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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER A—AIRCRAFT

[Docket No. 69-EA-93; Amdt. No. 39-984]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt and Whitney Aircraft Engines

On page 4263 of the FEDERAL REGISTER for March 7, 1970, the Federal Aviation Administration published a proposed airworthiness directive which was applicable to Pratt and Whitney Aircraft Engines type R-985 and Wasp Jr. altered in accordance with STC No. 391 or 398.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 F.R. 13697], Section 39.13 of the Federal Aviation Regulations is amended by adopting the proposed airworthiness directive as published.

This amendment is effective June 9, 1970.

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

Issued in Jamaica, N.Y., on April 23, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. In application section change "Supplemental Type Certificates Nos. 391 or 398" to "Supplemental Type Certificate No. SE1-391".

2. Revise paragraphs (a) and (b) to read as follows:

(a) Within the next 100 hours time in service after the effective date of this AD and thereafter at intervals of 100 hours time in service inspect and clean the fuel injector filter P/N 580436.

(b) Overhaul the fuel injector P/N 580047 prior to the accumulation of 600 hours time in service. For injectors with more than 550 hours time in service on the effective date of this AD overhaul the injector within the next 50 hours time in service.

3. Delete paragraphs (c) (1) and (2).

4. Redesignate paragraph (d) as (c).

[F.R. Doc. 70-5447; Filed, May 4, 1970; 8:47 a.m.]

[Airspace Docket No. 69-EA-163]

SUBCHAPTER E—AIRSPACE

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

Alteration of Federal Airway Segments

On February 20, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3237) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of V-40, V-41, and V-337 in the vicinity of Pittsburgh, Pa.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows:

1. In V-40 all after the phrase "Briggs, Ohio;" is deleted and the phrase "INT Briggs 077° and Youngstown, Ohio, 177° radials." is substituted therefor.

2. V-41 is amended to read as follows: "V-41 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Youngstown."

3. In V-337 all preceding the phrase "Akron, Ohio;" is deleted and the phrase "From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials;" is substituted therefor.

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

Issued in Washington, D.C., on April 29, 1970.

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

[F.R. Doc. 70-5448; Filed, May 4, 1970; 8:47 a.m.]

[Airspace Docket No. 69-WE-71]

PART 73—SPECIAL USE AIRSPACE

Designation of Prohibited Area

On February 26, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3761) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a prohibited area at Denver, Colo.

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

Subsequent to the issuance of the notice, it was noted that a change in the designated altitudes from 7,000 feet MSL to 6,900 feet MSL would provide an additional cardinal altitude for air traffic control. The using agency has agreed to this change and advised that no safety factor would be derogated.

In consideration of the foregoing, Part 73 (35 F.R. 2309) of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, by adding the following:

§ 73.92

P-26 DENVER, COLO.

Boundaries. Beginning at lat. 39°48'45" N., long. 104°50'46" W.; to lat. 39°50'00" N., long. 104°50'46" W.; to lat. 39°51'22" N., long. 104°50'18" W.; to lat. 39°51'22" N., long. 104°48'00" W.; to lat. 39°48'45" N., long. 104°48'00" W.; to point of beginning.

Designated altitudes. Surface to 6,900 feet MSL.

Time of designation. Continuous.

Using agency, Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

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

Issued in Washington, D.C., on April 29, 1970.

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

[F.R. Doc. 70-5449; Filed, May 4, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WA-17]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Miscellaneous Amendments

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to change the effective dates of specified airspace dockets to June 25, 1970. The emergency condition caused by the absence of air traffic controllers from their facilities has been resolved. Accordingly, it has been determined that implementation of the new procedures contained in the New York Metroplex Plan can now be effected.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public

procedure thereon are unnecessary, and good cause exists for making these amendments effective upon less than 30 days notice.

In consideration of the foregoing, the effective dates of the following airspace dockets, by number, are changed from to upon further notice to June 25, 1970.

69-EA-22 (35 F.R. 6, 2769, 5465, 6274)
69-EA-30 (34 F.R. 20419, 35 F.R. 1221, 5465, 6274)
69-EA-152 (35 F.R. 3109, 4291, 5465, 6274)

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854; 24 F.R. 9565 and Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 29, 1970.

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

[F.R. Doc. 70-5450; Filed, May 4, 1970; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10268; Amdt. 699]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

Tanana, Alaska—Ralph M. Calhoun Memorial, VOR 1, Amdt. 1, 11 July 1964 (established under Subpart C).

