3$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $K=5$. Bandwidth: 100 Hz. Four-channel time-division multiplex, 7-unit code, 42.5 bauds per channel, $B=170$, $K=3$. Bandwidth: 850 Hz.	0.1A1 0.85A1
Telegraphy modulated by an audio frequency, A2.	$B_n=BK+2M$ $K=3$ for fading circuits. $K=3$ for nonfading circuits.	Morse code at 25 words per minute, $B=20$, $M=1,000$, $K=5$. Bandwidth: 2,100 Hz.	2.1A2
Telephony, A3	$B_n=M$ for single sideband. $B_n=2M$ for double sideband.	Double sideband telephony $M=3,000$. Bandwidth: 6,000 Hz. Single sideband telephony reduced carrier, $M=3,000$. Bandwidth: 3,000 Hz. Telephony, two independent sidebands, $M=3,000$. Bandwidth: 6,000 Hz.	6A3 3A3A 6A3B
Sound broadcasting A3	$B_n=2M$ M may vary between 4,000 and 10,000 depending on quality desired.	Speech and music, $M=4,000$. Bandwidth: 8,000 Hz.	8A3
Facsimile, carrier modulated by tone and by keying, A4.	$B_n=KN+2M$ $K=1.5$	The total number of picture elements (black plus white) transmitted per second is equal to the circumference of the cylinder multiplied by the number of lines per unit length and by the speed of rotation of the cylinder in revolutions per second. Diameter of cylinder=70 mm. Number of lines per mm.=5. Speed of rotation=1 r.p.s. $N=1,100$. $M=1,900$. Bandwidth: 3,450 Hz.	3.45A4
Television (visual and aural) A5 and F3.	Refer to relevant CCIR documents for the bandwidths of the commonly used television systems.	Number of lines=525. Number of lines per second=15,750. Video bandwidth: 4.2 MHz. Total visual bandwidth: 5.75 MHz. FM aural bandwidth including guard bands: 250,000 Hz. Total bandwidth: 6 MHz.	5750A5C 250F3
Composite transmission, A9.	$B_n=2M$ (double sideband)	Television relay, video limited to 4 MHz, audio on 6.5 MHz FM subcarrier, subcarrier deviation=50 kHz. M=subcarrier frequency plus its maximum deviation=6.55×10^6. Bandwidth: 13.1×10^6 Hz.	13,100A9
Composite transmission, A9.	$B_n=2M$ (double sideband)	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kHz. $M=164,000$. Bandwidth: 328,000 Hz.	328A9

II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Frequency-shift telegraphy: F1.	$B_n=2.6D+0.55B$ for $1.5\leq\frac{2D}{B}\leq5.5$. $B_n=2.1D+1.9B$ for $5.5\leq\frac{2D}{B}\leq20$.	Four-channel time-division multiplex with 7-unit code, 42.5 bauds per-channel, $B=170$, $D=200$; $\frac{2D}{B}=2.35$, therefore the first formula in column 2 applies. Bandwidth: 613 Hz.	0.6F1
Commercial telephony: F3	$B_n=2M+2DK$ K is normally 1 but under certain conditions a higher value may be necessary.	For an average case of commercial telephony, $D=15,000$ $M=3,000$. Bandwidth: 36,000 Hz.	36F3
Sound broadcasting: F3	$B_n=2M+2DK$	$D=75,000$, $M=15,000$ and assuming $K=1$. Bandwidth: 180,000 Hz.	180F3
Facsimile: F4	$B_n=KN+2M+2DK$ $K=1.5$	(See facsimile, amplitude modulation.) Diameter of cylinder=70 mm. Number of lines per mm=5. Speed of rotation=1 r.p.s. $N=1,100$. $M=1,900$. $D=10,000$. Bandwidth: 25,450 Hz.	25.5F4
Four-frequency diplex telegraphy: F6.	If the channels are not synchronized, $B_n=2.6D+2.75B$ where B is the speed of the higher speed channel. If the channels are synchronized the bandwidth is as for F1, B being the speed of either channel.	Four-frequency diplex system with 400 Hz spacing between frequencies, channels not synchronized, 170 bands keying in each channel, $D=600$, $B=170$. Bandwidth: 2,027 Hz.	2.03F6
Composite transmission: F9.	$B_n=2M+2DK$	Microwave relay stem providing 240 telephone channels occupying baseband between 60 and 1050 kHz. $M=1.05\times10^6$. $D=2.35\times10^6$. Bandwidth: 6.8×10^6 Hz.	6800F9
Composite transmission: F9.	$B_n=2M+2DK$	TV microwave relay, aural program on 7.5 MHz subcarrier; subcarrier deviation plus or minus 150 kHz. M=subcarrier frequency plus maximum deviation=(7.5 plus 0.15)$\times10^6$ $D=1\times10^6$ (visual) plus 6.3×10^6 (aural). Bandwidth: 17.9×10^6 Hz.	17,900F9
Composite transmission: F9.	$B_n=2M+2DK$ $K=1$	Stereophonic FM broadcasting (U.S. system) with multiplexed subsidiary communications subcarrier, $M=75,000$, $D=75,000$. Bandwidth: 300,000 Hz.	300F9

III. Pulse Modulation

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
Unmodulated pulse: P0...	$B_n=\frac{2K}{t}$ K depends on the ratio of pulse duration to pulse rise time. Its value usually falls between 1 and 10 and in many cases it does not need to exceed 6.	$t=3\times10^{-4}$, $K=6$ Bandwidth: 4×10^{4} Hz.	4000P0
Modulated pulse: P2 or P3.	The bandwidth depends on the particular types of modulation used, many of these being still in the development stage.	.....	.....
Composite transmission: P9.	$B_n=\frac{2K}{t}$ $K=1.6$	Microwave relay, pulse-position modulated by 36 channel baseband; pulse width at half amplitude=0.4 microseconds. Bandwidth: 8×10^{6} Hz.	8000P9

9. Section 2.553 is amended to read as follows:

§ 2.553 Radio equipment list.

A list of type approved and type accepted equipment is published periodically by the Commission. Public notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Equipment which was listed prior to May 16, 1955, will be continued on the list unless it is removed by Commission action in accordance with the provisions of § 2.575. Copies of the Radio Equipment List are available for inspection at the Commission offices in Washington, D.C., and at each of its field offices.

10. In § 2.579, paragraphs (b)(1), (c)(3), (4), (5), and (6), and (d)(2)(ii) are amended to read as follows:

§ 2.579 Measurement data required for type acceptance.

* * * * *

(b) Modulation characteristics: (1) Voice modulated communications equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a frequency range of 100 to 5000 Hertz shall be submitted.

* * * * *

(c) * * *

(3) Voice modulated transmitters equipped with a device to prevent overmodulation—when modulated by an input signal 16 db greater than that required to produce 50 percent modulation: Test at 2500 Hertz.

(4) Voice modulated transmitters without a device to prevent overmodulation—when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 Hertz.

(5) Standard broadcast transmitters—when modulated with a frequency of 7500 Hertz at 85 percent modulation. FM broadcast transmitters, including TV aural transmitters—when modulated with a frequency of 15 kHz at 85 percent modulation.

(6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kHz to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter. The test signal shall be applied through any preemphasis networks used in normal service.

* * * * *

(d) * * *

(2) * * *

(ii) All equipment operating on frequencies higher than 25 MHz.

* * * * *

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

1. Section 5.103(a) is amended to read as follows:

§ 5.103 Emission limitations.

(a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilohertz to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (b) of this section is considered to be an unauthorized emission.

* * * * *

2. In § 5.155(b), subparagraphs (2), (3), and (4) are amended to read as follows:

§ 5.155 Operator requirements.

* * * * *

(b) * * *

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 MHz.

(3) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies below 25 MHz when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station when transmitting on frequencies above 50 MHz for telemetering purposes or when serving as a relay station for the purpose of retransmitting by self-actuating means signals from another station or stations.

* * * * *

3. In § 5.163(a), subparagraph (2) is amended to read as follows:

§ 5.163 Content of station records.

(a) * * *

(2) All measurements of the frequency(s), including the name of the person making the measurements, the exact frequency measured or the observed deviations from the assigned frequency(s) expressed in Hertz, kilohertz or percent plus or minus, and a statement of any corrective action taken.

* * * * *

4. Section 5.406(a) is amended to read as follows:

§ 5.406 Frequencies.

(a) Frequencies in the following bands are available for assignment in authorizations issued under this subpart:

27.23–27.28 MHz.
460–461 MHz.
462.525–467.475 MHz.
2450–2500 MHz.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

1. Section 15.4(a) is amended to read as follows:

§ 15.4 General definitions.

(a) *Radio frequency energy.* Electromagnetic energy at any frequency in the radio spectrum between 10 kHz and 3,000,000 MHz.

* * * * *

2. In § 15.7, the introductory paragraph and paragraph (c) are amended to read as follows:

§ 15.7 General requirement for restricted radiation devices.

Unless regulated under some other subpart of this part, any apparatus which generates a radiofrequency electromagnetic field functionally utilizing a small part of such field in the operation

of associated apparatus not physically connected thereto and at a distance not greater than $\frac{157{,}000}{F(kHz)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ need not be licensed provided:

* * * * *

(c) That in any event the total electromagnetic field produced at any point a distance of $\frac{157{,}000}{F(kHz)}$ feet $\left(\text{equivalent to } \frac{\lambda}{2\pi}\right)$ from the apparatus shall not exceed 15 microvolts per meter.

* * * * *

3. In § 15.63, paragraphs (a) and (b) are amended to read as follows:

§ 15.63 Radiation interference limits.

(a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 MHz, including frequency modulation broadcast receivers and television broadcast receivers, manufactured after the effective date specified in § 15.72 shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

Frequency of radiation (MHz)	*Field strength (μV/m)*
0.45 up to and including 25.	See paragraph (b).
Over 25 up to and including 70.	32.
Over 70 up to and including 130.	50.
130–174	50–150 (linear interpolation).
174–260	150.
260–470	150–500 (linear interpolation).
470–1000	500 (see paragraph (c) below).

(b) Pending the development of suitable measurement techniques for measuring the actual radiation in the band 0.45 to 25 MHz, the interference capabilities of a receiver in this band will be determined by the measurement of radiofrequency voltage between each powerline and ground at the power terminals of the receiver. This requirement applies only to radio receivers intended to be connected to powerlines of public utility systems. For television broadcast receivers the voltage so measured shall not exceed 100 μV at any frequency between 450 kHz and 25 MHz inclusive. For all other receivers the voltage shall not exceed 100 μV at any frequency between 450 kHz and 9 MHz inclusive, 1,000 μV for frequencies between 10 MHz and 25 MHz and linear increase from 100 μV to 1,000 μV for frequencies between 9 MHz and 10 MHz.

* * * * *

4. In § 15.69, paragraph (a)(1) is amended to read as follows:

§ 15.69 Certification of receivers.

(a) (1) No receiver manufactured after the effective dates of this subpart (see § 15.72) that operates in the range 30 to 890 MHz, including frequency modulation broadcast receivers and television broadcast receivers, shall be operated without a station license unless it has been certificated to demonstrate compliance with the radiation interference limits set forth in § 15.63.

* * * * *

5. In § 15.72, paragraph (a)(1), and in paragraph (b) the introductory text and subparagraph (1) are amended to read as follows:

§ 15.72 Date when certification is required.

(a) *For television broadcast receivers.* (1) VHF television broadcast receivers manufactured after May 1, 1956, shall comply with the certification requirements with respect to radiation of radiofrequency energy, except that compliance with the powerline interference limits for frequencies between 3 MHz and 25 MHz is required for such receivers manufactured after December 31, 1957.

* * * * *

(b) *For other receivers.* All radio receivers other than television broadcast receivers that operate (tune) in the range 30 to 890 MHz manufactured after October 1, 1956, shall comply with the certification requirements with respect to radiation of radiofrequency energy, except as follows:

(1) FM broadcast receivers manufactured after December 31, 1956, shall comply with the certification requirements with respect to frequencies above 25 MHz. All such receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to all frequencies.

* * * * *

6. In § 15.75, paragraphs (b)(2), (b)(4) (including note), and (c) are amended to read as follows:

§ 15.75 Measurement procedure.

* * * * *

(b) * * *

(2) Institute of Electrical and Electronics Engineers Standard 213 (formerly 61 IRE 27S1) for conducted interference measurement from frequency modulated and television broadcast receivers in the range 300 kHz to 25 MHz.

* * * * *

(4) International Electrotechnical Commission Publication No. 106 (1959) and Supplement 106A (1962) for measurement of radiated interference from broadcast receivers. (A conversion factor of 0.1 (−20 dB) shall be applied to the measured values for comparison with the limits of § 15.63.)

NOTE: This publication and supplement may be purchased from the American National Standards Institute (formerly United States of America Standards Institute), 1430 Broadway, New York, N.Y. 10018.

(c) In the case of measurements in the field, radiation in excess of 15 μV/m at any any frequency between 450 kHz and 25 MHz at the border of the property and more than 15 feet from any powerline crossing this border under the control and exclusive use of the person operating or authorizing the operation of the receiver will be considered an indication of noncompliance with the radiation requirements of this subpart.

7. Section 15.161 is amended to read as follows:

§ 15.161 Radiation from a community antenna television system.

Radiation from a community antenna television system shall be limited as follows:

Frequencies (MHz)	Distance (feet)	Radiation limits (μV/m)	
		General requirement	Sparsely inhabited areas [1]
Up to and including 54	100	15	15
Over 54 up to and including 132	10	20	400
Over 132 up to and including 216	10	50	1,000
Over 216	100	15	15

[1] For the purpose of this section, a sparsely inhabited area is that area within 1,000 feet of a community antenna television system where television broadcast signals are, in fact, not being received directly from a television broadcast station.

8. In § 15.165, the introductory paragraph is amended to read as follows:

§ 15.165 Measurement of field strength.

Measurements to determine the field strength of radiofrequency energy generated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made above 25 MHz shall include the following:

* * * * *

9. In § 15.201, paragraphs (a), (b), and (c), are amended to read:

§ 15.201 Frequencies of operation.

(a) A low-power communication device may be operated on any frequency in the bands 10–490 kHz, 510–1600 kHz and 26.97–27.27 MHz.

(b) Other frequencies above 70 MHz may be used for operations of short duration in accordance with the requirements set forth in § 15.211.

(c) Telemetering devices and wireless microphones may be operated in the band 88–108 MHz in accordance with the provisions of § 15.212.

* * * * *

10. In § 15.202, the headnote and text are amended to read as follows:

§ 15.202 Radiation limitation below 1600 kHz.

A low-power communication device which operates on any frequency between 10 and 490 kHz or between 510 and 1600 kHz shall limit the radiation so that the field strength does not exceed the value specified in the following table:

Frequency kHz	Distance (feet)	Field strength (μV/m)
10-490	1,000	$\frac{2400}{F(kHz)}$
510-1600	100	$\frac{24000}{F(kHz)}$

11. In § 15.203, the headnote and text are amended to read as follows:

§ 15.203 Alternative requirement for operation on frequencies between 160 and 190 kHz.

In lieu of meeting the radiation limitation, stated in § 15.202, a low-power communication device operating on a frequency between 160 and 190 kHz need only meet the following requirements:

(a) The power input to the final radiofrequency stage (exclusive of filament or heater power) does not exceed 1 watt.

(b) All emissions below 160 kHz or above 190 kHz are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 50 feet.

12. In § 15.204, the headnote and text are amended to read as follows:

§ 15.204 Alternative requirement for operation on frequencies between 510 and 1600 kHz.

In lieu of meeting the radiation limitation stated in § 15.202, a low-power communication device operating on a frequency between 510 and 1600 kHz inclusive need only meet the following requirements:

(a) The power input to the final radio stage (exclusive of filament or heater power) does not exceed 100 milliwatts.

(b) The emissions below 510 kHz or above 1600 kHz are suppressed 20 db or more below the unmodulated carrier.

(c) The total length of the transmission line plus the antenna does not exceed 10 feet.

(d) Low power communication devices obtaining their power from the lines of public utility systems shall limit the radiofrequency voltage appearing on each powerline to 200 microvolts or less on any frequency from 510 kHz to 1600 kHz. Measurements shall be made from each powerline to ground both with the equipment grounded and with the equipment ungrounded.

NOTE: One method of determining radio frequency voltage on the power line is described in "Military Specification for Interference Measurement," MIL-I-16910 (SHIPS) dated Jan. 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, N.Y. 12302. Note that this procedure calls for grounding the equipment under test, whereas the Commission's rules call for measurements both with the equipment grounded and with the equipment ungrounded.

13. In § 15.205, the headnote and text are amended to read as follows:

§ 15.205 Operation within the frequency band 26.97–27.27 MHz.

A low-power communication device may operate within the band 26.97–27.27 MHz (27.12 MHz±150 kHz) provided it complies with all of the following requirements:

(a) The carrier of the device shall be maintained within the band 26.97–27.27 MHz.

(b) All emissions, including modulation products, below 26.97 MHz or above 27.27 MHz shall be suppressed 20 db or more below the unmodulated carrier.

(c) The power input to the final radio stage (exclusive of filament or heater power) shall not exceed 100 milliwatts.

(d) The antenna shall consist of a single element that does not exceed 5 feet in length.

14. In § 15.211, the headnote and text are amended to read as follows:

§ 15.211 Operation above 70 MHz.

(a) Except for telemetering devices and wireless microphones operated in accordance with the requirements of §§ 15.212 and 15.213, a low-power communication device, manufactured on or after July 15, 1963, may be operated on frequencies above 70 MHz, provided it complies with all of the following conditions:

(1) The radiated field on any frequency from 70 MHz up to and including 1000 MHz does not exceed the limits specified for receivers in § 15.63.

(2) The radiated field on any frequency above 1000 MHz does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than 1 second and the silent period between transmissions shall not be less than 30 seconds.

(4) The device shall be so constructed that there are no external or readily accessible controls which may be adjusted to permit operation in a manner inconsistent with the provisions of this paragraph.

(5) Radio controls for door openers are exempted from the duty cycle limitation of subparagraph (3) of this paragraph: *Provided*, the transmitter part of the control may be activated only by a switch which turns the transmitter off when released.

(6) Radiation from the transmitter or associated receiver of radio controls for door openers must not fall within any of the following bands:

MHz	MHz	GHz
73 – 73.4	608– 614	10.68–10.70
108 –118	960–1215	15.35–15.4
121.4–121.6	1400–1427	19.3 –19.4
242.8–243.2	1535–1670	31.8 –31.5
285 –285	2690–2700	88 –90
328.6–335.4	4200–4400	
404 –406	4990–5250	

(b) Except for radio controls for door openers and for telemetering devices and wireless microphones operated in accordance with the requirements of §§ 15.212 and 15.213, a low-power communications device, manufactured before July 15, 1963, may be operated on any frequency above 70 MHz: *Provided*, It complies with all of the following conditions:

(1) The radiated field on any frequency from 70 MHz up to and including 1,000 MHz does not exceed the limits specified for receivers in § 15.63.

(2) The radiated field on any frequency above 1000 MHz does not exceed 500 microvolts per meter at a distance of 100 feet.

(3) The device is provided with means for automatically limiting operation to a duration of not more than 1 second, not to occur more than once in 30 seconds.

15. In § 15.212, the headnote and paragraphs (a), (c), (d), and (e) are amended to read as follows:

§ 15.212 Telemetering devices and wireless microphones in the bands 88–108 MHz.

(a) Operation in the band 88–108 MHz is limited to low power communication devices employed as telemetering devices or as wireless microphones. This band shall not be used for two way communication.

* * * * *

(c) Emissions from the device shall be confined within a band 200 kHz wide centered on the operating frequency. Such 200 kHz band shall lie wholly within the frequency range 88–108 MHz.

(d) The field strength of emissions radiated within the specified 200 kHz band shall not exceed 50 μV/m at a distance of 50 feet or more from the device.

(e) The field strength of emissions radiated on any frequency outside the specified 200 kHz band shall not exceed 40 μV/m at a distance of 10 feet or more from the device.

* * * * *

16. Section 15.229 is amended to read as follows:

§ 15.229 Date when certification is required.

All low-power communication devices which operate on frequencies of 70 MHz or above, manufactured after June 30, 1958, shall comply with the type approval or certification requirements of this subpart. All low-power communication devices which operate on frequencies below 70 MHz, manufactured after December 31, 1957, shall comply with the certification requirements of this subpart.

17. In § 15.238, paragraph (a) is amended to read as follows:

§ 15.238 Withdrawal of certificate of type approval.

(a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and, under usual conditions of maintenance and operation, such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

* * * * *

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

1. In § 18.3, paragraph (a) is amended to read as follows:

§ 18.3 Definitions.

* * * * *

(a) "Radiofrequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kHz and 30,000 MHz.

* * * * *

2. Section 18.13 is amended to read as follows:

§ 18.13 ISM frequencies and frequency tolerances.

The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	*Frequency tolerance*
13,560 kHz	±6.78 kHz.
27,120 kHz	±160.0 kHz.
40,680 kHz	±20.0 kHz.
915 MHz [1]	±25.0 MHz.
2,450 MHz [1]	±50.0 MHz.
5,800 MHz [1]	±75.0 MHz.
22,125 MHz [1]	±125.0 MHz.

[1] The use of this frequency is subject to the conditions in § 18.14.

3. In § 18.14, the introductory paragraph is amended to read as follows:

§ 18.14 Operation on microwave frequencies.

Except for industrial heating equipment which is regulated by §§ 18,101 through 18,122, inclusive, ISM equipment may be operated on the microwave ISM frequencies (915 MHz, 2450 MHz, 5800 MHz and 22,125 MHz) subject to the following conditions:

* * * * *

4. Section 18.71 is amended to read as follows:

§ 18.71 Operation without a license.

Ultrasonic equipment may be operated without a license: *Provided,* The design and operation complies with the technical limitations for such equipment: *And provided further,* That the equipment has been type approved by the Commission or has been certified pursuant to the requirements of §§ 18.71 to 18.84 and the certificate is attached to the equipment or is prominently posted in the room in which the equipment is being operated; except that ultrasonic equipment operating on frequencies below 90 kHz and generating less than 500 watts of radiofrequency power may be operated without license, type approval or certification, if such equipment complies with all other applicable provisions of §§ 18.71 to 18.84.

5. Section 18.72 is amended to read as follows:

§ 18.72 Technical limitations.

(a) Ultrasonic equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the ISM frequency bands.

(b) Except for ultrasonic measurement equipment that operates over a continuous band of frequencies, the fundamental frequency of operation shall fall outside the frequency bands 490–510 kHz, 2170–2194 kHz, and 8354–8374 kHz.

(c) The varying conditions under which ultrasonic equipment is operated shall not result in radiation exceeding the following limits:

Frequency	Distance (feet)	Field μV/m
Up to and including 490 kHz.	1,000	2400 / Frequency in kHz
Over 490 kHz up to and including 1600 kHz.	100	24000 / Frequency in kHz
Over 1600 kHz exclusive of frequencies in the ISM frequency bands.	100	15.

(d) The operation of ultrasonic equipment on frequencies below 490 kHz using radiofrequency power in excess of 500 watts shall be in compliance with the requirements of this section except that the maximum radiated field permitted may be increased as the square root of the ratio of the generated radiofrequency power to 500 watts: *Provided,* That the radiated field shall in no case exceed the field permitted industrial heating equipment: *And provided further,* That equipment used in predominantly residential areas shall not be permitted the increase in field with power as indicated in this paragraph.

(e) On any frequency above 490 kHz, the radiofrequency voltage appearing on each powerline shall not exceed 200 microvolts. On any frequency below 490 kHz, the radiofrequency voltage appearing on each powerline shall not exceed 1,000 microvolts. Measurement shall be made from each powerline to ground with the equipment itself both grounded and ungrounded.

NOTE: One method of making conducted interference measurements is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated Jan. 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, N.Y. 12302. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements with the equipment both grounded and ungrounded.

6. In § 18.78, paragraph (a) is amended to read as follows:

§ 18.78 Measurement of field strength.

* * * * *

(a) A field strength meter using loop pickup shall be used for measurements on frequencies up to and including 18 MHz, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 MHz.

* * * * *

7. In § 18.102, paragraphs (b), (d), and (e) are amended to read as follows:

§ 18.102 Technical limitations.

* * * * *

(b) Industrial heating equipment may be operated on any frequency except frequencies in the bands 490–510 kHz, 2170–2194 kHz, and 8354–8374 kHz. Equipment operating on an ISM frequency may be operated with unlimited radiation on that frequency. Equipment operated on other frequencies must suppress radiation on the fundamental carrier frequency as well as other frequencies as required by this part.

* * * * *

(d) Radiation of radiofrequency energy from any industrial heating equipment on any frequency below 5725 MHz, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of 1 mile or more from the equipment.

(e) Radiation of radiofrequency energy from any industrial heating equipment on any frequency above 5725 MHz, except ISM frequencies, shall be reduced to the greatest extent practicable.

NOTE: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment operating on these frequencies becomes available.

* * * * *

8. Section 18.107 is amended to read as follows:

§ 18.107 Measurement of field strength.

Measurements to determine the field strength of radiofrequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A loop antenna shall be used for measurements on frequencies below 18 MHz, and a doublet antenna shall be used for measurements on frequencies above 30 MHz. Either a loop or doublet antenna shall be used on frequencies between 18 MHz and 30 MHz. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) Prior to the determination of the maximum field strength at 1 mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20° in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to equivalent field strength at 1,000 feet.

(c) The field strength measurements for the maximum field strength at 1 mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field strength is in fact the maximum lobe. If two or more lobes of radiation of approximately the same strength are present, measurements to determine field strength shall be made along the several radials for such lobes. Where possible, field strength measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field strength in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field strength at 1 mile. In these cases where it is impractical to conduct measure-

ments along the radial of maximum radiation a sufficient number of field strength measurements shall be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from powerlines, field strength measurements shall be made at not less than three points along the powerline located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of powerline not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the others beyond. At each of these points at least three measurements of field strength shall be made along a line normal to the powerline and out to a distance from the powerline not exceeding 50 feet measured horizontally along the ground from a point directly below the outermost conductor.

(e) The field strengths specified herein refer to the maximum field strengths, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strengths may exceed that at 12 feet. Measurements made at frequencies below 18 MHz may be made at any convenient height.

(f) The spectrum shall be investigated from the lowest frequency generated in the equipment up to the tenth harmonic of the fundamental frequency or to 5725 MHz whichever is lower.

9. In § 18.109, paragraph (g) is amended to read as follows:

§ 18.109 Report of radiation measurements.

* * * * *

(g) If the required range of investigation includes the following frequencies, indicate the magnitude of the field measured on these frequencies or in these frequency bands:

MHz
74.6 to 75.4
108.0 to 118.0
121.5
156.8
243.0
328.6 to 335.4
420.0 to 460.0

* * * * *

10. In § 18.141, paragraph (a) is amended to read as follows:

§ 18.141 Operation on assigned frequencies.

* * * * *

(a) Such operation must conform to the general condition set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the frequencies:

ISM frequency:	*Frequency tolerance*
22,125 MHz [1]	±6.78 kHz.
27,120 kHz	±160.0 kHz.
40,680 kHz	±20.0 kHz.
915 MHz [1]	±25.0 MHz.
2,450 MHz [1]	±50.0 MHz.
5,800 MHz [1]	±75.0 MHz.
22.125 MHz [1]	±125.0 MHz.

[1] The use of this frequency is subject to the conditions in § 18.14.

* * * * *

11. In § 18.143, paragraph (a) is amended to read as follows:

§ 18.143 Measurement of field strength.

* * * * *

(a) An approved type of field strength meter using loop pickup shall be used for measurements on frequencies below and including 18 MHz, and such a meter with a doublet antenna shall be used for measurements for frequencies above 18 MHz. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

* * * * *

12. In § 18.144, the Note at the end of the section is amended to read as follows:

§ 18.144 Procedure for type approval.

* * * * *

NOTE: Medical diathermy equipment operated on 915 MHz, 2450 MHz, 5800 MHz, or 22,125 MHz will be eligible for type approvel upon a determination by the Chief Engineer of compliance with the requirements of the Commission's public notice and order of December 26, 1946, which requirements are set forth in § 18.14.

13. In § 18.181, paragraph (a) is amended to read as follows:

§ 18.181 Technical specifications.

(a) The requirements of this part with respect to electric arc welding devices using radiofrequency energy are suspended, subject to the provisions of paragraphs (b)–(e) of this section, until action is completed in the Docket No. 11467 proceeding with respect to these devices.

* * * * *

14. In § 18.261, paragraph (b) is amended to read as follows:

§ 18.261 Miscellaneous equipment.

* * * * *

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided*, That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *And provided further*, That equipment used in predominantly residential areas and operating on frequencies below 1000 MHz shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in this paragraph for diathermy equipment.

* * * * *

[F.R. Doc. 70-4104; Filed, Apr. 6, 1970; 8:45 a.m.]

[Docket No. 18271]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Frequencies Available; Correction

In the matter of amendment of Parts 2, 81, 83, and 85—to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s; Do. 18271, RM-1132.

In the errata to the third report and order in above-entitled matter, released January 22, 1970, and published in the FEDERAL REGISTER on January 27, 1970 (35 F.R. 1050), the tables in § 81.304(b)(22) and 83.351(b)(38) incorrectly listed the frequency 161.950 Mc/s instead of 161.975 Mc/s as U.S. priority No. 6 in the order of assignment of public correspondence channels. The corrected tables to these subparagraphs are set forth below.

Released: April 1, 1970.

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

1. In § 81.304(b), subparagraph (22) is amended to read as follows:

§ 81.304 Frequencies available.

* * * * *

(b) * * *

(22) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the U.S. priority numbering system, as follows:

Priority No.		Transmit (Mc/s)	Receive (Mc/s)	Channel designator
U.S.	I.T.U.			
1	1	161.900	157.300	26
2	2	161.950	157.350	27
3	3	161.850	157.250	25
4	4	161.800	157.200	24
1[1]	6	162.000	157.400	28
5	13	161.825	157.225	84
6	14	161.975	157.375	87
7	15	161.925	157.325	86
8	17	161.875	157.275	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

* * * * *

2. In § 83.351(b), subparagraph (38) is amended to read as follows:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(38) To the extent practicable, the order of assignment of public correspondence channels will be in accord with the

U.S. priority numbering system, as follows:

Priority No. U.S.	Priority No. I.T.U.	Transmit (Mc/s)	Receive (Mc/s)	Channel designator
1	1	157.300	161.900	26
2	2	157.350	161.950	27
3	3	157.250	161.850	25
4	4	157.200	161.800	24
11	6	157.400	162.000	28
5	13	157.225	161.825	84
6	14	157.375	161.975	87
7	15	157.325	161.925	86
8	17	157.275	161.875	85

[1] Channel 28 will be assigned interchangeably with Channel 26 as the first priority number.

* * * * *

[F.R. Doc. 70-4171; Filed, Apr. 6, 1970; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 10 added]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969——)

Title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173, provides for payment of benefits to coal miners who have contracted pneumoconiosis from work in the Nation's underground coal mines and are disabled thereby, and to the widows of such miners. Section 411(b) of the Act provides that the Secretary of Health, Education, and Welfare shall by regulation prescribe standards for determining whether a miner is totally disabled due to pneumoconiosis and for determining whether the death of a miner was due to pneumoconiosis. There are, accordingly, promulgated below, Regulations No. 10 of the Social Security Administration, 20 CFR Part 410, which at the present time contain two subparts: Subpart A (Introduction, General Provisions, and Definitions) and Subpart D (Total Disability or Death Due to Pneumoconiosis).

Because of the provision in section 411(b) of the Act requiring that such standards be promulgated and published in the FEDERAL REGISTER not later than the end of the third month following the month in which title IV was enacted, the Secretary of Health, Education, and Welfare finds that notice of rule making and public procedure thereon are impracticable. Therefore, these regulations will be effective upon their filing with the Office of the Federal Register.

Consideration will be given, however, to any data, views, or arguments pertaining to said regulations for the purpose of suggesting modifications or additions thereto, which are submitted in writing in triplicate not later than May 15, 1970, with the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201.

Subpart A—Introduction, General Provisions, and Definitions

Sec.
410.101 Introduction.
410.110 General definitions and use of terms.

Subpart D—Total Disability or Death Due to Pneumoconiosis

410.401 Basis for total disability standards.
410.402 Total disability defined.
410.403 Evaluating tital disability under § 410.401(b).
410.404 Evidence of pneumoconiosis.
410.405 Determining medical equivalence.
410.406 Evidence of origin of pneumoconiosis.
410.407 Cessation of disability.
410.415 Death due to pneumoconiosis.
410.421 Provisions incorporated by reference.

AUTHORITY: The provisions of this Part 410 issued under secs. 402(f), 411(b) of Public Law 91-173; 83 Stat. 793.

Subpart A—Introduction, General Provisions, and Definitions

§ 410.101 Introduction.

The regulations in this Part 410 (Regulations No. 10 of the Social Security Administration), relate to the provisions of part B (Black Lung Benefits) of title IV of the Federal Coal Mine Health and Safety Act of 1969, as enacted December 30, 1969, and as may hereafter be amended. The regulations in this part are divided into the following subparts according to subject content:

(a) This Subpart A contains provisions relating to definitions and the use of terms.

(b) Subpart B of this part relates to the requirements for benefits, filing of claims for benefits, and duration of benefits.

(c) Subpart C of this part contains provisions regarding dependents of entitled miners and widows.

(d) Subpart D of this part provides standards for determining total disability and death due to pneumoconiosis.

(e) Subpart E of this part relates to the payment of benefits, benefit rates, adjustment of benefits, and overpayments and underpayments.

(f) Subpart F of this part relates to procedures for determinations and review of determinations with respect to benefits, and representation of parties.

§ 410.110 General definitions and use of terms.

For purposes of this part, except where the context clearly indicates otherwise, the following definitions apply:

(a) "The Act," means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), as enacted December 30, 1969, and as may hereafter be amended.

(b) "Benefit" means the black lung benefit provided under part B of title IV of the Act to coal miners and to surviving widows of miners.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Social Security.

(e) "Administration" means the Social Security Administration in the Department of Health, Education, and Welfare.

(f) "Appeals Council" means the Appeals Council of the Bureau of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(g) "Hearing Examiner" means a hearing examiner in the Bureau of Hearings and Appeals of the Social Security Administration.

(h) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(i) "Underground coal mine" means a coal mine in which the earth and other materials which lie above the natural deposit of coal (overburden) is not removed in mining. In addition to the natural deposits of coal in the earth, the underground mine includes all land, buildings and equipment appurtenant thereto.

(j) "Miner" or "coal miner" means any individual who is working or has worked as an employee in an underground coal mine, whether he works under the surface performing functions in extracting the coal or above the surface at the mine preparing the coal so extracted.

(k) "The Nation's underground coal mines" comprise all underground coal mines as defined in paragraph (i) of this section located in a State as defined in paragraph (l) of this section.

(l) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and prior to January 3, 1959, and August 21, 1959, respectively, the Territories of Alaska and Hawaii.

(m) "Employee" means an individual in a legal relationship (between the person for whom he performs services and himself) of employer and employee under the usual common-law rules.

(1) Generally, such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the means by which that result is accomplished; that is, an employee is subject to the will and control of the employer not only as to what shall be done

but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee under the usual common-law rules.

(2) Whether the relationship of employer and employee exists under the usual common-law rules will in doubtful cases be determined upon an examination of the particular facts of each case.

(n) The "Social Security Act" means the Social Security Act (49 Stat. 620) as amended from time to time.

(o) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in the Nation's underground coal mines, and includes anthracosis, silicosis, or anthracosilicosis arising out of such employment.

(p) A "workmen's compensation law" means a law providing for payment of compensation to an employee (and his dependents) for injury (including occupational disease) or death suffered in connection with his employment.

(q) Masculine gender includes the feminine, and the singular includes the plural.

Subpart D—Total Disability or Death Due to Pneumoconiosis

§ 410.401 Basis for total disability standards.

This subpart establishes the standards for determining whether a coal miner is totally disabled due to, or died from, pneumoconiosis, as defined in § 410.110 (o) of this part. The standards prescribed herein for total disability are, so far as applicable, the same as or closely comparable to those applied to determine the existence and continuance of a disability for purposes of title II of the Social Security Act, which are contained in Subpart P of Part 404 of this chapter.

§ 410.402 Total disability defined.

A miner is under a total disability due to pneumoconiosis if:

(a) He is suffering or suffered from a chronic dust disease of the lung which:

(1) When diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in Category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, or

(2) When diagnosed by biopsy or autopsy, yields massive lesions in the lung, that is, shows the existence of progressive massive fibrosis; or

(3) When established by diagnosis by means other than those specified in subparagraphs (1) and (2) of this paragraph, would be a condition which could reasonably be expected to yield the results described in subparagraph (1) or (2) of this paragraph had diagnosis been made as therein prescribed: *Provided, however,* That any diagnosis made under this clause shall be in accordance with generally accepted medical procedures for diagnosing pneumoconiosis.

(b)(1) He is unable to engage in any substantial gainful activity by reason of pneumoconiosis which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

(2) Where the requirements of paragraph (a) of this section are met, the finding that a miner is under a total disability is established by irrebuttable presumption.

§ 410.403 Evaluating total disability under § 410.402(b).

(a) Total disability may not be found for purposes of this part unless pneumoconiosis is the impairment involved. Whether or not pneumoconiosis in a particular case constitutes a disability, as defined in § 410.402(b), is determined from all the facts of that case. Primary consideration is given to the severity of the individual's pneumoconiosis. Consideration is also given to such other factors as the individual's age, education, and work experience. Medical considerations alone can, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, justify a finding that the individual is under a disability where his impairment is one that meets the duration requirement in § 410.402(b), and is listed in the appendix to this subpart or the Secretary determines his impairment to be medically the equivalent of a listed impairment (see § 410.405).

(b) Pneumoconiosis which constitutes neither a listed impairment nor the medical equivalent thereof likewise may be found disabling if it does, in fact, prevent the individual from engaging in any substantial gainful activity. Such an individual, however, shall be determined to be under a disability only if his pneumoconiosis is the primary reason for his inabilty to engage in substantial gainful activity. In any such case it must be established that the individual has a respiratory impairment because of pneumoconiosis, demonstrated on the basis of an MVV and an FEV_1 which are equal to or less than the values specified in the following table or by a medically equivalent test (see § 410.405):

Height (inches)	MVV (MBC) equal to or less than	and	FEV_1 equal to or less than
	L./Min.		*L.*
57 or less	52		1.4
58	53		1.4
59	54		1.4
60	55		1.5
61	56		1.5
62	57		1.5
63	58		1.5
64	59		1.6
65	60		1.6
66	61		1.6
67	62		1.7
68	63		1.7
69	64		1.8
70	65		1.8
71	66		1.8
72	67		1.9
73 or more	68		1.9

It must be further established that, because of such impairment, he is not only unable to do his previous work or work commensurate with his previous work in amount of earnings and utilization of capacities but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For the purposes of the preceding sentence, work "exists in the national economy" with respect to any individual, when such work exists in significant numbers either in the region where such individual lives or in several regions of the country. Thus, isolated jobs of a type that exist only in very limited number or in relatively few geographic locations shall not be considered to be "work which exists in the national economy" for purposes of determining whether an individual is under a disability; an individual is not denied benefits on the basis of the existence of such jobs. Accordingly, where an individual remains unemployed for a reason or reasons not due to his impairment but because he is unsuccessful in obtaining work he could do; or because work he could do does not exist in his local area; or because of the hiring practices of employers, technological changes in the industry in which he has worked, or cyclical economic conditions; or because there are no job openings for him or he would not actually be hired to do work he could otherwise perform, the individual may not be considered under a disability as defined in § 410.402(b).