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

Tanana, Alaska—Tanana, LFR 1, Amdt. 6, effective 4 Jan. 1964, canceled, effective 21 May 1970.

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 0.9 mile after passing BFD VORTAC.
R 232°, BFD VORTAC CCW	R 146°, BFD VORTAC	10-mile DME Arc, R 156° lead radial.	3900	Climb to 3900' on R 326° within 10 miles; return to BFD VORTAC and hold.
R 064°, BFD VORTAC CW	R 146°, BFD VORTAC	10-mile DME Arc, R 136° lead radial.	3900	Supplementary charting information: Hold SW, 1 minute, left turns, 326° Inbnd.
10-mile DME Arc	BFD R 146°, 2.9-mile DME Fix/BF LOM (NOPT).	Direct	2900	2261' light beacon 1500' down Runway 32 from threshold and 1375' left of centerline. Steel tower 6.5 miles NE BF LOM, 2663'. Dual profile depiction required. Runway 32, TDZ elevation, 2129'.

Procedure turn W side of crs, 146° Outbnd, 326° Inbnd, 3900' within 10 miles of BFD VORTAC.
FAF, BFD VORTAC. Final approach crs, 326°. Distance FAF to MAP, 0.9 mile.
Minimum altitude over BFD VOR, 2900'; VOR/DME—2.9-mile DME R 146°/BF LOM, 2900'.
MSA: 25 miles from BFD VORTAC: 000°-360°—3800'.
NOTES: (1) Sliding scale not authorized. (2) Air carrier will not reduce landing visibility due to local conditions.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2900	1	757	2900	1¼	757	2900	1½	757	2900	2	757
VOR/DME and NDB Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	2540	¾	420	2540	¾	420	2540	¾	420	2540	1	420
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2580	1	437	2600	1	457	2600	1½	457	2700	2	557

Takeoff Standard. Alternate—Standard.

City, Bradford; State, Pa.; Airport name, Bradford Regional; Elev., 2143'; Fac. Ident., BFD; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 21 May 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing Helena Int.
VWV VORTAC	Pemberville Int	Direct	3000	Climbing right turn to 2500'; return to Helena Int and hold.
Pemberville Int	Helena Int (NOPT)	Direct	2500	Supplementary charting information: Hold W, 1 minute, right turns, 110° Inbnd. Runway 9, TDZ elevation, 662'.

Procedure turn S side of crs, 290° Outbnd, 110° Inbnd, 2500' within 10 miles of Helena Int.
FAF, Helena Int. Final approach crs, 110°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Helena Int., 2500'.
MSA: 000°-090°—3100'; 090°-270°—2400'; 270°-360°—2100'.
NOTES: (1) Radar vectoring. (2) Use Toledo Express Airport, Ohio, altimeter setting.
*Night operations not authorized for Runways 18/36.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	
S-9	1300	1	638	1300	1	638	1300	1¼	638		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C*	1300	1	638	1300	1	638	1340	1½	678		NA	

Takeoff Standard. Alternate—Not authorized.

City, Fremont; State, Ohio; Airport name, Progress Field; Elev., 662'; Fac. Ident., VWV; Procedure No. VOR Runway 9, Amdt. Orig.; Eff. date, 21 May 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.4 miles after passing TAL VOR.
BCC NDB	TAL VOR	Direct	2000	Climbing right turn to 2500' on R 255° of TAL VOR within 10 miles. Supplementary charting information: Terrain to 852', 2.3 miles ENE of airport.

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 2100' within 15 miles of TAL VOR.
FAF, TAL VOR. Final approach crs, 071°. Distance FAF to MAP, 1.4 miles.
Minimum altitude over TAL VOR, 1200'.*
MSA: 075°-165°—2500'; 165°-255°—3800'; 255°-075°—4800'.
NOTE: Circling not authorized N of Runways 6/24.
*900' authorized after passing abeam BCC NDB Inbnd on approach.
**When control zone not effective, except for operators with approved weather reporting service, use Fairbanks altimeter setting; MDA increased by 540'; alternate minimums not authorized.
%Runway 6 immediate right turn, climb direct to TAL VOR. IFR departures from 240° clockwise to 070°, climb on R 225° TAL VOR so as to cross the VOR northbound at or above 2500'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C**	620	1	392	680	1	452	680	1¼	452	780	2	552