(c) Where an individual with a marginal education and long work experience (e.g., 35 to 40 years or more) limited to the performance of arduous unskilled physical labor is not working and is no longer able to perform such labor because of pneumoconiosis of the level of severity specified in paragraph (b) of this section and, considering his age, education, and vocational background is unable to engage in lighter work, such individual may be found to be under a

disability. On the other hand, a different conclusion may be reached where it is found that such individual is working or has worked despite his impairment (except where such work is sporadic or is medically contraindicated) depending upon all the facts in the case. In addition, an individual who was doing heavy physical work at the time he suffered such impairment might not be considered unable to engage in any substantial gainful activity if the evidence shows that he has the training or past work experience which qualifies him for substantial gainful work in another occupation consistent with his impairment, either on a full-time or a reasonably regular part-time basis.

(d) When used in this section for evaluating "total disability," the term "age" refers to chronological age and the extent to which it affects the individual's capacity to engage in work in competition with others. An individual unemployed primarily because of age, however, shall not be deemed unable to engage in substantial gainful activity by reason of medical impairment.

(e) When used in this section for evaluating "total disability," the term "education" is used in the following sense: Education and training are factors in determining the employment capacity of an individual. Lack of formal schooling, however, is not necessarily proof that the individual is an uneducated person. The kinds of responsibilities he carried when working may indicate ability to do more than unskilled work, even though his formal education has been limited.

§ 410.404 Evidence of pneumoconiosis.

(a) A finding of the existence of pneumoconiosis may not be made in the absence of:

(1) A chest roentgenogram showing the existence of pneumoconiosis classified as Category 1, 2, 3, A, B, or C, according to the International Labor Organization (1958), International Labor Organization (1968), or Union Internationale Contra Cancer/Cincinnati (1968) Classifications of the Pneumoconioses (if the chest roentgenogram is classified as Category Z, it should be reclassified as Category 0 or Category 1 and only the latter accepted as evidence of pneumoconiosis); or

(2) An autopsy showing the existence of pneumoconiosis, or

(3) A biopsy (other than a needle biopsy) showing the existence of pneumoconiosis. Such biopsy would not be expected to be performed for the sole purpose of diagnosing pneumoconiosis. Where a biopsy is performed for other purposes, however (e.g., in connection with a lung resection), the report thereof will be considered in determining the existence of pneumoconiosis.

(b) The roentgenogram, to conform to accepted medical standards, should represent a posterior-anterior view of the chest, and such other views as the Administration may require, taken at a distance of 6 feet between the X-ray tube and the X-ray film on a 14- by 17-inch X-ray film.

(c) A report of autopsy or biopsy shall include a detailed gross (macroscopic) and microscopic description of the lungs or visualized portions of the lungs. If an operative procedure has been performed to obtain a portion of a lung, the evidence should include a copy of the operative note and the pathology report of the gross and microscopic examination of the surgical specimen. If an autopsy has been performed, the evidence should include a complete copy of the autopsy report.

§ 410.405 Determining medical equivalence.

(a) An individual's impairment shall be determined to be medically the equivalent of an impairment listed in the appendix to this subpart only if the medical findings with respect thereto are at least equivalent in severity and duration to the listed findings of the listed impairment.

(b) Any decision made under §§ 410.403(a) and 410.407(a) as to whether an individual's impairment is medically the equivalent of an impairment listed in the appendix to this subpart, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Secretary, relative to the question of medical equivalence.

(c) Any decision as to whether a medical test is medically equivalent to the test described in § 410.403(b) shall be based on appropriate medical evidence, including a judgment furnished by one or more physicians designated by the Secretary, relative to the question of the medical equivalence of such test.

(d) A "physician designated by the Secretary" shall include a physician in the employ of or engaged for this purpose by the Administration, the Railroad Retirement Board, or a State agency authorized to make determinations of disability.

§ 410.406 Evidence of origin of pneumoconiosis.

(a) If a miner was employed for 10 years or more in the Nation's underground coal mines and is suffering or has suffered from pneumoconiosis, it will be presumed, in the absence of evidence to the contrary, that the pneumoconiosis arose out of such employment.

(b) In any other case, a miner suffering or who has suffered from pneumoconiosis must submit the evidence necessary to establish that the pneumoconiosis arose out of employment in the Nation's underground coal mines.

§ 410.407 Cessation of disability.

(a) Where it has been determined that a miner is totally disabled under § 410.402(b), such disability shall be found to have ceased in the month in which his impairment, as established by the medical evidence, is no longer of such severity as to prevent him from engaging in substantial gainful activity.

(b) Except where a finding is made as specified in paragraph (a) of this section which results in an earlier month of cessation, if a miner is requested to furnish necessary medical or other evidence or to present himself for a necessary medical examination by a date specified in the request and the miner fails to comply with such request, the disability will be found to have ceased in the month within which the date for compliance falls, unless the Secretary determines that there is a good cause for such failure.

§ 410.415 Death due to pneumoconiosis.

(a) A miner's death will be determined to have been due to pneumoconiosis if the miner suffered from a chronic dust disease of the lung which meets the requirements of § 410.402(a); or

(b) If a deceased miner was employed for 10 years or more in the Nation's underground coal mines and died from a respirable disease, it will be presumed, in the absence of evidence to the contrary, that his death was due to pneumoconiosis. Death will be found due to a respirable disease when death is ascribed to a chronic dust disease, or to another chronic disease of the lung. Death will not be found due to a respirable disease in those cases in which the disease reported does not suggest a reasonable possibility that death was, in fact, due to pneumoconiosis (e.g., cancer of the lung, disease due to trauma, pulmonary emboli); or

(c) Under circumstances other than those in paragraphs (a) or (b) of this section, the claimant must submit the evidence necessary to establish that the miner's death was due to pneumoconiosis and that the pneumoconiosis arose out of employment in the Nation's underground coal mines.

§ 404.421 Provisions incorporated by reference.

The standards and procedures set out in sections 404.1501(c), 404.1507, 404.1523, 404.1524, 404.1525, 404.1526, 404.1527, 404.1528, 404.1529, 404.1530, 404.1531, 404.1532, 404.1533, and 404.1534 of Part 404 of this chapter apply, so far as applicable, to claims for black lung benefits, except as otherwise provided in this subpart.

APPENDIX

A miner with pneumoconiosis, as evidenced in § 410.404 of this part, plus one of the following sets of medical specifications, may be found to be under a total disability, in the absence of evidence rebutting such finding:

(1) Airway obstruction demonstrated on spirogram by MVV and FEV_1 equal to or less than the values specified in the following table:

Height (inches)	MVV (MBC) equal to or less than	and	FEV_1 equal to or less than
	L./Min.		*L.*
57 or less	32		1.0
58	33		1.0
59	34		1.0
60	35		1.1
61	36		1.1
62	37		1.1
63	38		1.1
64	39		1.2
65	40		1.2
66	41		1.2
67	42		1.3
68	43		1.3
69	44		1.3
70	45		1.4
71	46		1.4
72	47		1.4
73 or more	48		1.4

or

(2) Total vital capacity equal to or less than the values specified in the following table:

Height (Inches)	*V.C. equal to or less than (L.)*
57 or less	1.2
58	1.3
59	1.3
60	1.4
61	1.4
62	1.5
63	1.5
64	1.6
65	1.6
66	1.7
67	1.7
68	1.8
69	1.8
70	1.9
71	1.9
72	2.0
73 or more	2.0

or

(3) Diffusing capacity of the lungs for carbon monoxide less than 6 ml./mm. Hg./min. (steady-state methods) or less than 9 ml./mm. Hg./min. (single-breath methods) or less than 30 percent of predicted normal (all methods—actual value and predicted normal for the method used should be reported):

or

(4) Arterial oxygen saturation at rest and simultaneously determined arterial p CO_2 equal to, or less than, the values specified in the following table:

Arterial p CO_2	*Arterial O_2 saturation equal to or less than (%)*
30 mm. Hg. or below	93
31 mm. Hg	93
32 mm. Hg	92
33 mm. Hg	92
34 mm. Hg	91
35 mm. Hg	91
36 mm. Hg	90
37 mm. Hg	89
38 mm. Hg	88
39 mm. Hg	88
40 mm. Hg. or above	87

(5) Cor pulmonale with right-sided congestive failure as evidenced by peripheral edema and liver enlargement, with:

(A) Right ventricular enlargement or outflow tract prominence on X-ray or fluoroscopy; or

(B) ECG showing QRS duration less than 0.12 second and R of 5 mm. or more in V_1 and R/S of 1.0 or more in V_1 and transition zone (decreasing R/S) left of V_1.

or

(6) Congestive heart failure with signs of vascular congestion such as hepatomegaly or peripheral or pulmonary edema, with:

(A) Cardio-thoracic ratio of 55 percent or greater, or equivalent enlargement of the transverse diameter of the heart, as shown on teleroentgenogram (6-foot film); or

(B) Extension of the cardiac shadow (left ventricle) to the vertebral column on lateral chest roentgenogram and total of S in V_1 or V_2 and R in V_5 or V_6 of 35 mm. or more on ECG.

Dated: March 23, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 3, 1970.

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

[F.R. Doc. 70-4282; Filed, Apr. 3, 1970; 4:50 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1003, 1004, 1016]

[Docket No. AO-293-A23 etc.]

MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Market	Docket No.
1003	Washington, D.C.	AO-293-A23, AO-293-A23-RO1.
1004	Delaware Valley	AO-160-A43, AO-160-A43-RO1.
1016	Upper Chesapeake Bay	AO-312-A20, AO-312-A20-RO1.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas which was issued March 16, 1970, 35 F.R. 4902, is hereby extended to April 20, 1970.

The above notice of extension of time for filing exceptions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on April 2, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-4152; Filed, Apr. 6, 1970; 8:46 a.m.]

[7 CFR Part 1201]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Expenses and Fixing of Rate of Assessment for 1970-71 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 Shade-grown Cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,600 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1971.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.50 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1971.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 1st day of April 1970.

JACK THOMASON,
Director, Tobacco Division, Consumer and Marketing Service.

[F.R. Doc. 70-4151; Filed, Apr. 6, 1970; 8:46 a.m.]

[9 CFR Part 318]

REINSPECTION AND PREPARATION OF PRODUCTS

Extension of Time for Filing Comments

On February 4, 1970, there was published in the FEDERAL REGISTER (35 F.R. 2527) a notice of proposal to amend the Federal Meat Inspection Regulations (9 CFR, Chapter III, Subchapter A) pertaining to procedures required for obtaining approval of substances for use in the preparation of meat food products.

The notice provided that all interested persons may submit data, views, or arguments concerning the proposal by filing them in writing with the Hearing Clerk of the Department within 30 days after February 4, 1970. Because of requests from interested parties for additional time to consider and comment upon the proposed amendment, it has been decided to extend the time for filing data, views or arguments on the aforesaid proposal an additional 60 days.

Accordingly, such written statements may be filed in duplicate, in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, until 5:30 p.m., May 5, 1970. All such written statements will be available for public inspection in the Office of the Hearing Clerk during regular office hours in a manner convenient to the public business. (7 CFR 1.27(b))

Done at Washington, D.C., on March 26, 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70-4193; Filed, Apr. 6, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

SMALL COSMETIC PACKAGES

Termination of Proposed Rule Making Regarding Exemption From Certain Labeling Requirements

In the matter of amending the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act to exempt packages containing makeup or fragrance type cosmetics in quantities less than ¼ avoirdupois ounce or ⅛ fluid ounce from a quantity of contents declaration:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9078), based on a petition submitted by the Toilet Goods Association, 1625 Eye Street NW., Washington, D.C. 20006.

Fourteen comments were received in response to the proposal. One, in the form of a petition signed by 28 consumers, opposes the proposal and recommends declaration of ingredients as well as quantity of contents. Six other comments oppose it and three of these urge declaration of ingredients. One comment supports the proposal regarding lipstick type cosmetics but opposes it regarding cosmetics such as bath powder.

The Department of Family Economics of Kansas State University strongly opposes the proposal, and the Consumer Federation of America on behalf of the Consumer Association of Kentucky also opposes it. The States of Delaware and Alaska support the proposal.

The petitioner submitted excerpts from four selected market research reports which it contends supports the proposal because none of the respondents considered size as a major factor in selecting makeup type cosmetics. The Commissioner of Food and Drugs concludes that the information submitted does not support this contention.

Having considered the petition, the comments received, and other relevant information, the Commissioner concludes that for the adequate protection of consumers the proposed exemption should not be adopted. Accordingly, the proposed rulemaking in this matter is hereby terminated. This action is taken without prejudice to the filing of a new petition showing that declaration of quantity of contents on such products is unnecessary and not desired by the majority of consumers.

The Commissioner also concludes that since there was no opportunity for manufacturers to make label changes on the indicated cosmetic containers during the pendency of the exemption proposal, additional time is warranted and such label changes made necessary by regulations under the Fair Packing and Labeling Act (21 CFR Part 1) should be made before July 1, 1970.

This action is taken pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (secs. 602(b)(2), 701, 52 Stat. 1054–55, as amended; 21 U.S.C. 362(b)(2), 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–4168; Filed, Apr. 6, 1970; 8:48 a.m.]

[21 CFR Part 36]

FROZEN RAW BREADED SHRIMP

Identity Standard; Proposed Listing of Sodium Tripolyphosphate, Sodium Metaphosphate, or Mixtures Thereof as Optional Ingredients

Notice is given that a petition has been filed by the Calgon Corp., Post Office Box 1346, Pittsburgh, Pa. 15230, proposing that the standard of indentity for frozen raw breaded shrimp (21 CFR 36.30) be amended to provide for the optional use of sodium tripolyphosphate, sodium metaphosphate, or mixtures thereof in an amount not greater than that reasonably required to treat shrimp to be processed as frozen raw breaded shrimp to reduce thaw drip. The firm proposes label declaration of these polyphosphates by common name when used in treating the shrimp. The Commissioner of Food and Drugs proposes that an informative statement such as "to retard fluid loss" be included on the label immediately following the common name of the polyphosphates.

Grounds submitted in support of the proposal are that frozen seafood retains product quality longer than refrigerated seafood. On defrosting, however, frozen seafood is less flavorful and of less desirable texture than fresh seafood. The petitioner contends that this loss in flavor and texture is due to "thaw drip," defined as the loss of juices that takes place on defrosting. The thaw drip contains natural juices and soluble proteins so that the defrosted seafood product incurs a loss of quality and nutrition when compared to fresh seafood.

The compatibility of sodium tripolyphosphate and sodium metaphosphate with the method for determining percentage of shrimp material in the frozen raw breaded shrimp (21 CFR 36.30(g)) has been studied and found not to interfere with such procedure.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after publication hereof in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 30, 1970.

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

[F.R. Doc. 70–4169; Filed, Apr. 6, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 241, 245]

[Docket No. 22068]

AMENDMENT OF SCHEDULE G–41 AND ADDITIONAL REPORT OF STOCK OWNERSHIP

Notice of Proposed Rule Making

APRIL 1, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 241 and Part 245 of the economic regulations (14 CFR Parts 241 and 245). The principal features of the proposed amendments are described in the attached explanatory statement, and the proposed amendments are set out in the attached proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 4, 1970, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 407(b) currently requires each air carrier to submit a list showing the names of those persons holding more than 5 percent of the carrier's capital stock or capital together with the name of any person for whose account, if other than the holder, such stock is held. By a recent amendment (Public Law 91–62, approved Aug. 20, 1969, 83 Stat. 103) inter alia, Congress has added the following sentence to section 407(b): "Any person owning, beneficially or as trustee, more than 5 per centum of any class of capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person and the amount thereof." In order to assure that the Board receives complete and accurate information from the carriers and to implement the new reporting obligation of some stockholders, certain changes in Part 241 and Part 245 are necessary.

Part 241. Under present reporting requirements, a stockholder may own more than 5 percent of a carrier's stock and materially influence its decisions during the year, yet avoid disclosure to the Board by divesting himself of this stock at the year end. In order to insure disclosure in such instances, the Board proposes to revise Schedule G–41 to require the identification of all persons holding more than 5 percent of the carrier's capital stock during the year as well as at the year end, along with the maximum amounts of stock held by these persons during the year.

Part 245. It is proposed to implement the new shareholder reporting obligation by amending Part 245, which currently provides for reporting of interests of officers and directors. The existing provisions of Part 245 will be placed in a new Subpart A and the new reporting requirements will be set forth in a Subpart B. Subpart B will apply to the shareholders of all air carriers as that term is defined in section 101(3) of the Act, with the exception of those air carriers exempted by the Board from section 407(b).

The amendment to section 407(b) was intended by Congress to complement the

Board's already existing power to obtain information from the carriers with respect to 5 percent shareholders by enabling the Board to obtain this information directly from the shareholders. Air taxi operators and tour operators are not required to submit reports naming their 5 percent sharesholders,[1] and there is no reason to believe that Congress intended to make their shareholders subject to the new complementary provisions so long as the carriers themselves are exempted from the reporting requirements. Consequently, Subpart B excludes these groups.

The proposed amended Part 245 would require reports: (1) Within 30 days of the acquisition of more than 5 percent in the aggregate of any class of the capital stock or capital of an air carrier; (2) on or before April 1 of each year starting 1971, of the individual's interests as of December 31 of the preceding year and (3) on July 1, 1970, of the individual's interests as of April 30, 1970. Thus an individual whose holdings vary during the year and are below the 5 percent level on December 31, must report to the Board whenever his holdings exceed 5 percent. We are also proposing to require the air carriers to notify all of their stockholders and holders of capital (without regard to the amount of their holdings) of the new shareholder reporting obligations.

We are also proposing to amend Subpart A of the new Part 245 (which is the present Part 245) by adding a definition of "air carrier" for the purposes of that subpart. The new definition excludes all air carriers that are exempted from section 407(c). This is consistent with past administrative practice under Part 245.

The Board desires to emphasize at this time that the new proposed shareholder reporting requirement would not alter the existing carrier responsibility under section 407(b) and Schedule G-41 to provide complete and accurate information to the Board on the shareholders of record, as well as beneficial owners of all shares held in trust or in "street names," when such information is available to the carrier.

The Board also wishes to emphasize that the new proposed shareholder reporting requirements do not affect the requirement that "affiliates" of air carriers report their stock ownership under Part 246.

PROPOSED RULE

It is proposed to amend Part 241 (14 CFR, Part 241) and Part 245 (14 CFR, Part 245) as follows:

Part 241. 1. Amend Section 26—General Corporate Elements by revising paragraph (b) and by adding a new paragraph (d) to read as follows:

[1] Section 298.11(f) of Part 298, § 378.3 of Part 378 and § 378A.3 of Part 378A of this chapter.

Section 26—General Corporate Elements

Schedule G-41—Persons Holding More Than 5 Per Centum of Respondent's Capital Stock or Capital

* * * * *

(b) Columns 1 and 2 shall reflect the names and addresses of all persons who hold, at any one time during the year, more than five (5) per centum of the issued and outstanding capital stock or, in the case of an unincorporated business enterprise, more than five (5) per centum of the total invested capital of the reporting carrier.

* * * * *

(d) Columns 4 through 7 shall pertain to the capital stock or the invested capital (exceeding 5 percent) held by the persons named in column 1. Column 4 shall reflect the class(es) of those shares held; column 5 shall reflect the maximum number of shares of each class of stock or the maximum amount of invested capital held at any one time during the year; column 6 shall reflect the percent of total outstanding capital which such maximum shares or maximum invested capital represent; and column 7 shall reflect the number of such shares or amount of invested capital held at year end.

2. Amend Section 36—General Corporate Elements by revising paragraph (b) and adding a new paragraph (d) to read as follows:

Section 36—General Corporate Elements

Schedule G-41—Persons Holding More Than 5 Per Centum of Respondent's Capital Stock or Capital

* * * * *

(b) Columns 1 and 2 shall reflect the names and addresses of all persons who hold, at any one time during the year, more than five (5) per centum of the issued and outstanding capital stock or, in the case of an unincorporated business enterprise, more than five (5) per centum of the total invested capital of the reporting carrier.

* * * * *

(d) Columns 4 through 7 shall pertain to the capital stock or the invested capital (exceeding 5 percent) held by the persons named in column 1. Column 4 shall reflect the class(es) of those shares held; column 5 shall reflect the maximum number of shares of each class of stock or the maximum amount of invested capital held at any one time during the year; column 6 shall reflect the percent of total outstanding capital which such maximum shares or maximum invested capital represent; and column 7 shall reflect the number of such shares or amount of invested capital held at year end.

3. Amend Schedule G-41 of CAB Form 41 by changing the title, the headings of columns (4) and (5) and by adding new columns (6) and (7) as shown in Exhibit A, which is incorporated herein by reference and filed as part of the original document.

4. Amend the table of contents to read as follows:

Subpart A—Reports of Officers and Directors

Sec.
245.1 Reports required.
245.2 Time for reporting.
245.3 Schedule of data.

Subpart B—Reports of Owners of 5 Percent or More of Any Class of Capital Stock or Capital of an Air Carrier

245.11 Reports required.
245.12 Time for reporting.
245.13 Contents of reports.
245.14 Responsibility of carriers.

5. Amend § 245.1 to read as follows:

§ 245.1 Reports required.

Change "part" to "subpart" and add "For the purposes of this subpart, 'air carrier' means 'air carrier' as defined in section 101(3) of the Act, except air carriers relieved or exempted from section 407(c) of the Act."[1]

6. Adopt a new Subpart B to read as follows:

Subpart B—Reports of Owners of 5 Percent or More of Any Class of Capital Stock or Capital of an Air Carrier

§ 245.11 Reports required.

At the times and in the manner provided in this subpart every person owning, either beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall transmit to the Board a report describing the shares of stock or other interest owned by such person, and the amount thereof. For the purposes of this subpart, "air carrier" means "air carrier" as defined in section 101(3) of the Act, except air carriers relieved or exempted from section 407(b) of the Act.[2]

§ 245.12 Time for reporting.

(a) *Annual report.* On or before April 1 of each year commencing with the year 1971, a report shall be filed covering shares of stock or other interest owned, either beneficially or as trustee, as of December 31 of the preceding year. An officer or director who has complied with Subpart A of this part need not file the report required by this paragraph (a).

(b) *Report of acquisition.* Within 30 days after acquiring ownership either

[1] See § 298.11(f) of Part 298, § 378.3 of Part 378, and § 378A.3 of Part 378A of this chapter exempting air taxi operators, inclusive tour operators, and bulk inclusive tour operators, respectively.

[2] See § 298.11(f) of Part 298, § 378.3 of Part 378, and § 378A.3 of Part 378A of this chapter exempting air taxi operators, inclusive tour operators, and bulk inclusive tour operators, respectively.

beneficially or as trustee, of more than 5 per centum, in the aggregate, of any class of capital stock or capital, a report shall be filed covering the shares of stock or other interest acquired. A person who owns either beneficially or as trustee, more than 5 per centum of any class of capital stock or capital and has filed a report covering such acquisition or ownership, as provided in this section, need not file a report under this paragraph (b) with respect to the additional acquisition of stock.

(c) *Special report.* On or before July 1, 1970, a report shall be filed covering shares of stock or other interest owned, either beneficially or as trustee, as of April 30, 1970. An officer or director who has complied with Subpart A of this part need not file the report required under this paragraph (c).

§ 245.13 Contents of reports.

The reports required by § 245.11 shall include the following:

(a) Name and address of person reporting.

(b) Name and address of beneficial owner or other person in whose account shares or other interest is held, if other than person reporting.

(c) Number and class of shares held and percentage of such shares to total outstanding capital, or a description of any other interest held as of April 1, 1970, December 31 of each succeeding year, or the date of acquisition, whichever is applicable.

(d) Maximum number and class of shares held and percentage of such shares to total outstanding capital during the year preceding April 1, 1970, or December 31 of each succeeding year whichever is applicable.

§ 245.14 Responsibility of carriers.

It shall be the responsibility of every air carrier, as defined in § 245.11, to notify each of its stockholders of record and each person owning any other interest in such carrier (without regard to the amount of such holdings) of the requirements of this part by mailing to such persons a copy of this subpart on or before June 1, 1970, and on or before March 1 of each subsequent year.

[F.R. Doc. 70-4184; Filed, Apr. 6, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18397]

COMMUNITY ANTENNA TELEVISION SYSTEMS AND INQUIRY INTO DEVELOPMENT OF COMMUNICATIONS TECHNOLOGY AND SERVICES

Extension of Times for Filing Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals.

Order. 1. On March 20, 1970, The Jerrold Corp., National Trans-Video, Inc., Television Communications Corp., Newchannels Corp., Buckeye Cablevision, Inc., and Athena Communications Corp., filed a joint request for extension of time for filing comments on the three proposed CATV reporting forms announced in a public notice of February 19, 1970 (FCC 70-193) ("Annual Report of CATV Systems" (Revised FCC Form 325), "CATV Program Originations Report", and "CATV Annual Financial Report"). Comments were scheduled to be filed on or before April 6, 1970; extensions of time until June 5, 1970, May 6, 1970, and for an indefinite period, respectively, are sought. This request has been supported by American Television and Communications Corp., Neptune Broadcasting Co., and CATV systems represented by the law firms of Smith, Pepper, Shack & L'Heureux and Cole, Zylstra & Raywid.[1]

[1] The National Cable Television Association also supports the Mar. 20, 1970, request; however, it seeks a 90-day extension for comments on the "Annual Report of CATV Systems".

2. The general grounds for the requested delays are that the proposed forms are highly complex and comprehensive and call for detailed review by accountants, engineers, legal counsel, and other experts before meaningful comments can be presented. The shortest extension of time is sought for the program originations form, in recognition of the Commission's immediate need for information in this area for use in Docket 18397. On the other hand, an indefinite delay is sought with respect to the annual financial report, with the suggestion that a revised form be prepared for comment at some future time.

3. We note that the proposed forms were made available for comment on March 2, 1970. Since the information requested in all of them is pertinent to Docket No. 18397, the Commission is desirous of receiving comments as soon as possible in order that the forms may be finalized and distributed at an early date. This is particularly true of the "CATV Program Originations Report". However, we recognize that April 6, 1970, falls during the week of the annual NAB convention. Although it appears that the public interest would be served by granting some additional time to comment on the proposed forms, no indefinite extension will be granted as to the proposed financial report; drafts of substitute forms are an appropriate type of comment.

4. *Accordingly, it is ordered,* Pursuant to § 0.289(c)(4) of the Commission's rules and regulations, that the times for filing comments on the proposed CATV reporting forms in Docket No. 18397 are extended as follows:

	On or before
Comments on "CATV Program Originations Report".	Apr. 13, 1970.
Comments on "Annual Report of CATV Systems" (Revised FCC Form 325).	May 6, 1970.
Comments on "CATV Annual Financial Report".	May 20, 1970.

Adopted: March 30, 1970.

Released: April 1, 1970.

[SEAL] SOL SCHILDHAUSE,
Cable Television Bureau.

[F.R. Doc. 70-4174; Filed, Apr. 6, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

FIXED RESISTORS OF CARBON COMPOSITION FROM JAPAN

Determination of Sales at Not Less Than Fair Value

MARCH 31, 1970.

On December 4, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that fixed resistors of carbon composition from Japan are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until January 5, 1970, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

The attorney for the complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the attorney, and all interested parties of record were notified. All oral and written materials submitted have received careful consideration.

I hereby determine that, for the reasons stated in the tentative determination, fixed resistors of carbon composition from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-4185; Filed, Apr. 6, 1970; 8:49 a.m.]

TRANSFORMERS FROM JAPAN

Determination of Sales at Not Less Than Fair Value

MARCH 31, 1970.

On December 13, 1969, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that transformers (of the type used in consumer electronic products) from Japan are not being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded until January 13, 1970, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

The attorney for the complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the attorney, and all interested parties of record were notified. All oral and written materials submitted have received careful consideration.

I hereby determine that, for the reasons stated in the tentative determination, transformers (of the type used in consumer electronic products) from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-4186; Filed, Apr. 6, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 5658]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

MARCH 30, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, all of the public lands within the areas described in paragraph 3 are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 550). Therefore, no changes have been made in the list of lands included in this classification.

3. The public lands affected by this classfiication are located within the following described areas:

WILLAMETTE MERIDIAN

OREGON 013577

T. 19 S., R. 41 E.,
Sec. 34, SW¼.

OREGON 018699

T. 33 S., R. 18 E.,
Sec. 7, SE¼SW¼, NE¼SE¼, and S½SE¼.

OR 519

T. 10 S., R. 46 E.,
Sec. 16, N½, SW¼, and W½SE¼.

A parcel in the E½SE¼ described as follows: Beginning at a point on the south line of said section, which point bears S. 87°19' E., 478.47 feet, more or less, from the southwest corner of the SE¼SE¼, said point being on the 2,100-foot elevation contour, U.S.G.S. mean sea level datum; thence, along said contour by the following courses and distances: N. 19°51' E., 138.5 feet; N. 11°47' W., 67.1 feet; N. 00°15' E., 288.6 feet; N. 32°17' E., 235 feet; N. 11°38' W., 134.9 feet; N. 63°57' W., 103 feet; N. 34°04' E., 161.2 feet; N. 26°06' W., 121.5 feet; N. 65°33' W., 117.8 feet; N. 77°13' E., 246.1 feet; N. 40°03' E., 109.2 feet; N. 12°47' E., 28.8 feet, more or less, to a point on the north line of said SE¼SE¼ said point being S. 87°12' E., 761.43 feet from the northwest corner of said SE¼SE¼; N. 12°47' E., 274.44 feet; N. 43°16' E., 99.2 feet; N. 24°58' E., 116.3 feet; N. 03°08' W., 103.7 feet; N. 60°56' E., 92.5 feet; N. 24°54' E., 220.3 feet; N. 08°04' E., 66.3 feet; N. 32°59' E., 308.4 feet, more or less, to a point on the east line of said section, which point bears S. 00°13' W., 186.60 feet from the quarter corner common to secs. 16 and 15, said T. and R.; thence N. 00°13' E., 186.60 feet to the northeast corner of said NE¼SE¼; thence west along the north line thereof to the northwest corner of said NE¼SE¼; thence south along the west line of said E½SE¼ to the southwest corner of said SE¼SE¼; thence S. 87°19' E., 478.47 feet to the point of beginning.

OR 876

T. 12 S., R. 37 E.,
Sec. 35, NE¼SE¼ and S½SE¼.
T. 13 S., R. 37 E.,
Sec. 2, lots 2 and 4, SW¼NE¼, S½NW¼, and SW¼.

OR 1112

T. 13 S., R. 44 E.,
Sec. 8, W½SW¼SW¼;
Sec. 17, NE¼NW¼.

The public lands in the areas described aggregate approximately 1,472 acres.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2 (c). Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240, for a

period of 30 days following publication of this notice.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 70-4105; Filed, Apr. 6, 1970; 8:45 a.m.]

[OR 4877]

OREGON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–1418) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the areas described in paragraph 3 for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. Sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) the lands described in paragraph 4 are further segregated from appropriation under the mining laws (30 U.S.C., Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The lands proposed to be classified are located within Jackson, Josephine, Douglas, and Curry Counties and are shown on maps on file in the Medford District Office, Bureau of Land Management, Medford, Oreg. 97501, and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208. The maps are designated OR 4877, 2411.2, 36–110, April 1969.

The description of the areas is as follows:

WILLAMETTE MERIDIAN

T. 32 S., R. 1 E.,
Sec. 30.
T. 33 S., R. 1 E.,
Secs. 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 28, 30, and 32.
T. 34 S., R. 1 E.,
Secs. 2, 4, 6, 8, 10, 14, and 18.
T. 35 S., R. 1 E.,
Secs. 3, 6, 8, 10, 18, 20, 22, 26, 28, and 34.
T. 36 S., R. 1 E.,
Secs. 4, 6, 12, 14, 20, 22, 26, 28, 32, and 34.
T. 37 S., R. 1 E.,
Secs. 2, 4, 10, 12, 14, 24, and 26.
T. 38 S., R. 1 E.,
Secs. 12 and 24.
T. 39 S., R. 1 E.,
Sec. 17.
T. 40 S., R. 1 E.,
Sec. 12, NW¼;
Sec. 28, SW¼;
Sec. 30, lot 3, E½SW¼, NW¼SE¼;
Sec. 32, NW¼NW¼.
T. 41 S., R. 1 E.,
Sec. 2, SE¼SW¼;
Sec. 10, NW¼NW¼;
Sec. 12, S½SE¼;
Sec. 14, lots 3 and 4;
Sec. 18, lot 6.
T. 32 S., R. 2 E.,
Secs. 20 and 32.
T. 33 S., R. 2 E.,
Secs. 1, 4, 6, 8, 12, 18, 24, 26, and 30.
T. 35 S., R. 2 E.,
Secs. 17, 20, 30, and 32.
T. 36 S., R. 2 E.,
Secs. 2, 4, 6, 8, 12, 14, 22, 26, and 34.
T. 37 S., R. 2 E.,
Secs. 2, 10, 12, 14, 18, 20, 22, 27, and 32.
T. 38 S., R. 2 E.,
Secs. 6, 8, 18, 26, and 34.
T. 39 S., R. 2 E.,
Secs. 2, 4, 10, 12, 22, 24, 26, and 28.
T. 40 S., R. 2 E.,
Secs. 10, 12, 14, 20, 24, 26, and 32.
T. 41 S., R. 2 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, and 18.
T. 32 S., R. 3 E.,
Sec. 18, lot 9;
Sec. 19, lots 8, 9, 10, and 16.
T. 36 S., R. 3 E.,
Secs. 20 and 32.
T. 40 S., R. 3 E.,
Secs. 6, 10, 18, 20, 26, 28, 30, 32, and 34.
T. 41 S., R. 3 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, and 18.
T. 39 S., R. 4 E.,
Secs. 6, 22, and 32.
T. 40 S., R. 4 E.,
Secs. 4, 20, 22, 30, and 32.
T. 41 S., R. 4 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, and 18.
T. 32 S., R. 1 W.,
Sec. 20, portion of SW¼.
T. 34 S., R. 1 W.,
Secs. 2, 10, 12, 14, 18, 24, 26, and 34.
T. 35 S., R. 1 W.,
Sec. 24.
T. 37 S., R. 1 W.,
Sec. 10.
T. 38 S., R. 1 W.,
Sec. 30.
T. 39 S., R. 1 W.,
Secs. 1, 3, 4, 8, 12, 13, 14, 23, and 24.
T. 33 S., R. 2 W.,
Sec. 12.
T. 34 S., R. 2 W.,
Secs. 4, 10, 12, 20, 22, 24, 26, and 34.
T. 35 S., R. 2 W.,
Secs. 6, 8, 9, 18, and 34.
T. 36 S., R. 2 W.,
Secs. 18 and 19.
T. 37 S., R. 2 W.,
Secs. 6, 8, and 31.
T. 38 S., R. 2 W.,
Secs. 10, 28, 30, and 32.
T. 39 S., R. 2 W.,
Secs. 4, 6, 8, and 18.
T. 31 S., R. 3 W.,
Sec. 26, N½SW¼;
Sec. 31, E½NE¼.
T. 33 S., R. 3 W.,
Secs. 30 and 32.
T. 34 S., R. 3 W.,
Secs. 22, 24, 26, 32, and 34.
T. 35 S., R. 3 W.,
Secs. 4, 6, 8, 10, 11, 12, 17, 18, 20, 22, 26, 29, 30, 34, and 35.
T. 36 S., R. 3 W.,
Secs. 2, 4, 6, 10, 11, 12, 14, 18, 20, 24, 28, 30, 33, 34, and 35.
T. 37 S., R. 3 W.,
Secs. 1, 2, 4, 5, 6, 8, 10, 12, 18, 20, 22, 25, 26, 27, 32, 34, and 35.
T. 38 S., R. 3 W.,
Secs. 1 to 4, inclusive, secs. 12, 29, 32, and 34.
T. 39 S., R. 3 W.,
Sec. 1.
T. 40 S., R. 3 W.,
Sec. 12, SE¼NW¼, N½SW¼, NW¼SE¼.
T. 41 S., R. 3 W.,
Sec. 2, W½NW¼;
Sec. 4, NW¼;
Sec. 6, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 8, N½;
Sec. 18, lots 6, 7, 8, and 9.
T. 32 S., R. 4 W.,
Sec. 8.
T. 33 S., R. 4 W.,
Secs. 6, 22, 28, and 30.
T. 34 S., R. 4 W.,
Secs. 8, 10, 14, 15, 22, 30, and 32.
T. 35 S., R. 4 W.,
Secs. 24, 26, 28, 33, and 34.
T. 36 S., R. 4 W.,
Secs. 2, 4, 8, 10, 12, 17, 18, 20, 22, 24, 26, 28, 32, and 34.
T. 37 S., R. 4 W.,
Secs. 1, 2, 4, 6, 10, 12, 13, 14, 18, 19, 20, 22, 30, 31, 32, and 34.
T. 38 S., R. 4 W.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 25, 26, 28, 30, 32, and 34.
T. 41 S., R. 4 W.,
Sec. 2, SE¼NE¼, NW¼NW¼;
Sec. 4, NE¼NE¼;
Sec. 6, lots 1 and 2, NW¼NE¼, NE¼NW¼;
Sec. 12, NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 14, lots 5, 6, 7, and 8;
Sec. 18, lot 5, NE¼NE¼.
T. 32 S., R. 5 W.,
Secs. 2, 10, 25, 34, and 35.
T. 33 S., R. 5 W.,
Secs. 6, 8, 9, 11, and 15.
T. 34 S., R. 5 W.,
Secs. 2, 4, 5, 6, 8, 13, 14, 18, 20, 22, 24, 28, 29, 30, and 32.
T. 35 S., R. 5 W.,
Secs. 2, 3, 4, 8, 10, 18, 20, 22, 26, 28, 32, and 34.
T. 36 S., R. 5 W.,
Secs. 2, 4, 10, 11, 12, 14, 15, 26, 27, and 34.
T. 37 S., R. 5 W.,
Secs. 8, 9, 10, 12, 14, 15, 18, 20, 22, 24, 25 26, 28, 30, and 34.
T. 38 S., R. 5 W.,
Secs. 6, 8, 10, 15, 17, 18, 20, 21, 22, 24, 25, and 30.
T. 39 S., R. 5 W.,
Secs. 2, 6, 12, and 14.
T. 32 S., R. 6 W.,
Secs. 10, 14, 18, 20, 22, 24, and 34.
T. 33 S., R. 6 W.,
Secs. 2, 6, 10, 18, 20, 24, 26, 32, and 34.
T. 34 S., R. 6 W.,
Secs. 20, 22, 24, and 26.
T. 35 S., R. 6 W.,
Secs. 12, 14, and 30.
T. 36 S., R. 6 W.,
Secs. 4, 8, and 30.
T. 37 S., R. 6 W.,
Secs. 8, 24, 26, 28, 30, 32, and 34.
T. 38 S., R. 6 W.,
Secs. 12 and 18.
T. 32 S., R. 7 W.,
Secs. 18, 19, 20, 24, 27, 28, 30, and 33.
T. 33 S., R. 7 W.,
Secs. 10, 14, 18, 19, 24, 26, 30, 32, and 34.
T. 34 S., R. 7 W.,
Secs. 1, 2, 4, 6, 10, 12, 14, 18, 20, 22, 30, and 32.
T. 35 S., R. 7 W.,
Secs. 4, 5, 6, 8, 10, 12, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 36 S., R. 7 W.,
Secs. 2, 3, 10, and 12.
T. 37 S., R. 7 W.,
Secs. 4, 12, 20, 22, 25, and 34.
T. 38 S., R. 7 W.,
Secs. 2, 6, 7, 14, 20, 22, and 26.
T. 39 S., R. 7 W.,
Secs. 2, 4, 7, 8, 10, 12, 14, 18, 20, 26, 34, and 35.
T. 40 S., R. 7 W.,
Secs. 1, 3, 4, 8, 9, 10, secs. 12 to 15, inclusive, secs. 17 and 18.
T. 31 S., R. 8 W.,
Secs. 20, 30, and 32.
T. 32 S., R. 8 W.,
Secs. 8, 12, and 14.
T. 35 S., R. 8 W.,
Sec. 1.