Takeoff Standard.% Alternate—Standard.**

City, Tanana; State, Alaska; Airport name, Ralph M. Calhoun Memorial; Elev., 228'; Fac. Ident., TAL; Procedure No. VOR-1, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. VOR 1, Amdt 1; Dated, 11 July 64

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.1 miles after passing ATL VORTAC.
Chattahoochee Int	ATL VORTAC	Direct	2500	Climbing right turn to 2500' to REG, VORTAC and hold.
BRU NDB	ATL VORTAC	Direct	2500	Supplementary charting information:
R 263°, ATL VORTAC CCW	R 195° ATL VORTAC	8-mile Arc	2500	Hold E, 1 minute, right turns 269° inbnd.
R 097° ATL VORTAC CW	R 195° ATL VORTAC	8-mile Arc	2500	REILS Runway 3.
8-mile Arc	ATL VORTAC (NOPT)	ATL, R 195°	2500	HIRLS Runways 9R, 9L, 15, 27R, 27L, 33. Runway 3, TDZ elevation, 1008'.

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2500' within 10 miles of ATL VORTAC.
FAF, ATL VORTAC. Final approach crs, R 015°. Distance FAF to MAP, 8.1 miles.
Minimum altitude over ATL VORTAC, 2500'; over Riverdale Int, 2000'.
MSA: 000°-090°—3100'; 090°-180°—2300'; 180°-270°—2400'; 270°-360°—2000'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	1320	1	312	1320	1	312	1320	1	312	1320	1	312
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1¼	476	1580	2	556
A	Standard.			T 2-eng. or less—RVR 24, Runways 33 and 27L; RVR 18, Runways 9L and 9R; Standard all others.			T over 2-eng.—RVR 24, Runways 33 and 27L; RVR 18, Runways 9L and 9R; Standard all others.					

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, ATL; Procedure No. VOR Runway 3, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. 1; Dated, 7 May 70

Terminal routes—				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: GPT VORTAC
R 058°, GPT VORTAC CW	R 124°, GPT VORTAC	7-mile DME Arc	1800	Climbing left turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 2500', R 339° to Mouse Int, and hold.
R 242°, GPT VORTAC CCW	R 124°, GPT VORTAC	7-mile DME Arc	1800	Supplementary charting information:
7-mile DME Arc	4-mile DME GPT, R 124° (NOPT)	GPT, R 124°	480	Morris holding; hold NW 116° Inbnd, 1 minute, right turns.
				Mouse holding; hold NW 159° Inbnd, 1 minute, right turns.
				TDZ elevation, 25'.

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 1600' within 10 miles of GPT VORTAC.
Final approach crs, 304°.
Minimum altitude over 4-mile DME GPT, R 124°—480'.
MSA: 090°-270°—1500'; 270°-090°—2600'.
NOTE: Inoperative table does not apply to HIRL Runway 31.
*Night operations not authorized Runways 22/4.
@Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.
#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31* #	480	1	455	480	1	455	480	1	455	480	1	455
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C* #	680	1	652	680	1	652	680	1¼	652	700	2	672
	VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31* #	420	1	395	420	1	395	420	1	395	420	1	395
A	Standard.@			T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*					

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 21 May 70; Sup. Amdt. No. 4; Dated, 11 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudest (feet)	MAP: 5 miles after passing Agnes Int.
				Climbing left turn to 3000', proceed to Talmo Int via OCR VORTAC R 054° and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 234° Inbnd. Final approach crs to runway threshold.

Procedure turn not authorized.
FAF, Agnes Int. Final approach crs, 076°. Distance FAF to MAP, 5 miles.
Minimum altitude over OCR VORTAC, 3000'; over Agnes Int or 3-mile DME Fix, 2500'.
MSA: 000°-360°—3100'.
NOTES: (1) Radar required. (2) Use Atlanta, Ga., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-7	1640	1	606	1640	1	606	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1680	1	646	1680	1	646	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Lawrenceville; State, Ga.: Airport name, Gwinnett County; Elev. 1024'; Facility, OCR; Procedure No. VOR Runway 7, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. 1; Dated, 17 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLB VOR.
MLB NDB	MLB VOR	Direct	1500	Climbing right turn to 2000' on MLB VOR, R 161° within 15 miles; or, when directed by ATC, climb to 2000' heading 090° within 10 miles. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 9, TDZ elevation, 32'.