T. 37 S., R. 8 W.,
Sec. 34.
T. 38 S., R. 8 W.,
Secs. 4, 21, 26, 28, and 34.
T. 39 S., R. 8 W.,
Secs. 6, 14, 18, 24, 30, and 34.
T. 40 S., R. 8 W.,
Secs. 10, 15, secs. 18 to 24, inclusive, secs. 26, 27, 28, and secs. 32 to 35, inclusive.
T. 41 S., R. 8 W.,
Secs. 3 and 10.
T. 31 S., R. 9 W.,
Sec. 31.
T. 41 S., R. 9 W.,
Secs. 2, 3, 9, 10, and secs. 12 to 15, inclusive.
T. 33 S., R. 10 W.,
Sec. 3, lot 4;
Sec. 9, part of lot 4.

The areas described aggregate aproximately 97,968.31 acres of public lands.

4. As provided in paragraph 2, the following described public lands, which are a part of the lands described in paragraph 3, are further segregated from location or appropriation under the general mining laws:

WILLAMETTE MERIDIAN

T. 35 S., R. 7 W.,
Sec. 26, SW¼SE¼.

The area described contains approximately 40 acres.

This land is adjacent to the Rogue River which is included in the Wild and Scenic Rivers Act of October 2, 1968 (Public Law 90-542, 82 Stat. 906).

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Federal Building, U.S. Courthouse, 310 West Sixth Street, Medford, Oreg. 97501.

6. Public hearings on the proposed classification will be held at 2 p.m., on May 7, 1970, at the Jackson County Courthouse, Medford, Oreg., and at 2 p.m., on May 8, 1970, at the Josephine County Courthouse, Grants Pass, Oreg.

MURL W. STORMS,
Acting State Director.

[F.R. Doc. 70-4128; Filed, Apr. 6, 1970; 8:45 a.m.]

[S-965A]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands described in paragraph 3 for transfer out of Federal ownership under one or more of the below stated statutes.

2. Publication of this notice has the effect of segregating the following described public lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The below-described lands proposed to be classified for disposal are located in Fresno and San Benito Counties. The proposals have been discussed and analyzed in detail with the counties and with other agencies, groups and individuals. Maps and other information are available for inspection in the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

MOUNT DIABLO MERIDIAN, CALIFORNIA

For disposal at public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

FRESNO COUNTY

T. 15 S., R. 12 E.,
Sec. 31, lot 13.
T. 20 S., R. 12 E.,
Sec. 35, E½NW¼.
T. 21 S., R. 12 E.,
Sec. 2, lots 9, 10, 12, 13, and 14, and S½NW¼;
Sec. 11, lots 2 and 3.
T. 19 S., R. 13 E.,
Sec. 26, NE¼SW¼.
T. 21 S., R. 13 E.,
Sec. 7, lot 4 and SE¼;
Sec. 8, NW¼SW¼;
Sec. 17, SW¼NE¼, W½NW¼, and SE¼SE¼;
Sec. 18, E½NE¼ and SW¼NE¼;
Sec. 20, E½NE¼;
Sec. 21, W½NW¼, SE¼NW¼, and SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 25, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 26, S½S½;
Sec. 27, W½NW¼ and S½SE¼;
Sec. 28, E½NE¼ and N½SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, N½, NE¼SW¼, and SE¼.
T. 22 S., R. 13 E.,
Sec. 1, lot 4 and W½SW¼.
T. 18 S., R. 14 E.,
Sec. 6, lot 1;
Sec. 8, N½NE¼.
T. 19 S., R. 14 E.,
Sec. 22, W½W½;
Sec. 24, NW¼NW¼, S½NW¼, SW¼, and SW¼SE¼;
Sec. 28, N½N½;
Sec. 30, lots 13 and 14, and NE¼;
Sec. 31, lot 14;
Sec. 34, NW¼NW¼.
T. 20 S., R. 14 E.,
Sec. 2, NW¼SE¼;
Sec. 8, N½N½;
Sec. 17, SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 29, SE¼SW¼;
Sec. 32, N½NW¼ and SE¼NW¼.
T. 21 S., R. 14 E.,
Sec. 12, lots 2, 7, and 9;
Sec. 24, NE¼;
Sec. 32, E½SW¼ and S½SE¼;
Sec. 33, S½SW¼ and SW¼SE¼;
Sec. 35, S½SE¼.
T. 22 S., R. 14 E.,
Sec. 2, SW¼NE¼, S½NW¼, and SW¼;
Sec. 4, NE¼SW¼;
Sec. 7, NE¼SW¼;
Sec. 8, SW¼NW¼;
Sec. 9, NE¼SE¼;
Sec. 10, SW¼NW¼ and NW¼SW¼;
Sec. 11, NE¼NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 26, SE¼NW¼.
T. 18 S., R. 15 E.,
Sec. 30, N½ lot 6 and N½NE¼.
T. 19 S., R. 15 E.,
Sec. 2, E½ lot 7, NW¼SW¼NW¼SE¼, and SE¼SE¼;
Sec. 4, lots 4 and 8, S½NE¼, and SW¼;
Sec. 6, lots 3, 4, 5, 6, 13, and 14;
Sec. 8;
Sec. 12, NW¼;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 20, W½SW¼, NE¼SE¼, N½NW¼SE¼, and S½SE¼;
Sec. 24, N½ and SE¼.
T. 20 S., R. 15 E.,
Sec. 2, lot 2, SW¼, SW¼NW¼SE¼, and E½SW¼SE¼;
Sec. 12, NE¼, SW¼, and W½SE¼.
T. 21 S., R. 15 E.,
Sec. 18, lots 4, 5, and 6;
Sec. 22, NE¼, SE¼SW¼, and NW¼SE¼;
Sec. 26, E½;
Sec. 28, NE¼;
Sec. 30, N½ lot 6, lot 7, and NW¼SE¼;
Sec. 31, lots 3 and 4;
Sec. 34, NW¼SE¼ and S½SE¼.
T. 22 S., R. 15 E.,
Sec. 2, SE¼SE¼;
Sec. 24, lot 4.
T. 19 S., R. 16 E.,
Sec. 18, lot 2.
T. 21 S., R. 16 E.,
Sec. 32, W½NW¼.
T. 22 S., R. 16 E.,
Sec. 30, SW¼NW¼;
Sec. 32, SW¼NW¼.

SAN BENITO COUNTY

T. 12 S., R. 4 E.,
Sec. 22, lot 1.
T. 14 S., R. 6 E.,
Sec. 4, lot 7;
Sec. 9, lot 2.
T. 11 S., R. 7 E.,
Sec. 31, SW¼SE¼.
T. 12 S., R. 7 E.,
Sec. 18, lots 2 and 3;
Sec. 22, lot 5.
T. 13 S., R. 7 E.,
Sec. 12, lots 3 and 4;
Sec. 13, lots 3 and 4.
T. 14 S., R. 7 E.,
Sec. 13, SW¼NE¼ and SE¼NW¼.
T. 13 S., R. 8 E.,
Sec. 18, lot 3.
T. 14 S., R. 8 E.,
Sec. 7, lot 1;
Sec. 18, lots 1 and 5.
T. 15 S., R. 8 E.,
Sec. 15, lots 12, 13, and 14;
Sec. 22, lot 3.
T. 16 S., R. 8 E.,
Sec. 13, NW¼NW¼;
Sec. 23, NW¼SE¼ and SE¼SE¼;
Sec. 25, SW¼SE¼.
T. 17 S., R. 8 E.,
Sec. 1, SE¼NE¼.
T. 13 S., R. 9 E.,
Sec. 30, lot 4, SE¼NW¼, and E½SW¼.
T. 14 S., R. 9 E.,
Sec. 30, lot 1;
Sec. 32, SE¼SW¼;
Sec. 34, SW¼NW¼;
Sec. 35, NW¼NW¼.
T. 15 S., R. 9 E.,
Sec. 4, lot 7;
Sec. 5, lot 12;
Sec. 6, lot 9;
Sec. 19, lot 3 and SE¼NE¼.
T. 16 S., R. 9 E.,
Sec. 8, SE¼SW¼;
Sec. 13, NW¼NE¼;
Sec. 17, SE¼NE¼;
Sec. 33, NE¼NE¼ and W½SE¼.
T. 17 S., R. 9 E.,
Sec. 4, E½ lot 6;
Sec. 34, lots 1 and 2, W½NE¼, and E½NW¼.

T. 18 S., R. 9 E.,
Sec. 2, SE¼SW¼ and SW¼SE¼;
Sec. 12, NE¼NE¼;
Sec. 33, S½SE¼.
T. 19 S., R. 9 E.,
Sec. 9, SE¼NE¼.
T. 14 S., R. 10 E.,
Sec. 33, NW¼SW¼.
T. 17 S., R. 10 E.,
Sec. 9, SE¼NW¼.
T. 16 S., R. 12 E.,
Sec. 6, lot 3.
T. 17 S., R. 12 E.,
Sec. 7, lots 2, 3, and 4.

The public lands described above aggregate approximately 12,087.29 acres.

For transfer out of Federal ownership by exchange under sec. 8 of the Taylor Grazing Act (43 U.S.C. 315g), or for disposal at public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

SAN BENITO COUNTY

T. 14 S., R. 5 E.,
Sec. 13, lots 4 and 11;
Sec. 14, lots 1, 4, 5, 6, and 9;
Sec. 18, lots 1, 2, and 3, and SE¼SE¼;
Sec. 21, lot 12;
Sec. 22, lots 11, 15, and 16;
Sec. 23, lots 13 and 14;
Sec. 24, lots 1, 2, and 3;
Sec. 25, lots 5 and 9, SE¼SW¼, and S½SE¼;
Sec. 26, lots 3, 4, and 8;
Sec. 27, lots 1, 2, and 4, and NE¼NW¼;
Sec. 30, lot 1 and NE¼NW¼.
T. 14 S., R. 6 E.,
Sec. 19, lot 16;
Sec. 28, lot 6;
Sec. 29, SE¼SW¼ and NE¼SE¼;
Sec. 33, lots 15 and 16;
Sec. 34, lots 11, 13, and 14.
T. 15 S., R. 6 E.,
Sec. 3, lots 3, 4, 5, and 6;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15;
Sec. 5, lot 7;
Sec. 8, NE¼NE¼;
Sec. 12, lots 5 and 8.
T. 16 S., R. 6 E.,
Sec. 12, NW¼NE¼ and SE¼SW¼.
T. 15 S., R. 7 E.,
Sec. 3, E½SW¼ and SW¼SW¼;
Sec. 4, SE¼SW¼ and S½SE¼;
Sec. 7, lot 3;
Sec. 10, N½NW¼ and SE¼NW¼;
Sec. 15, N½NE¼;
Sec. 25, NW¼;
Sec. 26, NE¼, NE¼NW¼, and NW¼SE¼.
T. 15 S., R. 8 E.,
Sec. 29, lots 10 and 15;
Sec. 31, lots 8, 9, 10, and 11;
Sec. 32, lots 3 and 13.
T. 16 S., R. 8 E.,
Sec. 6, lot 4.
T. 17 S., R. 8 E.,
Sec. 29, SW¼SW¼;
Sec. 31, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 32, E½NW¼ and NE¼NW¼.
T. 15 S., R. 9 E.,
Sec. 29, SW¼SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, lots 2 and 3, and SE¼NW¼;
Sec. 32, NW¼NW¼.
T. 18 S., R. 11 E.,
Sec. 35, S½NE¼.
T. 19 S., R. 11 E.,
Sec. 2, N½SE¼ and SE¼NW¼.

The public lands described above aggregate approximately 4,568.92 acres.

For transfer out of Federal ownership by exchange under sec. 8 of the Taylor Grazing Act (43 U.S.C. 315g):

SAN BENITO COUNTY

T. 16 S., R. 9 E.,
Sec. 4, NW¼SE¼;
Sec. 9, N½NE¼;
Sec. 10, SE¼NW¼;
Sec. 11, NW¼NW¼.
T. 16 S., R. 10 E.,
Sec. 15, S½SE¼;
Sec. 20, SE¼NE¼;
Sec. 21, NW¼NW¼ and NW¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 25, NW¼SW¼.

The public lands described above aggregate approximately 480 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

For the State Director.

DELMAR D. VAIL,
District Manager.

[F.R. Doc. 70-4162; Filed, Apr. 6, 1970; 8:47 a.m.]

[Serial No. I-2788]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the lands described from appropriation under the agricultural land laws (43 U.S.C., Part 7 and 9; 24 U.S.C. Section 334), from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), or the Public Land Sale Act (43 U.S.C. 1411–18), the Recreation and Public Purposes Act (43 CFR, Subpart 2232), Exchanges (43 U.S.C. 315g), Indemnity Selections (43 U.S.C. 851 and 852), and the general mining laws (30 U.S.C. Chapter 2). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are described below and are shown on maps designated I-2788 on file in the Boise District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, Boise, Idaho:

BOISE MERIDIAN, IDAHO

ADA COUNTY

T. 5 N., R. 1 W.,
Sec. 30, lot 1
Totaling 37.60 acres.

3. Except as specifically segregated, the lands shall remain open to all other applicable forms of appropriation.

For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Boise District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-4163; Filed, Apr. 6, 1970; 8:47 a.m.]

[Montana 12769]

MONTANA

Proposed Classification of Public Lands for Multiple-Use Management

MARCH 31, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are located within the following described areas and are shown on maps on file in the Dillon District Office, Bureau of Land Management, Dillon, Mont. and in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN MONTANA

BROADWATER COUNTY

T. 5 N., R. 1 E.,
Secs. 1 and 2;
Secs. 4, 7, 17, and 18;
Secs. 30 and 31.
T. 6 N., R. 1 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 7 N., R. 1 E.,
Secs. 19 to 22, inclusive;
Secs. 25 to 35, inclusive.
T. 6 N., R. 2 E.,
Sec. 7;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.
T. 4 N., R. 1 W.,
Secs. 4 to 6, inclusive;
Secs. 8 and 9.

T. 5 N., R. 1 W.,
Secs. 3 to 25, inclusive;
Secs. 28 to 30, inclusive;
Secs. 32 and 33.
T. 6 N., R. 1 W.,
Sec. 1.
T. 7 N., R. 1 W.,
Secs. 25 and 36.

The public land in the areas described aggregate approximately 46,000 acres.

3. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Dillon, Mont. 59725.

4. A public hearing on the proposed classification will be held on May 28, 1970, at 1 p.m., in the courtroom of the Broadwater County Courthouse, Townsend, Mont.

EUGENE H. NEWELL,
Acting State Director.

[F.R. Doc. 70-4176; Filed, Apr. 6, 1970; 8:48 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Miscellaneous Amendments

By notice in the FEDERAL REGISTER of February 3, 1970, Part II (pp. 2476–2496), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER on March 3 (pp. 4013–4014). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

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

The following correction is to be made:

NEW YORK

Columbia County

Hudson, *General Worth Hotel*, 215 Warren Street, Destroyed.

The following properties have been added to the National Register since March 3:

ALABAMA

Mobile County

Mobile, *Barton Academy*, 504 Government Street.
Mobile, *Bishop Portier Home*.
Mobile, *Old City Hospital*, 900–950 St. Anthony Street.
Mobile, *Semmes (Raphael) Home*, 804 Government Street.

ARKANSAS

Lawrence County

Powhatan, *Powhatan Courthouse*.

Pulaski County

Little Rock, *Mount Holly Cemetery*, 12th Street and Broadway.
Little Rock, *The Tavern, Arkansas Territorial Restoration*, 214 East Third Street.

COLORADO

Costillo County

Fort Garland, *Fort Garland*, on Colorado 159, one block south of U.S. 10–160.

Las Animas County

Trinidad, *Baca House and Outbuilding*, 300 block of Main Street.
Trinidad, *Bloom (Frank G.) House*, 300 block of Main Street.

Montrose County

Montrose vicinity, *Ute Memorial Site*, 2 miles south of Montrose on U.S. 550.

Weld County

Greeley, *Meeker Memorial Museum*, 1324 Ninth Avenue.

GEORGIA

Chatham County

Savannah, *Central of Georgia Railway Co. Shop Property*, between West Jones Street and Louisville Road.

ILLINOIS

Cook County

Oak Park, *Gale (Mrs. Thomas H.) House*, 6 Elizabeth Court.
River Forest, *Drummond (William E.) House*, 559 Edgewood Place.

MAINE

Cumberland County

Portland, *Sweat Mansion*, 111 High Street.

MICHIGAN

Houghton County

Hancock vicinity, *Quincy Mine No. 2 Shaft Hoist House*, off U.S. 41.

MINNESOTA

Dakota County (also in Hennepin County)

St. Paul vicinity, *Fort Snelling*, Bounded irregularly by Minnehaha Park and the Mississippi River (north); Government Lot 2 (east); the east-west quarterline of sec. 28, T. 28 N., R. 23 W., and the municipal airport (south); and a line parallel to and 600 feet northeast of Bloomington Road (west).

Hennepin County

Fort Snelling (see Dakota County).

MISSOURI

Iron County

Pilot Knob vicinity, *Fort Davidson*, on County Route 21 south of intersection with County Route V.

Perry County

Wittenburg vicinity, *Tower Rock*, 1 mile south of Wittenburg, east 1 mile from County Route A.

St. Louis County

Webster Groves, *Hawken House*, 9442 Big Bend Boulevard.

NEW YORK

Cayuga County

Auburn, *Flatiron Building*, 1–3 Genessee Street.

Columbia County

Hudson, *Front Street-Parade Hill-Lower Warren Street Historic District*, Warren Street between Second Street and Parade Hill, both sides of North Front and South Front Streets between Diamond and Allen (Ferry) Streets both sides of Prison Alley between North Front Street and the bluff, the north side of Fleet Street, and Parade Hill, and Franklin Square.

Herkimer County

Little Falls, *Herkimer County Trust Co. Building*, corner of Ann and Albany Streets.

Rensselaer County

Troy, *Cannon Building*, 1 Broadway.
Troy, *Fifth Avenue-Fulton Street Historic District*, Two blocks of Fifth Avenue, on the eastern edge of the downtown Troy business district, bounded on the north by Grand Street, on the south by Broadway, on the east (between Grand and Fulton Streets) by Sixth Avenue and (between Fulton Street and Broadway) by Union Street, and on the west by Williams Street.
Troy, *W. & L. E. Gurley Co.*, 514 Fulton Street.
Troy, *McCarthy Building*, 255–257 River Street.

Ulster County

Kingston, *Clinton Avenue Historic District*, includes all of Clinton Avenue between Westbrook Lane and North Front Street, North Front Street between Clinton Avenue and Fair Street, and the east side of Fair Street between North Front and John Streets.

NORTH CAROLINA

Alamance County

Alamance vicinity, *Alamance Battleground State Historic Site*, 4 miles south of Alamance on N.C. 62.
Alamance vicinity, *Allen (John) House*, Alamance Battleground State Historic Site.

Beaufort County

Bath, *Bath Historic District*, bounded on the west by Bath Creek, on the north by N.C. 92, on the east by King Street, and on the south by Bath Creek.
Bath, *Bonner House*, Main and Front Streets.
Bath, *Palmer-Marsh House*, 104 Main Street.

Brunswick County

Southport vicinity, *Brunswick Historic District*, bounded on the east by the Cape Fear River, on the south by County Route 1533, on the west by County Route 1529, and on the north by Orton Plantation.

Carteret County

Atlantic Beach vicinity, *Fort Macon*, 4 miles northeast of Atlantic Beach on County Route 1190.

Catawba County

Claremont vicinity, *Bunker Hill Covered Bridge*, 2 miles east of Claremont off U.S. 70.

Chowan County

Edenton, *Iredell (James) House*, 107 East Church Street.

Craven County

New Bern, *Stanly (John Wright) House*, 307 George Street.
New Bern, *Stevenson House*, 611 Pollock Street.

Durham County

Durham vicinity, *Bennett Place State Historic Site*, intersection of Neal and Old Hillsborough roads.

Johnston County

Newton Grove vicinity, *Bentonville Battleground State Historic Site*, 2 miles north of Newton Grove on County Route 1008.
Newton Grove vicinity, *Harper House*, Bentonville Battleground State Historic Site.

Moore County

Carthage vicinity, *Alston House*, 8 miles northeast of Carthage on County Route 1644.

Rowan County

Salisbury, *Community Building, Rowan County Courthouse*, 200 North Main Street.

Wake County

Raleigh, *Executive Mansion*, 200 North Blount Street.

Raleigh, *State Capitol Building*, Capitol Square, bounded by Wilmington, Edenton, Salisbury, and Morgan Streets.

Raleigh vicinity, *Yates Mill*, on Lake Trajan at the intersection of Lake Wheeler and Tryon Roads.

Washington County

Creswell vicinity, *Somerset Place State Historic Site*, 9 miles south of Creswell on Lake Phelps.

Wayne County

Fremont vicinity, *Aycock (Charles B.) Birthplace*, 1 mile south of Fremont off U.S. 117.

PENNSYLVANIA

Franklin County

Chambersburg, *Brown (John) House*, 225 East King Street.

TENNESSEE

Davidson County

Hermitage, *Tulip Grove*, Lebanon Road.

Rutherford County

Murfresboro, *Oaklands*, North Maney Avenue.

Sullivan County

Piney Flats vicinity, *Rocky Mount*, southwest of Piney Flats off County Route 11E.

Sumner County

Gallatin vicinity, *Cragfont*, about 5 miles west of Gallatin off Tennessee 25.

Washington County

Johnson City vicinity, *Tipton-Haynes House*, southeast of Johnson City on U.S. 19 W.

Jonesboro, *Jonesboro Historic District*, bounded roughly by College Street, Sabin Avenue, and properties fronting on Main Street on the north; by Franklin Avenue and Depot Street on the south; by Second Avenue, Oak Grove Avenue, and private property on the west; and by private property on the east.

UTAH

Salt Lake County

Salt Lake City, *Beehive House*, 67 East South Temple Street.

Salt Lake City, *Utah State Historical Society Mansion and Carriage House*, 603 East South Temple Street.

VIRGINIA

Accomack County

Hallwood vicinity, *Wessells Root Cellar*, 0.1 mile north of intersection Routes 701 and 692.

Onancock, *Kerr Place*, northeast corner of Crockett Avenue and Market Street.

Bath County

Bacova vicinity, *Hidden Valley*, 1.1 miles north of intersection of Routes 621 and 39.

Clarke County

Berryville vicinity, *Fairfield*, 0.2 mile east of intersection of Routes 340 and 610.

Boyce vicinity, *Saratoga*, 0.4 mile southeast of intersection of Routes 723 and 617.

Fairfax County

Accotink vicinity, *Woodlawn Plantation*, 0.4 mile west of intersection of U.S. 1 and Route 235.

Falls Church (independent city)

The Falls Church, 115 East Fairfax Street.

Greene County

Stanardsville, *Greene County Courthouse*, northwest corner of Route 649, 0.1 mile south of intersection with Route 33.

Hampton (independent city)

St. John's Church, northwest corner of West Queen and Court Streets.

Hanover County

Ashland vicinity, *Fork Church*, east side of Route 738 at intersection with Route 685.

King George County

Comorn vicinity, *Marmion*, 0.8 mile northeast of intersection of Routes 649 and 609.

Loudoun County

Leesburg, *Leesburg Historic District*, beginning on the east at the intersection of Loudoun and Market Streets, running northeast parallel to Church Street to the intersection of a line in projection of North Street; then northwest to and along North Street to intersection of Church Street; then northeast parallel to King Street to intersection of a line in projection of Union Street; then northwest along Union Street to the intersection of a line in extension of Liberty Street; then southwest to the intersection of Liberty and North Streets; then northwest along an extension of North Street until intersecting a line in projection of Ayr Street; then southwest along Ayr Street to a point 100 feet southwest of Ayr Street and Twin Branch Creek; then southeast along an extension of South Street to a point 200 feet west of King Street; then southwest parallel to King Street to a point 500 feet south of the railroad; then east across King Street and parallel to South Street for 1,700 feet; then northeast parallel to King Street to the intersection of Loudoun and Market Streets.

Lynchburg (independent city)

Point of Honor, 112 Cabell Street.

Northampton County

Eastville vicinity, *Caserta*, 1 mile northwest of intersection of U.S. 13 and Route 630.

Franktown vicinity, *Glebe of Hungar's Parish*, 1.3 miles northwest of intersection of Routes 622 and 619.

Jamesville vicinity, *Sommers House*, 0.2 mile southwest of intersection of Routes 183 and 691.

Nassawadox vicinity, *Brownsville*, 1.2 miles southeast of intersection of Routes 608 and 600.

Page County

Luray, *Aventine Hall*, 143 South Court Street.

Portsmouth (independent city)

Drydock No. 1, Norfolk Naval Shipyard.

Prince Edward County

Hampden-Sydney, *Hampden-Sydney College Historic District*, bounded approximately by the campus of Hampden-Sydney College.

Prince William County

Minnieville vicinity, *Bel Air*, 0.9 mile west of Route 640.

Richmond (independent city)

Donnan-Asher Iron Front Building, 1207–1211 East Main Street.

Monument Avenue Historic District, bounded on the southeast by a straight line running from the center of the block on Grace Street between Ryland and Lombardy Streets to the intersection of Birch Street and Park Avenue; on the southwest by Park Avenue to Belmont Avenue and then west in a straight line to the intersection of Roseneath Road and Wythe Avenue; on the northwest by a straight line from Wythe Avenue and Roseneath Road to Grace Street and Roseneath Road; and on the northeast by Grace Street.

Stearns Iron Front Building, 1007–1013 East Main Street.

William J. Clark Library and Barco-Stevens Hall, west side of Lombardy Street at intersection with Brook Road.

Stafford County

Falmouth, *Falmouth Historic District*, extending from the intersection of Routes 1 and 17, 0.3 mile north, 0.6 mile east, 0.2 mile south, and 0.3 mile west.

Warren County

Milldale, *Mount Zion*, 0.7 mile northeast of intersection of Routes 624 and 639.

Washington County

Abingdon, *Abingdon Historic District*, extending 0.1 mile north and south of Main Street (Route 11) and 0.3 mile northeast and southwest of intersection of Main and Cummings Streets.

WASHINGTON

King County

Seattle, *Pike Place Market Historic District*, bounded roughly by First Avenue and Stewart Street on the northeast, News Lane on the east, Union Street on the southeast, Western Avenue on the west, and Virginia Street on the northwest.

WYOMING

Fremont County

South Pass City, *South Pass City*, sec. 20, T. 29 N., R. 100 W.

Hot Springs County

Thermopolis vicinity, *Woodruff Cabin Site*, 26 miles northwest of Thermopolis, 18 miles west on County Route 0900 from intersection with Wyoming 120.

Laramie County

Cheyenne, *St. Mark's Episcopal Church*, 1908 Central Avenue.

Sheridan County

Sheridan, *Trail End*, 400 Clarendon Avenue.

Sweetwater County

Granger, *Granger Stage Station*, NW¼NE¼ NE¼, sec. 20, T. 20 N., R. 81 W.

ROBERT M. UTLEY,
Acting Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 70-4129; Filed, Apr. 6, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 6]

SALES OF CERTAIN COMMODITIES

Annual Sales List

The CCC Annual Sales List for the fiscal year ending June 30, 1970, published in 35 F.R. 2602 is amended as follows:

42. *Nonfat dry milk—unrestricted use sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–14: Spray process, U.S. Extra Grade, 29.75 cents per pound packed in 100-pound bags and 29.9 cents per pound packed in 50-pound bags.

44. *Butter—unrestricted use sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–14: 77.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 77 cents per pound—Washington, Oregon, and California. All other States 76.75 cents per pound.

Effective date: 3 p.m. e.s.t., March 31, 1970.

Signed at Washington, D.C., on April 1, 1970.

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

[F.R. Doc. 70–4191; Filed, Apr. 6, 1970; 8:50 a.m.]

[Amdt. 7]

SALES OF CERTAIN COMMODITIES

Annual Sales List

The CCC Annual Sales List for the fiscal year ending June 30, 1970, published in 35 F.R. 2602, is amended to insert a section 18 therein to read as follows:

18. *Barley, export sales (bulk).* Export: Sales will be made f.o.b. Vessel Duluth/Superior on a competitive bid basis for cash under Announcement GR–212. The barley must be exported prior to August 31, 1970, to eligible countries outside the European Economic Community.

Effective date: 3 p.m., e.s.t., March 31, 1970.

Signed at Washington, D.C., on April 1, 1970.

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

[F.R. Doc. 70–4192; Filed, Apr. 6, 1970; 8:50 a.m.]

Office of the Secretary

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Revision of Assignment of Functions

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Statement of Organization, Delegations of Authority and Assignments of Functions published in 29 F.R. 16210, as amended, is further amended as follows:

I. Section 120 is revised to read as follows:

120. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Stabilization and Conservation Service:

a. Farm marketing quota and acreage allotment programs under the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.).

b. Agricultural conservation and diversion programs (except the Great Plains Program and naval stores conservation program) under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

c. Cropland conversion program under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(e)).

d. Cropland adjustment program under Title VI of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1938).

e. Wheat certificate and diversion programs under Subtitles B & D, Title III, Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1339 and 1379a et seq.), other than operations relating to acquisition of export marketing certificates by exporters.

f. Upland cotton programs under section 103 of the Agricultural Act of 1949, as amended (7 U.S.C. 1444).

g. For and on behalf of the Commodity Credit Corporation:

(1) Emergency livestock feed assistance program under Public Law 86–299, as amended (7 U.S.C. 1427 note).

(2) Distress and disaster relief and emergency feed programs under section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Public Law 875, 81st Cong., as amended (42 U.S.C. 1855).

h. Emergency conservation program under Public Law 85–58, as amended (71 Stat. 177).

i. Conservation reserve program under the Soil Bank Act of 1956, as amended (7 U.S.C. 1801 note).

j. Land stabilization, conservation, and erosion control program authorized by section 203 of the Appalachian Regional Development Act of 1965, as amended (40 U.S.C. App. A 203), with assistance from the Soil Conservation Service as assigned.

k. Administration of the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.).

l. Administration of the International Sugar Agreement.

m. (1) Except as reserved to the Secretary under section 197a.2 of this statement, determination of the quantities of agricultural commodities subject to price support available for export programs. (2) In connection with clause (3) of section 416, Agricultural Act of 1949, as amended (7 U.S.C. 1431), the estimate and announcement of the types and varieties of food commodities, and the quantities thereof, to become available for distribution thereunder.

n. For and on behalf of Commodity Credit Corporation, programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of and aid in the disposition of such commodities, except as assigned to the Food and Nutrition Service and the Export Marketing Service under sections 200 and 196, respectively, of this Statement of Organization, Delegations of Authority and Assignments of Functions.

o. Procurement, processing, handling, distribution, transportation, payment and related services on surplus removal and supply operations, including operations for and on behalf of CCC, other than those assigned to the Export Marketing Service, the Food and Nutrition Service, and the Consumer and Marketing Service, under section 5 (b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), the Act of August 19, 1958 (7 U.S.C. 1431 note), section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a–1), section 32 of Public Law 320, 74th Cong., as amended (7 U.S.C. 612c), and related statutes, and section 6 of the National School Lunch Act, as amended (42 U.S.C. 1755).

p. Commodity procurement and supply, transportation (other than from point of export except for movement to trust territories or possessions), handling, payment and related services in connection with programs under Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1725), hereinafter referred to as "Public Law 480"; and payment and related services for the Export Marketing Service with respect to export subsidy and barter operations, operations under Title I of Public Law 480 (7 U.S.C. 1701–1710), and the Export Credit Sales Program.

q. Field operations to implement functions assigned to the Export Marketing Service in accordance with policies and procedures established by the Export Marketing Service.

r. All management support activities for the Export Marketing Service with respect to both program and administrative matters, including fiscal, accounting, budget, personnel, and administrative service functions, the preparation and issuance of information releases on agricultural exports, and the processing and disposition for the Export Marketing Service of all claims arising under Department functions for which the Export Marketing Service has responsibility.

s. Functions relating to agreements under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787).

t. Other functions on behalf of Commodity Credit Corporation, as assigned in accordance with CCC bylaws.

u. Responsibility to serve as the focal point in the Department for consultation on the leasing of federally owned farm lands to insure consistency with the Government's farm program to reduce production of price-supported crops in surplus supply, and determination and proclamation of agricultural commodities in surplus supply pursuant to section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813).

v. Functions relating to indemnity payments to dairy farmers under Public Law 90–95 (42 U.S.C. 2881).

w. Responsibility for coordinating and preventing duplication of aerial photographic work of the Department, including:

(1) clearing of photography projects; (2) assigning symbols for new aerial photography, maintaining symbol records, and furnishing sympol books; (3) recording departmental aerial photography flown and coordinating the issuance of aerial photography status maps of latest coverage; (4) promoting interchange of technical information and techniques to develop lower costs and better quality; (5) representing the Department on the Interagency Committee on Sales Prices of Aerial Photographic Reproductions and serving as liaison with other governmental agencies on aerial photography and related activities including classification of departmental aerial photography but excluding mapping; and (6) providing a Chairman for the Photography Sales Committee of the Department.

x. Supervision and direction of Agricultural Stabilization and Conservation Service State and county offices, and designation of functions to be performed by Agricultural Stabilization and Conservation Service State and County Committees.

y. Activities under the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98–98h), except as otherwise assigned in this Statement of Organization, Delegations of Authority and Assignments of Functions.

z. Refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094).

aa. Responsibilities and functions under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), and such other defense legislation as may be enacted, as assigned.

II. Section 121 is revised to read as follows:

121. *Reservations.* a. *Reservations to the Secretary.* (1) Designation of counties for Emergency Conservation Programs under Public Law 85–58, as amended.

(2) Appointment of State ASC Committemen.

(3) Recommendations to the President regarding the designation of areas of major disaster under Public Law 875, 81st Cong., and regarding the designation of acute distress areas because of unemployment or other economic causes, pursuant to section 407 of the Agricultural Act of 1949, as amended; the designation of boundaries within areas declared by the President to be major disaster areas or acute distress areas under Public Law 875, pursuant to section 407 of the Agricultural Act of 1949, as amended; the designation of areas as emergency areas under section 407 with respect to feed assistance for foundation herds and under Public Law 86–299 (7 U.S.C. 1427 note) with respect to feed assistance for livestock; the designation of areas in which the programs specified in section 120 h and i above will be carried out; the execution of cooperative agreements with State Governors and heads of other Federal agencies with respect to the programs specified in section 120g above.

(4) Final approval of regulations relating to the selection and exercise of the functions of committees promulgated under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)).

(5) Under section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), entering into agreements with, or approving agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof.

Signed at Washington, D.C., on April 1, 1970.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 70–4194; Filed, Apr. 6, 1970; 8:50 a.m.]

MEAT IMPORT LIMITATIONS

Second Quarterly Estimates

Public Law 88–482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following second quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1970 is 1,061.5 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1970 is 998.8 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1970 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88–482 at this time.

Done at Washington, D.C., this 1st day of April 1970.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 70–4155; Filed, Apr. 6, 1970; 8:47 a.m.]

Packers and Stockyards Administration

ROCHESTER SALE BARN, ROCHESTER, IND., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
INDIANA	
Fulton County Community Sale, Rochester, June 17, 1959.	Rochester Sale Barn, Jan. 1, 1970.
IOWA	
Webster City Livestock Auction, Webster City, Feb. 10, 1941.	Webster City Livestock Market, Inc., Dec. 15, 1969.
MARYLAND	
Dukes Brothers Stockyard, Eden, Dec. 12, 1968....	Dukes Brothers Stockyard, Inc., Dec. 31, 1968.
MINNESOTA	
Lanesboro Sales Commission, Lanesboro, Dec. 1, 1959.	Lanesboro Sales Commission, Inc., Feb. 16, 1970.
MISSOURI	
Bull Shippers Incorporated, Rich Hill, Aug. 7, 1964.	C & S Livestock Co., Feb. 1, 1970.
NEBRASKA	
Minden Livestock Sales Company, Minden, Feb. 1, 1950.	Minden Livestock Sales Co., Inc., Jan. 26, 1970.
Neligh Livestock Commission Co., Neligh, Apr. 21, 1959.	Neligh Livestock, Inc., Mar. 7, 1970.

Done at Washington, D.C., this 31st day of March 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70–4154; Filed, Apr. 6, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL FOODS CORP.

Enriched Macaroni Product Deviating From Identity Standard

EXTENSION OF TEMPORARY PERMIT FOR MARKET TESTING

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that the temporary permit held by General Foods Corp., 250 North Street, White Plains, N.Y. 10602, to cover interstate market tests of an enriched macaroni product that deviates from the standards of identity for macaroni and noodle products (21 CFR 16.1 to 16.14), is extended to April 28, 1971. (Notice of issuance of the permit was published in the FEDERAL REGISTER of June 20, 1969 (34 F.R. 9684).)

The product contains yellow corn flour in a quantity not less than 50 percent, soy flour in a quantity not less than 27 percent, and hard wheat flour in a quantity not less than 10 percent by weight of the farinaceous ingredients. Nutrients are added as specified in § 16.9(a) except that calcium is added in such quantity that each pound of the finished food contains not less than 1,700 milligrams and not more than 1,900 milligrams of calcium (Ca). The product is labeled "enriched yellow corn-soy-wheat macaroni." The labels of the product declare by common name the ingredients used.

Dated: March 30, 1970.

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

[F.R. Doc. 70-4166; Filed, Apr. 6, 1970; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, URBAN RENEWAL DEMONSTRATION PROGRAM

Designation; Revocation

SECTION A. *Designation.* The Assistant Director, Urban Renewal Demonstration Program, is hereby designated to serve as Acting Director, Urban Renewal Demonstration Program, during the absence of the Director, Urban Renewal Demonstration Program, with all the powers, functions, and duties redelegated or assigned to the Director, Urban Renewal Demonstration Program.

SEC. B. *Revocation.* This designation supersedes the designation of Acting Director effective August 15, 1969 (34 F.R. 13490, Aug. 21, 1969).

(Secretary's delegation to Assistant Secretary for Research and Technology effective Feb. 7, 1970 (35 F.R. 2750, Feb. 7, 1970))

Effective date. This designation shall be effective as of February 7, 1970.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 70-4145; Filed, Apr. 6, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Notice of Hearing on Application for a Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m. local time, on May 12, 1970, in the Indian River Junior College Library Building (Library Lecture Hall 101), 3209 Virginia Avenue, Fort Pierce, Fla., to consider the application filed under § 104b. of the Act by the Florida Power and Light Co. (the applicant), for a construction permit for a pressurized water nuclear reactor designed to operate initially at 2440 megawatts (thermal) to be located at the applicant's site on the East Coast of Florida on Hutchinson Island in St. Lucie County halfway between Fort Pierce and Stuart, Fla.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Clark Goodman, Houston, Tex.; Dr. Hugh C. Paxton, Los Alamos, N. Mex.; and Mr. J. D. Bond, Esq., Derwood, Md., Chairman. Dr. Abel Wolman, Baltimore, Md., has been designated as a technically qualified alternate, and Mr. Samuel W. Jensch, Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board in Room 2010, Federal Office Building No. 7, 726 Jackson Place (Entrance on 17th Street) NW., Washington, D.C., April 28, 1970, at 9:30 a.m. local time, to consider the matters provided for consideration by 10 CFR § 2.752 and Section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Items Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a construction permit to the applicant.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4 of the Commission's "Rules of Practice", the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Items Nos. 1 through 4 above as the basis for determining whether a construction permit should be issued to the applicant.

As they become available, the application, the proposed construction permit, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed construction permit, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the Indian River

Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla., for inspection by members of the public each weekday between the hours of 9 a.m. to 5 p.m. Copies of the proposed construction permit, the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by April 23, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than April 23, 1970, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceedings, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice," must be filed by the applicant on or before April 23, 1970.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's "Rules of Practice", and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, the University of Virginia, as the third member.