Procedure turn SW side of crs, 262° Outbnd, 082° Inbnd, 1500' within 10 miles of MLB VOR.
Final approach crs, 082°.
Minimum altitude abeam MLB NDB, 540'.
MSA: 000°-090°—1600'; 090°-270°—1500'; 270°-360°—1700'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	540	1	508	540	1	508	540	1	508	540	1¼	508
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1½	548	600	2	568
	VOR/NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9	400	1	368	400	1	368	400	1	368	400	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	528	580	1	548	580	1½	548	600	2	568

Takeoff Standard. Alternate—Standard.

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32'; Fac. Ident., MLB; Procedure No. VOR Runway 9, Amdt. 8; Eff. date, 21 May 70; Sup. Amdt. No. 7; Dated, 12 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MLB VOR.
MLB NDB	MLB VOR	Direct	1500	Climbing left turn to 2000' on MLB VOR, R 260° to Deer Park Int and hold; or, when directed by ATC, turn left, climb to 2000' on MLB VOR R 161° within 15 miles. Supplementary charting information: Hold SE, 1 minute, left turns, 319° Inbnd. Final approach crs intercepts runway centerline 3250' from threshold. Runway 27, TDZ elevation, 26'.

Procedure turn SE side of crs, 100° Outbnd, 280° Inbnd, 1500' within 10 miles of MLB VOR.
Final approach crs, 280°.
MSA: 000°-090°—1600'; 090°-270°—1500'; 270°-360°—1700'.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27	580	1	554	580	1	554	580	1	554	580	1¼	554
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	548	580	1	548	580	1¼	548	600	2	568

Takeoff Standard. Alternate—Standard.

City, Melbourne; State, Fla.; Airport name, Cape Kennedy Regional; Elev., 32'; Fac. Ident., MLB; Procedure No. VOR Runway 27, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. 1; Dated, 12 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MVC VORTAC.
R 265°, MVC VORTAC CCW	R 197°, MVC	8-mile DME Arc	2000	Climbing right turn to 2000' to MVC VORTAC and hold. Supplementary charting information: Hold S, 1 minute, left turns, 017° Inbnd. Final approach crs intercepts centerline 3000' from runway threshold. LRCO 122.1R.
8-mile DME Arc	4-mile DME Fix (NOPT)	R 197°, MVC	1020	

Procedure turn SW side of crs, 197° Outbnd, 017° Inbnd, 2000' within 10 miles of MVC VORTAC.
Final approach crs, 017°.
Minimum altitude over 4-mile DME Fix—1020'.
MSA: 090°-270°—1800'; 270°-090°—1900'.

NOTE: Use NAS Whiting altimeter setting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	1020	1	602	1020	1	602	1020	1	602	1020	1¼	602
	MDA	VIS	HAA	MDA	VIS	HAT	MDA	VIS	HAA	MDA	VIS	HAA
C	1020	1	602	1020	1	602	1020	1¼	602	1020	2	602
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	960	1	542	960	1	542	960	1	542	960	1¼	542

Takeoff Standard. Alternate—Not authorized.

City, Monroeville; State, Ala.; Airport name, Monroe County; Elev., 418'; Fac. Ident., MVC; Procedure No. VOR Runway 3, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. 1; Dated, 22 Jan. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MVC VORTAC.
R 060°, MVC VORTAC CCW	R 035°, MVC	8-mile DME Arc	2000	Climbing right turn to 2000' to MVC VORTAC and hold.
8-mile DME Arc	3-mile DME Fix (NOPT)	R 035°, MVC	1040	Supplementary charting information: Hold NE, 1 minute, right turns, 215° Inbnd. Final approach crs intercepts centerline 1000' from threshold. LRCO 122.1R.

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2000' within 10 miles of MVC VORTAC.
Final approach crs, 215°.
Minimum altitude over 3-mile DME Fix—1040'.
MSA: 090°-270°—1800'; 270°-090°—1900'.
NOTE: Use NAS Whiting altimeter setting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21	1040	1	622	1040	1	622	1040	1	622	1040	1¼	622
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	622	1040	1	622	1040	1½	622	1040	2	622
	DME MINIMA:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21	960	1	542	960	1	542	960	1	542	960	1¼	542
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1020	1	602	1020	1	602	1020	1½	602	1020	2	602

Takeoff Standard. Alternate—Not authorized.

City, Monroeville; State, Ala.; Airport name, Monroe County; Elev., 418'; Fac. Ident., MVC; Procedure No. VOR Runway 21, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. 1; Dated, 22 Jan. 70

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.6 miles after passing Venice Int, or 12.6-mile DME Fix, R 328°.
				Right turn to 060° heading, climb to 3000'; intercept SKY R 345°, proceed to Middle Int and hold. Supplementary charting information: Hold N, 1 minute, left turns, 165° Inbnd.

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300' within 10 miles of SKY VORTAC.
FAF, Venice Int/7-mile DME Fix, R 328°. Final approach crs, 328°. Distance FAF to MAP, 5.6 miles.
Minimum altitude over SKY VORTAC, 2500'; over Venice Int/7-mile DME Fix, R 328°—2300'.
MSA: 090°-270°—2500'; 270°-090°—2100'.
NOTES: (1) Radar Vectoring. (2) Use Toledo, Ohio, altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1200	1	670	1200	1	670	1200	1¼	670	NA
A	Not authorized.			T 2-eng. or less—Runway 26, 300-1; Standard all others.			T over 2-eng.—Runway 26, 300-1; Standard all others.			

City, Port Clinton; State, Ohio; Airport name, Carl R. Keller Field; Elev., 590'; Facility, SKY; Procedure No. VOR-1, Amdt. 1; Eff. date, 21 May 70; Sup. Amdt. No. Orig.; Dated, 14 May 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal Routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.6 miles after passing GVO VOR.
Goleta Int (IAF)	Halibut Int	FIM R 253° and GVO R 163°.	3500	Climbing left turn to 5000' heading 269° to intercept GVO R 306° to Howard Int and hold.*
Halibut Int	GVO VOR (NOPT)	Direct	3300	Supplementary charting information: Hold SE, 1 minute, right turns, 306° Inbnd. Final approach crs to midpoint Runway 8/26. Chart 4.6-mile DME at missed approach point. Chart holding at Halibut Int. Hold S, 1 minute, right turns, 343° Inbnd, 3500'.

Procedure turn W side of crs, 163° Outbnd, 343° Inbnd, 4400' within 10 miles of GVO VOR.
FAF, GVO VOR. Final approach crs, 354°. Distance FAF to MAP, 4.6 miles.
Minimum altitude over GVO VOR, 3300'; over 2.5-mile DME Fix, 2300'.
MSA: 000°–090°—8000'; 090°–180°—5300'; 180°–270°—4800'; 270°–360°—6600'.
NOTES: (1) Radar vectoring. (2) Use Santa Barbara altimeter setting. (3) Approach from holding pattern at GVO VOR not authorized.
%IFR departure procedures: Runway 8, turn left; climb to 6000' via heading 260° to intercept GVO R 306° to Howard Int.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	2300	2¾	1657	2300	3	1657	2300	3¾	1657	NA
	VOR/DME Minimums:									
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1460	1	817	1460	1¾	817	1460	1½	817	NA
A	Not authorized.			T 2-eng. or less—%Runway 8, Standard; Runway 26, 300-1 T over 2-eng.—%Runway 8, Standard; Runway 26, 300-1.						

City, Santa Ynez; State, Calif.; Airport name, Santa Ynez; Elev., 643'; Facility, GVO; Procedure No. VOR-1, Amdt. 1; Eff. date, 21 May 70; Sup. Amdt. No. Orig.; Dated 26 Feb. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: PHX R 255°/7-mile DME Fix.
Avondale Int	Fowler Int	Via heading 120° and PHX, R 255° 7 miles.	4000	Climb to 5000' direct PHX VORTAX and hold.*
PHX, R 147° CW	PHX, R 240°	16-mile Arc	5000	Supplementary charting information:
PHX VOR	PHX, R 240°/16-mile DME	Direct	5000	*Hold E, 1 minute, right turns, 255° Inbnd.
PHX, R 240° CW	Fowler Int	16-mile Arc PHX, R 247° lead radial.	4000	Chart PHX R 255°/7-mile DME at MAP. Runway 8R, TDZ elevation, 1112'.
PHX, R 325° CCW	PHX, R 275°	16-mile Arc	5000	
PHX, R 015° CCW	PHX, R 325°	16-mile Arc	6000	
PHX, R 275° CCW	Fowler Int	16 mile Arc PHX, R 263° lead radial.	4000	

Procedure turn not authorized.
Approach crs (profile) starts at Fowler Int.
Final approach crs, 075°.
Minimum altitude over Fowler Int, 4000'; over Reynolds Int., 2600'; over Carver Int., 1800'.
MSA: 040°–100°—6100'; 100°–190°—4200'; 190°–280°—5000'; 280°–010°—5900'.
NOTE: ASR.
#Air carrier will not reduce takeoff visibility due to local conditions Runways 8L/26R.
%IFR departure procedures: Takeoff Runways 26 L/R, climb westbound on V–16 to 3000', westbound, continue climb on crs; eastbound, northbound, and southbound continue climb direct PHX VOR. Takeoff Runways 8 L/R, climb heading 070° to 3000', continue climb direct PHX VOR.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8R	1540	1	428	1540	1	428	1540	1	428	1540	1	428
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1600	1	472	1600	1	472	1600	1½	472	1880	2	752

Takeoff #%Runway 8L, 600-1; Runway 26R, 500-1: Runways 8R/26L Standard. Alternate—Standard.