Dated at Germantown, Md., this 2d day of April 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 70-4211; Filed, Apr. 6, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 20741]

KOREA AIR TERMINAL SERVICE CO., LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned to be held on April 7, 1970, at 10 a.m., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before examiner William F. Cusick, is postponed and reassigned for hearing on April 21, 1970, at the same time and place as indicated above.

Dated at Washington, D.C., April 1, 1970.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 70-4183; Filed, Apr. 6, 1970; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NURSES

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-610 NURSE SERIES
GS-615 PUBLIC HEALTH NURSE SERIES
PFS-610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Boston, Mass., Standard Metropolitan Statistical Area; Fort Devens, Mass.
Effective date: First day of the first pay period beginning on or after April 5, 1970.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$7,178	$7,362	$7,546	$7,730	$7,914	$8,098	$8,282	$8,466	$8,650	$8,834
GS-5	7,618	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266	9,472
GS-6	7,798	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859
GS-7	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444
GS-8	8,731	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269

[1] Corresponding statutory rates: GS-4—tenth; GS-5—eighth; GS-6—fifth; GS-7—third; GS-8—second.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-6	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797
PFS-7	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349	10,590
PFS-8	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	.....

[1] Corresponding statutory rates: PFS-6—fourth; PFS-7—fourth; PFS-8—fourth.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of

the statutory or special rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

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

[F.R. Doc. 70-4159; Filed, Apr. 6, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-376]

SHIP STATIONS OPERATING IN PORTIONS OF SAINT LAWRENCE SEAWAY OPERATED BY THE UNITED STATES

Waiver of Section

APRIL 2, 1970.

The Saint Lawrence Seaway Development Corporation (SLSDC) of the Department of Transportation conducted a test in 1969 during which time ships transiting portions of the Saint Lawrence Seaway operated by the United States were required to maintain a watch on the frequency 156.6 MHz. Section 83.224 of the Commission's rules requires that ship stations maintain a watch on the frequency 156.8 MHz during their hours of operation. Since many ships operating in the St. Lawrence Seaway are incapable of simultaneously maintaining a watch on two seprate frequencies because of equipment limitations, a temporary waiver of § 83.224 to ships operating in portions of the St. Lawrence Seaway operated by the United States was granted.

SLSDC has now completed its evaluation of the results of the test and has concluded that both safety and efficiency are enhanced by the new communication procedures and has requested that the Commission initiate proceedings to amend its rules to permit this type of operation on a regular basis (RM 1577).

In view of the fact that SLSDC desires to initiate its new operating procedures to coincide with the opening of the Seaway for shipping about the first of April, section 83.224 of the rules is hereby waived to all ship stations operating in portions of the Saint Lawrence Seaway operated by the United States pending final Commission action on the petition for rulemaking filed by SLSDC.

Action by the Commission April 1, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox, Johnson and Wells, with Commissioner H. Rex Lee absent.

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

[F.R. Doc. 70-4172; Filed, Apr. 6, 1970; 8:48 a.m.]

[RM-1551]

POLICY STATEMENT ON COMPARATIVE HEARINGS INVOLVING REGULAR RENEWAL APPLICANTS

Order Extending Time for Filing Replies to Oppositions to Petitions for Reconsideration

1. On January 15, 1970, the Commission issued a policy statement on comparative hearings involving regular renewal applicants (FCC 70-62, FCC 2d, 35 F.R. 822). Two timely petitions for reconsideration of this policy statement were filed, one jointly by two applicants in hearings competing with television renewal applicants and the other jointly by Black Efforts for Soul in Television (BEST), the Citizens Communications Center and Albert H. Kramer. BEST et al. also filed two related pleadings. By order adopted February 26 and released March 2, 1970 (FCC 70-209) the Commission set dates for the filing of oppositions to these petitions and of replies to the oppositions: March 12 and March 27, 1970, respectively.

2. On March 27, 1970, BEST et al. filed a "Petition for Extension of Time," asking that the time for filing replies to oppositions to the petitions for reconsideration be extended. Two points are urged: (1) The importance of this matter, as recognized by the Commission in the order mentioned; and (2) the recent decision in Docket 18110, the "one to a market" multiple ownership proceeding, adopted March 25, 1970, with public notice thereof given the next day (Report No. 5875) and the text of the document not yet released. BEST et al. urge that this decision may have a bearing on the position they take in their reply, which they were in the process of preparing; and they ask that the time for filing replies to oppositions to their petition for reconsideration and related pleadings be extended until 10 days after release of the text of the Docket 18110 decision.

3. Based upon (1) above, the Commission will afford additional time of fourteen (14) days to file replies. As to (2), we note that petitioners have available the text of the public notice concerning the actions in Docket No. 18110, and that in any event the ample additional time period afforded renders further consideration of this ground unnecessary.

4. In view of the foregoing, *It is ordered*, That the time for filing replies to oppositions to the petitions for reconsideration in this proceeding is extended to April 10, 1970. Authority for this action is contained in section 5(d) of the Communications Act of 1934, as amended, and section 0.251(b) of the rules and regulations.

Adopted: March 31, 1970.

Released: April 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HENRY GELLER,
General Counsel.

[F.R. Doc. 70-4173; Filed, Apr. 6, 1970; 8:48 a.m.]

TARIFF COMMISSION

[337-L-39]

SPHYGMOMANOMETERS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on March 18, 1970, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by W. A. Baum Co., Inc., of Copiague, N.Y. 11726, alleging unfair methods of competition and unfair acts in the importation and sale of sphygmomanometers under U.S. Patent No. Des. 203,491 owned by W. A. Baum Co., Inc. Propper Manufacturing Co., 10-34 44th Drive, Long Island City, N.Y., has been named as an importer of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than June 1, 1970. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: April 2, 1970.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-4146; Filed, Apr. 6, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI70-1425 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 27, 1970.

The respondents named herein have filed proposed changes in rates and 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 May 15, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

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

[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 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1425	Getty Oil Co.	72	[3] [4] 22	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East and West Cameron Areas, Offshore Cameron Parish, La.).	$2,000	2-26-70	[3] 3-29-70	[5] 3-30-70	19.0	[7] [9] 20.0	RI65-15.
	do	107	[7] 19	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47 Field, Offshore, Jefferson and Lafourche Parishes, La.).	12,000	2-26-70	[10] 11-1-69	[6] 11-2-69	19.0	[8] [11] 20.0	
	do	163	[12] 3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East and West Cameron Area, Offshore, Cameron Parish, La.).	2,500	2-26-70	[3] 3-29-70	[5] 3-30-70	19.5	[7] [9] 20.0	
	do	166	[12] [14] 1	Michigan Wisconsin Pipe Line Co. (Eugene Island Block 266 Field, Offshore Louisiana).	46,500	2-26-70	[3] 3-29-70	[5] 3-30-70	19.5	[7] [9] 20.0	
	do	56	[12] [14] 23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Delta Block 41 and Grand Isle Block 43 Field, Offshore Louisiana).	3,000 3,000	3-2-70	[10] 11-1-69	[6] 11-2-69	[10] 19.0 [17] 19.5	[8] [11] 20.0 [8] [11] 20.0	
RI70-1426	Mobil Oil Corp.	176	20	Transcontinental Gas Pipe Line Corp. (Eugene Island Block 126 and West Cameron Block 110, Offshore Louisiana).	17,990	2-27-70	[3] 3-30-70	3-31-70	[13] 19.0	[7] [8] 20.0	
RI70-1427	Cities Service Oil Co.	178	[12] [14] 23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Delta Block 41 and Grand Isle Block 43 Fields, Offshore Louisiana).	3,000 3,000	3-2-70	[10] 11-1-69	[6] 11-2-69	[10] 19.0 [20] 19.5	[8] [11] 20.0 [8] [11] 20.0	
	do	228	[12] [14] 3	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 193 Field, Offshore Louisiana).	2,500	3-2-70	[4] 4-2-70	[6] 4-3-70	[13] 19.5	[7] [9] 20.0	
	do	180	[12] [14] 21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 192 Field, Offshore Louisiana).	2,000	3-2-70	[3] 4-2-70	[6] 4-3-70	19.0	[7] [9] 20.0	RI64-788.
	do	186	[12] [14] 18	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47 and Grand Isle Block 41 Field, Offshore Louisiana).	12,000	3-2-70	[10] 11-1-69	[6] 11-2-69	19.0	[8] [11] 20.0	
RI70-1428	Union Oil Co. of California.	165	[12] [14] 5	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block Field, Offshore Louisiana).	54,590	2-27-70	[3] 3-30-70	[6] 3-31-70	[13] 19.0	[7] [9] 20.0	
RI70-1429	Austral Oil Co., Inc.	14	4	Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Webb and Jim Hogg Counties, Tex.) (R.R. District No. 4).	657	3-2-70	[13] 3-2-70	[6] 3-3-70	16.0	[14] [15] 16.06	
RI70-1430	Shell Oil Co.	361	[16] 2	Michigan Wisconsin Pipe Line Co. (South Marsh Island Block 6 Field, Offshore Louisiana).	36,500	2-26-70	[3] 3-29-70	[5] 3-30-70	[17] 19.5	[8] [11] 20.0	

[3] Applicable only to gas well gas sales from the newly discovered reservoirs shown in the documents submitted pursuant to Opinion No. 567.

[4] Includes well completion report and letter dated Feb. 13, 1970, as required by Opinion No. 567. Applies to the IE Sand Reservoir.

[5] The stated effective date is the first day after expiration of the statutory notice.

[6] The suspension period is limited to 1 day.

[7] Rate filed pursuant to Paragraph (A) of Opinion No. 546-A.

[8] Pressure base is 15.025 p.s.i.a.

[9] Includes letter dated Feb. 12, 1970, and 11 well completion reports establishing new reservoirs.

[10] The stated effective date is the date provided by Opinion No. 567.

[11] Rate increase filed pursuant to Opinion No. 567.

[12] Includes letter dated Feb. 13, 1970, and four well completion reports establishing new reservoirs (KP and KM Sands). Applicable only to gas well gas sales therefrom.

[9] Includes documents establishing newly discovered reservoirs which entitles respondents to higher ceiling rates in accordance with Opinion No. 567.
[10] Applicable only to the sale of gas well gas from the new reservoirs
[11] Conditioned temporary certificated initial rate granted in Docket No. CI68-1306.
[12] For gas produced from the West Delta Block 41 Field.
[13] For gas produced from the Grand Isle Block 43 Field.
[14] Increase to 21.5 cents suspended in Docket No. RI68-39 but has not been made effective.
[15] Gas produced from West Delta Block 41 Field.
[16] Gas produced from Grand Isle Block 43 Field. Effective subject to refund in Docket No. RI70-875.
[17] Conditioned temporary certificated rate granted in Docket No. CI69-57.
[18] Conditioned temporary certificated initial rate granted in Docket No. CI65-482.
[19] The stated effective date is the date of filing.
[20] Tax reimbursement increase.
[21] Pressure base is 14.65 p.s.i.a.
[22] Applicable only to gas well gas sales from newly discovered reservoirs.
[23] Conditioned temporary certificated initial rate granted in Docket No. CI68-1374

All of the producers herein request that their proposed rate increases be permitted to become effective as of November 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the producers' rate filings and such requests are denied.

The proposed rate increases herein were submitted as a result of Opinion No. 567 which provides that gas well gas produced from newly discovered reservoirs should have a price coincident with the discovery of such reservoirs.

Eight of the proposed rate increases were submitted pursuant to Paragraph (A) of Opinion No. 546-A (to 20 cents per Mcf) relate to gas well gas produced from reservoirs in offshore Louisiana (not subject to state taxing jurisdiction) discovered after October 1, 1968. The documents submitted with such increases established a price of 18.5 cents for gas well gas produced from such reservoirs, as determined in Opinion No. 546 for offshore third vintage gas well gas in lieu of first or second vintage gas prices. Because the effectiveness of the rate reduction required by Opinion No. 546 has been stayed, the producers filing the above increases are presently collecting rates under the rate schedules involved herein in excess of the first and second vintage gas prices established in Opinion No. 546.

Since an offshore third vintage gas well gas price has been established, these producers are filing increases for the gas well gas involved under the provisions of Opinion No. 546-A which lifted the moratorium imposed by Opinion No. 546 and permitted such producers to file for contractually authorized increases up to the 20 cents area base rate established in Opinion No. 546 for onshore gas. Consistent with previous Commission action on similar increases, we believe the producers' proposed rate increases should be suspended for one day from the date of expiration of the statutory notice.

Getty Oil Co. (Getty) (Supplements Nos. 19 and 23 to Getty's FPC Gas Rate Schedules Nos. 107 and 56, respectively) and Cities Service Oil Co. (Cities) (Supplements Nos. 23 and 18 to Cities' FPC Gas Rate Schedules Nos. 178 and 186, respectively) involve gas well gas produced from newly discovered reservoirs in the disputed zone, Offshore Louisiana. The proposed increases are equal to the rate established in Opinion No. 546 for third vintage gas well gas produced from within the State's taxing jurisdiction but exceed the rate established in Opinion No. 546 for third vintage gas well gas produced from the Federal Domain. The Commission has allowed the onshore area rate to apply to gas produced from the disputed zone pending resolution of the jurisdictional question. The difference between the offshore and onshore area rate is collected subject to refund to the extent that the production is finally held to have been from the Federal Domain. Consistent with prior Commission action on similar increases, we conclude that Getty and Cities' proposed increases should be suspended for one day upon expiration of the statutory notice, and thereafter Getty and Cities should be permitted to collect the increased rates subject to refund of those amounts attributable to the 1.5 cents difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal Domain.

The proposed rate increase filed by Austral Oil Co., Inc., from 16 cents to 16.06 cents per Mcf, reflects the recent increase in the Texas production tax. Since Austral's proposed increase exceeds the initial service ceiling for Texas Railroad District No. 4 by the amount of the tax reimbursement, we conclude that it should be suspended for 1 day from the date of filing, March 2, 1970, pursuant to the Commission's Order No. 390.

[F.R. Doc. 70-4143; Filed, Apr. 6, 1970; 8:45 a.m.]

[Docket No. CP70-107]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition To Amend

MARCH 30, 1970.

Take notice that on March 20, 1970, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-107 a petition to amend the order of the Commission issued on January 6, 1970, to permit applicant to benefit from the new maximum cost limitation for any single project under a budget type certificate, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized by said order to connect new supply with a maximum cost per any single project of $500,000. The Commission's order of February 25, 1970 (FPC Order No. 395), has now increased to $1 million the maximum for any single project under budget type certificates of this type. Applicant states that it anticipates that a single project to connect new supply during 1970 may involve costs in excess of $500,000 and desires to avail itself of the new cost ceiling.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4131; Filed, Apr. 6, 1970; 8:45 a.m.]

[Docket No. CP70-230]

COLORADO INTERSTATE GAS CO.

Notice of Application

MARCH 30, 1970.

Take notice that on March 20, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corporation (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-230 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 certain natural gas facilities to increase the transmission system capacity, and to connect a new gas supply to its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities, all in the State of Wyoming:

(1) Approximately 102.6 miles of 16-inch pipeline from its existing 22-inch Wyoming pipeline to a point in Converse County;

(2) A new compressor station on the existing Wyoming pipeline located approximately 24 miles west of Laramie, having a total of 6,800 installed horsepower; and

(3) A 400-horsepower compressor unit at its existing Table-Rock Compressor Station.

Applicant states that the 16-inch proposed pipeline is required to connect a new gas supply to its system, and this new supply will be casinghead gas produced in the Powder River Basin of Wyoming and purchased from McCulloch Interstate Gas Corp. (McCulloch) in volumes of up to 60,000 Mcf per day during the first year of operation and up to 155,000 Mcf per day thereafter.

The total estimated cost of the proposed facilities is $8,107,311, which will be financed by funds on hand, funds from operations, and short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4132; Filed, Apr. 6, 1970; 8:45 a.m.]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Postponement of Oral Argument

MARCH 30, 1970.

On March 23, 1970, Scenic Hudson Preservation Conference, filed a motion requesting that the oral argument, now set for April 24, 1970, by notice issued March 9, 1970, be postponed.

Upon consideration thereof, notice is hereby given that the oral argument now scheduled for April 24, 1970, is hereby postponed to May 4, 1970, to commence at 10:30 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

Further, the time is extended to and including April 13, 1970, within which all participants in this proceeding who desire to participate in such oral argument shall notify the Secretary of the Commission in writing of the amount of time desired for presentation of their respective oral arguments.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4133; Filed, Apr. 6, 1970; 8:45 a.m.]

[Docket No. CP70-227]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 30, 1970.

Take notice that on March 18, 1970, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP70-227 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for an order of the Commission granting permission and approval to abandon certain natural gas facilities, and a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 17.7 miles of 20-inch transmission pipeline in Pleasants and Woods Counties, W. Va., and approximately 3.7 miles of 12-inch transmission line in Woods County.

Upon completion of the proposed construction, Applicant proposes to abandon several pipelines and sections of pipeline also serving the same area as those facilities proposed. Applicant states that the proposed abandonment will be accomplished by transferring certain segments of these pipelines to medium-pressure distribution service and by abandoning in place the remaining segments thereof.

Applicant further states that the replacement is required to increase the capacity of the pipeline system which is the major source of supply to the Parkersburg, W. Va., market area, and to The River Gas Co., which serves the Marietta, Ohio, market area, in order that the requirements of these areas may be met during winter peak sales periods beginning in the 1970-71 winter. Applicant further states that the proposed pipeline construction is necessary because of the age and condition of the pipelines to be abandoned.

The total estimated cost of the proposed facilities is $2,351,772, which will be financed from funds on hand and borrowing from its parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4134; Filed, Apr. 6, 1970; 8:45 a.m.]

[Docket No. CP70-228]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

MARCH 30, 1970.

Take notice that on March 19, 1970, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), 300 North St. Joseph Avenue, Hastings, Nebr. 68901, filed in Docket No. CP70-228 an application pursuant to section 7(c) of the Natural Gas Act authorizing an additional point of purchase of volumes of natural gas, and the utilization of existing facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to supplement its supplies of natural gas by purchase and delivery of volumes of natural gas from Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), at a new point where applicant's and CIG's lines cross in Finney County, Kans., and also to utilize certain existing facilities in Kansas for the purpose of transporting natural gas into Kansas to provide service therefrom to certain of applicant's wholesale and retail customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own

review of the matter finds that a grant of the certificate 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4136; Filed, Apr. 6, 1970; 8:46 a.m.]

[Docket No. CP70-231]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

MARCH 30, 1970.

Take notice that on March 23, 1970, McCulloch Interstate Gas Corp. (Applicant), 6151 West Century Boulevard, Los Angeles, Calif. 90045, filed in Docket No. CP70-231 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 certain natural gas facilities, the acquisition and operation of certain other facilities and the sale and delivery of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), up to 60,000 Mcf of natural gas per day for the first year and up to 155,000 Mcf of natural gas per day each year thereafter from new sources of supply in the Powder River Basin of Wyoming. Applicant further proposes to acquire approximately 54.5 miles of existing 4½-inch to 6⅝-inch pipeline and lateral facilities from its affiliate, McCulloch Gas Transmission Co., at an estimated net depreciation book cost of $727,000, and to construct and operate approximately 50 miles of 8⅝-inch, 38 miles of 12¾-inch, and 71 miles of 16-inch mainline and related compressor, regulating, and metering facilities at a total cost of $5,668,000. Applicant states that these facilities are necessary in order to transport and deliver the supplies of oil well gas purchased from producers in the area to a connection with an extension to CIG's Wyoming main pipeline system. The proposed facilities will be financed by a long-term credit agreement with CIG.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as 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 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4137; Filed, Apr. 6, 1970; 8:46 a.m.]

[Docket No. CP70-226]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 30, 1970.

Take notice that on March 18, 1970, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a temporary exchange of natural gas with South Texas Natural Gas Gathering Co. (South Texas) and the construction and operation of the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide South Texas with a temporary connection to certain new gas wells in Brooks County, Tex., for a 90-day exchange of natural gas so that the wells may be produced for testing purposes. Applicant proposes to construct a tap on its Encinitas lateral.