City, Phoenix; State, Ariz.; Airport name, Phoenix Sky Harbor Municipal; Elev., 1128'; Fac. Ident., PHX; Procedure No. VOR/DME Runway 8R, Amdt. 3; Eff. date, 21 May 70; Sup. Amdt. No. 2; Dated, 9 Apr. 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3-mile DME Fix, R 236°.
St. Paul Int	Island Int (6-mile DME)	MTS VORTAC	2400	Climbing right turn to 2400', R 236°, to Island Int (6-mile DME).
STL VORTAC	Island Int (6-mile DME)	MTS VORTAC	2400	Supplementary charting information:
Lake Int	Island Int (6-mile DME)	MTS VORTAC	2400	Final approach crs intercepts runway centerline at middle marker 4349' from threshold.
R 278°, MTS VORTAC CCW	R 236°, MTS VORTAC	14-mile Arc	2000	
R 097°, MTS VORTAC CW	R 236°, MTS VORTAC	14-mile Arc	1700	
Augusta Int (14-mile DME)	Island Int (6-mile DME) (NOPT)	Direct		Runway 7, TDZ elevation, 462'.

Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2400' within 10 miles of Island Int (6-mile DME Fix).
Final approach crs, 056°.
Minimum altitude over Island Int (6-mile DME Fix) 1700'; over 4-mile DME Fix *1060' (*1100' when control zone not effective).
MSA: 000°-180°—2700'; 180°-000°—2360'.
NOTES: (1) Radar vectoring. (2) Final approach from holding pattern at Island Int not authorized. Procedure turn required. (3) Use St. Louis altimeter setting when control zone not effective and all MDA's increased 60' except for operators with approved weather reporting service.
%IFR departure procedures: Runways 7 and 25 climb on runway heading to 800' before turning on crs.
*Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7	980	¾	518	980	¾	518	980	¾	518	980	1	518
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	980	1	518	980	1	518	1020	1½	558	1020	2	558

Takeoff Standard.% Alternate—Standard.*

City, St. Louis; State, Mo.; Airport name, Spirit of St. Louis; Elev., 462'; Fac. Ident., MTS; Procedure No. VOR/DME Runway 7, Amdt. 3; Eff. date, 21 May 70; Sup. Amdt. No. 2; Dated, 30 Apr. 70

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

Bradford, Pa.—Bradford Regional, VOR/DME Runway 32, Amdt. 5, effective 16 Oct. 1969, canceled, effective 21 May 1970.

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC (BC)

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing Roxy Int.
Rudy NDB	Roxy Int	DR 326° and ATD LOC crs	2700	Climb to 3000' right turn direct DAY VORTAC and hold.
Gem City LOM	Roxy Int	ATD LOC crs	2700	Supplementary charting information:
ROD VORTAC	Lena Int	ROD, R 180°	2700	Hold W, 1 minute, right turns, 084° Inbnd.
Lena Int	Roxy Int (NOPT)	ROD, R 180° and ATD LOC crs.	2200	Runway 24R, TDZ elevation, 995'.

Procedure turn N side of crs, 056° Outbnd, 236° Inbnd, 2700' within 10 miles of Roxy Int.
FAF, Roxy Int. Final approach crs, 236°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over Roxy Int, 2200'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24R	1360	1	365	1360	1	365	1360	1	365	1360	1	365
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	452	1460	1	452	1460	1½	452	1560	2	552

Takeoff Runway 6L, RVR 24; Standard all other runways. Alternate—Standard.

City, Dayton; State, Ohio; Airport name, James M. Cox-Dayton Municipal; Elev., 1008'; Fac. Ident. I-ATD; Procedure No. LOC (BC) Runway 24R, Amdt. Orig.; Eff. date, 21 May 70

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OKS NDB.
SNY VORTAC	OKS NDB	Direct	6000	Climb to 5500' on 110° Bearing, right turn, return to OKS NDB.
Hickory Int	OKS NDB	Direct	5700	Supplementary charting information: Final approach crs intercepts runway centerline extended at 2100'.

Procedure turn S side of crs, 290° Outbnd, 110° Inbnd, 5500' within 10 miles of OKS NDB.
Final approach crs, 110°.
MSA: 000°-090°—5100'; 090°-180°—5200'; 180°-360°—5400'.
Use Sidney, Nebr., altimeter setting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
S-12	4250	1	858	4240	1¼	858	4240	1½	858		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	4240	1	858	4240	1¼	858	4240	1½	858		NA

Takeoff: Standard. Alternate—Not authorized.

City, Oshkosh; State, Nebr.; Airport name, Oshkosh Municipal; Elev., 3382'; Fac. Ident. OKS; Procedure No. NDB (ADF) Runway 12, Amdt. Orig.; Eff. date, 21 May 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing BCC NDB.
TAL VOR	BCC NDB	Direct	2000	Climbing right turn to 2500' on 225° bearing BCC NDB within 15 miles. Supplementary charting information: Terrain 852', 2.3 miles ENE of airport.

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 1800' within 10 miles of BCC NDB.
Shuttle descent below 2100' not authorized; procedure turn required.
FAF, BCC NDB. Final approach crs, 063°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over BCC NDB, 1200'.
MSA: 055°-145°—4000'; 145°-235°—2500'; 235°-325°—4700'; 325°-055°—4800'.
NOTE: Circling not authorized N of Runways 6/24.
*When control zone not effective, except for operators with approved weather reporting service, use Fairbanks altimeter setting; MDA increased by 540'; alternate minimums not authorized.
%Runway 6 immediate right turn, climb direct to BCC NDB. IFR departures from 240° CW to 070° climb on 225° bearing BCC NDB so as to cross NDB northbound at or above 2500'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	700	1	472	700	1	472	700	1½	472	780	2	552

Takeoff: Standard.% Alternate—Standard.*

City, Tanana; State, Alaska; Airport name, Ralph M. Calhoun Memorial; Elev., 228'; Fac. Ident, BCC; Procedure No. NDB (ADF) Runway 6, Amdt. Orig.; Eff. date, 21 May 70

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles Runway 6L or 6.5 miles Runway 6R after passing Gem City LOM.
DAY VORTAC	Gem City LOM	Direct	2700	Climb to 2000' on 056° crs, make left-climbing turn to 3000' direct DAY VORTAC and hold.
Rudy NDB	Gem City LOM	Direct	2700	
Camden Int	Gem City LOM (NOPT)	Direct	2600	
Lewisburg Int	Gem City LOM (NOPT)	Direct	2600	Supplementary charting information: Hold W, 1 minute, right turns, 084° Inbnd. Runway 6L, TDZ elevation, 997'. Runway 6R, TDZ elevation, 1008'.

Procedure turn N side of crs, 236° Outbnd, 056° Inbnd, 2700' within 10 miles of Gem City LOM.
FAF, Gem City LOM. Final approach crs Runway 6L, 056°; Runway 6R, 065°, Distance FAF to MAP Runway 6L, 5.7 miles; Runway 6R, 6.5 miles.
Minimum altitude over Gem City LOM, 2600'.
MSA: 000°-090°—2400'; 090°-270°—3100'; 270°-360°—2400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	1460	RVR 40	463	1460	RVR 40	463	1460	RVR 40	463	1460	RVR 50	463
S-6R	1500	1	492	1500	1	492	1500	1	492	1500	1	492
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	492	1500	1	492	1500	1¼	492	1560	2	552
A	Standard.		T 2-eng. or less—Runway 6L, RVR 24; Standard all other runways.				T over 2-eng.—Runway 6L, RVR 24; Standard all other runways.					