The total estimated cost of the proposed facility is $8,000, for which applicant will be reimbursed by South Texas.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4138; Filed, Apr. 6, 1970; 8:46 a.m.]

[Docket No. CP70-225]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

MARCH 30, 1970.

Take notice that on March 18, 1970, South Texas Natural Gas Gathering Co. (Applicant), Lincoln Liberty Life Insurance Building, Houston, Tex. 77002, filed in Docket No. CP70-225 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a short-term exchange of natural gas with Natural Gas Pipeline Co. of America (Natural) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange natural gas over a period limited to 90 days to provide it with a short-term outlet for certain production which will be available from gas wells in a new field in Brooks County, Tex., so that the wells may be produced for testing purposes. Applicant states that it will construct the facilities necessary to deliver the gas to Natural except for the tap on Natural's Encinitas lateral, which will be constructed by Natural, but whose expense will be reimbursed by applicant.

The estimated total cost of the proposed facilities, including the tap on the Encinitas lateral, is $24,000, which will be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4139; Filed, Apr. 6, 1970; 8:45 a.m.]

[Docket No. CP70-229]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MARCH 30, 1970.

Take notice that on March 19, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP70-229 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing importation of natural gas from Canada to the United States, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to utilize its existing facilities at the international boundary near Niagara Falls, N.Y., for the importation of 30 million Mcf of natural gas at 14.73 p.s.i.a. during the period beginning November 1, 1970, and ending November 1, 1971. This gas is to be delivered by Trans-Canada Pipe Lines, Ltd., at the existing point of interconnection near Niagara Falls. The application states that the proposed sale will be interruptible and that the price paid by Applicant shall be 42.09 cents per Mcf at 14.73 p.s.i.a. in U.S. currency. Applicant further states that the proposed purchase and importation will provide an additional supply of gas for two of its existing customers, Consolidated Gas Supply Corp. and Iroquois Gas Corp.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4140; Filed, Apr. 6, 1970; 8:46 a.m.]

[Docket No. CP60-57]

TENNESSEE GAS PIPELINE CO.

Order Fixing Date of Prehearing Conference and Prescribing Time in Which To File Petitions to Intervene

MARCH 26, 1970.

In the order fixing date for prehearing conference and prescribing the time within which to file petitions to intervene, issued March 13, 1970, and published in the FEDERAL REGISTER March 19, 1970 F.R. 35(4781), Ordering Paragraph (A), change "(e.d.t.)" to "(e.s.t.)".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4141; Filed, Apr. 6, 1970; 8:46 a.m.]

[Docket No. E-7485]

BOSTON EDISON CO.

Order Suspending Proposed Change in Rate Schedule, Denying Request for Waiver of Notice Requirements, and Providing for Hearing

MARCH 27, 1970.

This order suspends for one day the operation of a proposed change in rate schedule, denies request to waive notice requirements, and orders a public hearing to be held on the lawfulness of the proposed change.

Boston Edison Co. (Edison), a public utility subject to the jurisdiction of this Commission, on February 28, 1969, tendered for filing a notice of termination of an agreement between it and Boston Gas Co. (Boston Gas) to be effective as of March 31, 1969.[1] That filing was not completed until February 26, 1970. Edison has requested waiver of the notice requirements to permit its filing to be made effective as of April 1, 1969; but, if waiver is not granted, Edison requests that it become effective 30 days after completion of the filing requirements, i.e., March 29, 1970.

Edison serves seven all-requirements wholesale customers, including Boston Gas, under its standard Wholesale Electric Utility Rate M (Rate M). However, application of Rate M to Boston Gas is modified by special contract provisions, which result in lower charges to Boston Gas. By its filing, Edison now proposes to discontinue those contract provisions, which will result in an estimated increase in jurisdictional revenues from Boston Gas of approximately $58,000 annually based on estimated sales for the 12-month period ending March 31, 1969.

In support of its filing, Edison states that Rate M had been designed to reflect the fact that the annual maximum demand of the wholesale customers occurred at the time of Edison's annual peak. However, Boston Gas' annual peak did not coincide with that of Edison or the other wholesale customers. Consequently, special contract provisions were negotiated to reflect the noncoincident demand factor, which reduced Boston Gas' billing demand to 90 percent of its annual peak (the other wholesale customers' rate contained a 100 percent demand ratchet provision). Edison now asserts that this difference is no longer valid. Its present Rate M is designed on the basis of the average of monthly peaks. Edison takes the position that Boston Gas' load pattern does not differ sufficiently from the other customers to warrant special rates. Additionally, Edison states that in 1966 the special provisions were intended as temporary relief to Boston Gas to alleviate its load growth slow-down caused by a major renewal project in its service area, which condition has now been alleviated.

Boston Gas, by letters dated April 4, 1969, and February 24, 1970, and by a protest and petition filed May 14, 1969, has objected to Edison's proposed change in its rates and charges. Boston Gas asserts that the elimination of its special contract provisions is discriminatory and unlawful. It alleges that its service characteristics are sufficiently different from Edison's other wholesale customers to warrant different rates. It points to its load factor and peak periods to substantiate its claim for justification of the special contract provisions in its rate determination. In addition, Boston Gas challenges the propriety of the proposed rate level and requests this Commission to conduct an investigation of the proposed change, to deny the request for waiver of the notice requirements, and to suspend the proposed change.

Edison's assertions in support of its filing and the protest of Boston Gas

[1] The filing is designated as Supplement No. 3 to Edison's Rate Schedule FPC No. 3.

raise questions which can best be resolved through a public hearing. Thus, we are ordering a hearing to determine those issues and we shall suspend the rate schedule filing in accordance with section 205(d) of the Federal Power Act. We believe that a 1-day suspension period is appropriate in this case.

The Commission further finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause has not been shown to waive the notice requirements of section 205(d) of the Federal Power Act and § 35.3 of the Commission's regulations thereunder (18 CFR 35.3).

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Supplement No. 3 to Edison's Rate Schedule FPC No. 3 and that the proposed supplement be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened to commence with a prehearing conference to be held on June 9, 1970, at 10 a.m., e.d.t., at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of the rates and charges contained in Supplement No. 3 to Edison's Rate Schedule FPC No. 3.

(B) Edison's request for waiver of the notice requirements of section 205(d) of the Federal Power Act and § 35.3 of the Commission's regulations thereunder (18 CFR 35.3) is denied.

(C) Pending such hearing and decision thereon, Supplement No. 3 to Edison's Rate Schedule FPC No. 3 is hereby suspended and the use thereof deferred until March 30, 1970. On that day, that supplement shall take effect in the manner prescribed by the Federal Power Act, and Edison, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in that supplement for all power sold and delivered thereunder.

(D) Edison shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 8 percent per annum, from the date of payment to Edison until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of March 30, 1970, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the above-described supplement, and the revenues resulting therefrom as computed under the rates in effect immediately prior to March 30, 1970, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(E) Unless otherwise ordered by the Commission, Edison shall not change the terms or provisions of Supplement No. 3 to its Rate Schedule FPC No. 3 until this proceeding has been terminated or until the period of suspension has expired.

(F) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 17, 1970, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37). Answers to those petitions may be filed on or before May 1, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-4142; Filed, Apr. 6, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

MOTOR ENTERPRISES, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Motor Enterprises, Inc., 3044 West Grand Boulevard, Detroit, Mich. 48202, for license to operate in the State of Michigan as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 07/15-5024.

The proposed officers and directors are as follows:

Name, address, and proposed title, or relationship

Roger B. Smith, 3770 Brookside Drive, Bloomfield Hills, Mich. 48013, President and Director.

Robert W. Bilodeau, 6335 Thorncrest Drive, Birmingham, Mich. 48010, Vice-President, Treasurer, and Director.

Robert F. Magill, 1234 Willow Lane, Birmingham, Mich. 48009, Vice-President and Director.

Kenneth C. MacDonald, 32820 Whatley Street, Franklin, Mich. 48025, Comptroller.

William M. Collins, 767 Westchester Way, Birmingham, Mich. 48009, Secretary and Director.

Robert E. Backstrom, 411 Glengarry Drive, Birmingham, Mich. 48010, Director.

Donald K. Barnes, 1791 Burns Avenue, Detroit, Mich. 48214, Director.

Raymond E. Hayes, 1160 South Lake Angelus Shores Road, Pontiac, Mich. 48055, Director.

None of the above will be salaried, nor will any one of them own, directly or indirectly, any capital stock or other securities of the Applicant. The company, which will be a wholly owned subsidiary of General Motors Corp., proposes to commence operations with a capitalization of $1 million. As a MESBIC, the company's investment policy states that its investments will be made soley to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may not later than 10 days from the date of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in Detroit, Mich.

Dated: April 3, 1970.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-4277; Filed, Apr. 6, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 518]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71929. By order of March 26, 1970, the Motor Carrier

Board, on reconsideration, approved the transfer to Juan Raul Benavides, Eagle Pass, Tex., of the operating rights in permit No. MC-116611 (Sub-No. 3) issued November 12, 1965, to Pan American Motor Coaches, a corporation, Harlingen, Tex., authorizing the transportation of migrant workers, between points in the United States, except Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, and Vermont, and except points in Cumberland, Gloucester, and Salem Counties, N.J. Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-72042. By order of March 27, 1970, the Motor Carrier Board approved the transfer to Elwood L. Wentzell, doing business as Wentzell's Modern Movers, Runnemede, N.J., of the operating rights in certificate No. MC-77138, issued June 19, 1952, to Elwood Wentzell, doing business as Wentzell's Modern Movers, Runnemede, N.J., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in Delaware and Pennsylvania; and between Haddonfield, N.J., and points within 5 miles thereof, on the one hand, and, on the other, points in Delaware and Pennsylvania. Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-72043. By order of March 31, 1970, the Motor Carrier Board approved the transfer to Elwood L. Wentzell, doing business as Wentzell's Modern Movers, Runnemede, N.J., of the operating rights in certificate No. MC-77358, issued September 8, 1943, to Daniel Ruder, Inc., doing business as Ironbound Storage Warehouses, Newark, N.J., authorizing the transportation of household goods between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and the District of Columbia. Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-72045. By order of March 30, 1970, the Motor Carrier Board approved the transfer to Savage Brothers, Inc., 602 East Main Street, American Fork, Utah 84003, of the operating rights in certificates Nos. MC-124160 and MC-124160 (Sub-No. 3) issued June 20, 1963 and April 7, 1967, respectively, to Clyde Reaveley, doing business as Reaveley Trucking Co., 1330 Beck Street, Salt Lake City, Utah 84116, authorizing the transportation of cement from Devils Slide, Utah, to points in Uintah and Daggett Counties, Utah, Sweetwater, Sublette, Uinta, Lincoln, and Teton Counties, Wyo., and Elko, Eureka, Lander, and White Pine Counties, Nev., and coke breeze from Kemmerer, Wyo., to Pocatello, Idaho.

No. MC-FC-72019. By order of March 30, 1970, the Motor Carrier Board approved the transfer to P. K. Moyer and Sons, Inc., Earlington, Pa., of the operating rights in certificate No. MC-105789 (Sub-No. 2) issued August 25, 1960, to Preston K. Moyer, Earlington, Pa., authorizing the transportation, over irregular routes, of tallow, in bulk, in tank vehicles, from points in Franconia Township, Montgomery County, Pa., and Upper Makefield Township, Bucks County, Pa., to Alexandria, Broadway, Front Royal, Harrisonburg, Staunton, Lynchburg, and Lexington, Va., and feather meal, dried blood, meat scraps, and hides from points in the above townships in Pennsylvania to New York, N.Y., Camden, Jersey City, Harrison, Guttenberg, Newark, and Kearny, N.J., Salisbury and Baltimore, Md., Alexandria, Broadway, Front Royal, Harrisonburg, Staunton, Lynchburg, and Lexington, Va., and Milford, Dover, Georgetown, and Smyrna, Del. James J. Heffernen, 516 DeKalb Street, Norristown, Pa. 19401, attorney for applicants.

No. MC-FC-72052. By order of March 30, 1970, the Motor Carrier Board approved the transfer to Darryl W. and Bonnie L. Peterson, doing business as Peterson Trucking, 2140 Buena Vista Drive, Greeley, Colo. 80631, of permit No. MC-2825, issued July 29, 1963, to the Western Food Products Co., Inc., 126-128 East Second Street, Hutchinson, Kans. 67501, authorizing the transportation of: Salt, from Hutchinson, Kans., to specified portions of Colorado and Oklahoma; and canned goods from Nebraska City, Nebr., to Hutchinson and Wichita, Kans.

No. MC-FC-72055. By order of March 30, 1970, the Motor Carrier Board approved the transfer to White Star Moving & Storage Co., a corporation, 3514 Wayland Drive, Jackson, Mich. 49201, of certificate of registration No. MC-98345 (Sub-No. 1) issued December 21, 1965, to James W. Sirks, doing business as White Star Moving & Storage, Jackson, Mich. 49201, evidencing a right to engage in transportation in interstate commerce as described in certificate No. L-1532, issued prior to October 15, 1962, by the Public Service Commission of Michigan.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4179; Filed, Apr. 6, 1970; 8:49 a.m.]

[Notice 518 A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 2, 1970.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-71550. By order of March 30, 1970, Division 3, acting as an Appellate Division, approved the transfer to Pony Lines, Inc., Grabill, Ind., of the operating rights in certificates Nos. MC-119864 (Sub-No. 17), MC-119864 (Sub-No. 22), MC-119864 (Sub-No. 30), MC-119864 (Sub-No. 35), and MC-119864 (Sub-No. 38) issued January 13, 1967, April 17, 1967, September 1, 1967, October 6, 1967, and April 13, 1967, respectively, to Hofer Motor Transportation Co., a corporation, Perrysburg, Ohio, authorizing the transportation of foodstuffs and food preparations, except commodities in bulk, from the plantsites of the Green Giant Co. at Beaver Dam, Fox Lake, Ripon, and Rosendale, Wis., to points in Ohio, Indiana, Michigan, and Kentucky; glassware, glass containers, and closures for glass containers, between Gurnee, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, and those in the Lower Peninsula of Michigan on and east of U.S. Highway 131 (except Grand Rapids); paper cartons, between Gurnee, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, and those in the Lower Peninsula of Michigan east of U.S. Highway 27; glassware, glass contiiners, caps, covers, and stoppers, and paper or fiberboard cartons, from the plantsite or warehouse facilities of Ball Brothers Co., Inc., of Mundelein, Ill., to specified points in Indiana and Michigan, all points in Iowa, and to Louisville, Ky.; foodstuffs, food preparations, and dairy products, except liquid or in bulk, from the plantsite and warehouse facilities of the Oconomowoc Canning Co. at Cobb, Merrill, Poynette, Sun Prairie, and Waunakee, Wis., and the plantsite of the Pet Milk Co. at Belleville, Madison, and Middleton, Wis., to points as specified in Ohio and Michigan; dairy products, canned goods, packinghouse products, and byproducts, and materials and supplies used in the operation of packinghouses, between Chicago, DeKalb, Rochelle, Eureka, Washington, and Morton, Ill., and St. Louis, Mo., on the one hand, and, on the other, Vallonia, Gary, and Indianapolis, Ind., and points in Illinois; packinghouse products, dairy products, and canned goods, from National City, Ill., to Indianapolis, Ind., and meats, meat products and meat byproducts, from the plantsite of Armour and Co. near Sterling, Ill., to points in Indiana. Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4180; Filed, Apr. 6, 1970; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 2, 1970.

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. 41930—*Class and commodity rates from and to Duart, N.C.* Filed by O. W. South, Jr., agent (No. A6165), for interested rail carriers. Rates on property moving on class and commodity rates, between Duart, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4181; Filed, Apr. 6, 1970; 8:49 a.m.]

[Finance Docket No. 26106 et al [1]]

PENN CENTRAL TRANSPORTATION CO. DISCONTINUANCE OF 34 PASSENGER TRAINS

APRIL 2, 1970.

On March 10, 1970, the Penn Central Transportation Co. filed a notice with this Commission to discontinue as of April 15, 1970, a total of 34 passenger trains. By order dated March 26, 1970, the Commission instituted an investigation and required the continued operation of the trains for a period of 4 months expiring on August 14, 1970, pursuant to the provisions of the Interstate Commerce Act.

Under the Act the Commission is required on or before the expiration of the 4-month period to conduct its investigation; hold public hearings to enable all interested persons to appear and participate at the hearings; provide for submission of appropriate pleadings and other representations; consider, review, and weigh the evidence introduced; and render a decision on all the evidence of record, failing which the railroad could lawfully discontinue operation of all of the 34 trains.

In order to process the proceeding in the usual manner the Penn Central Transportation Co. was requested to voluntarily withhold the discontinuance beyond the 4-month period until a decision could be reached. The railroad refused to accede to the request and the Commission has no alternative but to process the matter to a decision within the statutory time-limit.

Because of this, the many trains and communities involved in the proceeding, the importance and effect of the proceeding on the traveling public, and in order to timely decide the matter, the Commission has found it necessary to schedule public hearings in the manner hereinafter described:

(1) Railroad presentation of all of its evidence with cross-examination and rebuttal, if any, at Washington, D.C. Cross-examination of the Railroad's witnesses at points other than Washington, D.C. is not contemplated.

(2) Public hearings for the presentation of evidence in opposition at about 35 communities throughout the territory served by the involved trains. These hearings will immediately follow the termination of the Washington hearing, and of necessity will commence on the same day at different communities pursuant to orders to be issued in the next few days.

(3) If the Washington hearing is not concluded in its allotted time it will be continued to a date following the conclusion of the public hearings scheduled in (2) above.

Because of the statutory time element it will not be possible to schedule a hearing at each of the 35 or more communities on a separate day. Accordingly, it is expected that as many as eight hearings for the receipt of evidence in opposition will be scheduled on the same day at various points throughout the areas served by the trains involved and some conflicts will be unavoidable. The cooperation of all parties is solicited.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4182; Filed, Apr. 6, 1970; 8:49 a.m.]

[1] Finance Docket No. 26106 (Sub-No. 1), Penn Central Transportation Co. discontinuance of trains Nos. 22, 23, 48, 49, 54, and 55 between New York, N.Y., and Chicago, Ill., Finance Docket No. 26106 (Sub-No. 2), Penn Central Transportation Co. discontinuance of trains Nos. 4 and 31 between New York, N.Y., and St. Louis, Mo., Finance Docket No. 26106 (Sub-No. 3), Penn Central Transportation Co. discontinuance of trains Nos. 31-77 and 78-4 between New York, N.Y. and Cincinnati, Ohio., Finance Docket No. 26106 (Sub-No. 4) Penn Central Transportation Co. discontinuance of trains Nos. 16 and 25 between New York, N.Y. and Pittsburgh, Pa., Finance Docket No. 26106 (Sub-No. 5) Penn Central Transportation Co. discontinuance of trains Nos. 13 and 32 between Pittsburgh, Pa., and St. Louis Mo., Finance Docket No. 26106 (Sub-No. 6) Penn Central Transportation Co. discontinuance of trains Nos. 548 and 549 between Harrisburg, Pa., and Baltimore, Md., Finance Docket No. 26106 (Sub-No. 7) Penn Central Transportation Co. discontinuance of trains Nos. 63, 64, 27, 28, 51, and 98 between Buffalo, N.Y., and Chicago, Ill., Finance Docket No. 26106 (Sub-No. 8) Penn Central Transportation Co. discontinuance of trains Nos. 14, 17, 355, 356, 351, and 52 between Detroit, Mich., and Chicago, Ill., Finance Docket No. 26106 (Sub-No. 9) Penn Central Transportation Co. discontinuance of trains Nos. 427 and 428 between Boston, Mass., and Albany-Rensselaer, N.Y., Finance Docket No. 26106 (Sub-No. 10) Penn Central Transportation Co. discontinuance of trains Nos. 315 and 316 between Cleveland, Ohio, and Indianapolis, Ind., Finance Docket No. 26106 (Sub-No. 11) Penn Central Transportation Co. discontinuance of trains Nos. 90 and 93 between Chicago, Ill., and Louisville, Ky.

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