City, Dayton; State, Ohio; Airport name, James M. Cox-Dayton Municipal; Elev., 1008'; Facility, AT; Procedure No. NDB (ADF) Runways 6 L/R, Amdt. 1; Eff. date, May 70; Sup. Amdt. No. Orig.; Dated, 20 Nov. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.3 miles after passing HKS NDB.
Phoenix Int	HKS NDB	Direct	2000	Climb to 2700' on crs 183° from HKS NDB within 15 miles.
Flora Int	HKS NDB	Direct	2000	
Bolton Int	HKS NDB	Direct	2000	Supplementary charting information: Tower 1049', 3.5 miles SW of airport. HIRL Runways 11/29. Chart 1949' tower 3.5 miles SE Raymond Int.
Raymond Int	HKS NDB	Direct	2000	
Byram Int	HKS NDB	Direct	2100	
Florence Int	HKS NDB	Direct	2100	
Brandon Int	HKS NDB	Direct	2000	
Ranklin Int	HKS NDB	Direct	2000	
Barnett Int	HKS NDB	Direct	2000	
JAN VORTAC	HKS NDB (NOPT)	Direct	1400	

Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2000' within 10 miles of HKS NDB.
FAF, HKS NDB. Final approach crs, 183°. Distance FAF to MAP, 2.3 miles.
Minimum altitude over HKS NDB, 1400'.
MSA: 000°-090°—1700'; 090°-180°—2000'; 180°-270°—3400'; 270°-360°—1700'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	840	1	499	840	1	499	840	1¼	499	900	2	559
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Jackson; State, Miss.; Airport name, Hawkins Field; Elev., 341'; Facility, HKS; Procedure No. NDB (ADF)-1, Amdt. 9; Eff. date, 21 May 70; Sup. Amdt. No. 8; Dated 8 Jan. 70

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after passing PRR NDB.
MIA VOR/TAC	PRR NDB	Direct	1600	Climb to 1600', left turn, direct to PRR NDB and hold.
BSY VOR	PRR NDB	Direct	2000	
Portland NDB/LOM	PRR NDB	Direct	1600	Supplementary charting information: Hold SW, 1 minute, left turns, 052° Inbnd. TDZ elevation, 9'.

Procedure turn N side of crs, 232° Outbnd, 052° Inbnd, 1600' within 10 miles of PRR NDB.
FAF, PRR NDB. Final approach crs, 068°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over PRR NDB, 1600'.
MSA: 000°-270°—2100'; 270°-360°—1700'.
NOTES: (1) Radar vectoring. (2) Tamiami Tower operating 0700-2300. (3) Use Miami FSS altimeter setting when control zone not effective.
*Circling and straight-in MDA increased 25' when control zone not effective.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9R*	460	1	451	460	1	451	460	1	451	460	1	451
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	480	1	471	480	1	471	480	1¼	471	560	2	551
A	Standard.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Miami; State, Fla.; Airport name, New Tamiami; Elev., 9'; Facility, PRR; Procedure No. NDB (ADF) Runway 9R, Amdt. 3; Eff. date, 21 May 70; Sup. Amdt. No. 1 NDB (ADF) Runway 9L; Dated, 11 July 68

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

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH Categories A, B, C 2330'; Category D 2370'; LOC 3.7 miles after passing BF LOM.
BFD VORTAC	BF LOM	Direct	3600	Climb to 3600' on crs 322° within 10 miles. Return to BF LOM and hold. Supplementary charting information: Hold SE, 1 minute, left turns, 322° Inbnd. 2261' light beacon 1500' down Runway 32 from threshold and 1375' left of centerline. Runway 32, TDZ elevation, 2120'.

Procedure turn W side of crs, 142° Outbnd, 322° Inbnd, 3600' within 10 miles of BF LOM.
FAF, BF LOM. Final approach crs, 322°. Distance FAF to MAP, 3.7 miles.
Minimum glide slope interception altitude, 3600'. Glide slope altitude at OM, 3357'; at MM, 2311'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA: 000°-360°—3800'.
NOTES: (1) Sliding scale not authorized. (2) Air carrier will not reduce landing visibility due to local conditions.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-32	2320	½	200	2320	½	200	2320	½	200	2370	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	2420	¾	300	2420	¾	300	2420	¾	300	2420	1	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2580	1	437	2600	1	457	2600	1½	457	2700	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bradford; State, Pa.; Airport name, Bradford Regional; Elev., 2143'; Facility, I-BFD; Procedure No. ILS Runway 32, Amdt. 2; Eff. date, 21 May 70; Sup. Amdt. No. 1; Dated, 18 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: ILS DH, 1197'; LOC 5.7 miles after passing Gem City LOM
DAY VORTAC	Gem City LOM	Direct	2700	Climb to 2000' on 056° crs make left-climbing turn to 3000' direct DAY VORTAC and hold.
Rudy NDB	Gem City LOM	Direct	2700	
Camden Int	Gem City LOM (NOPT)	Direct	2600	
Lewisburg Int	Gem City LOM (NOPT)	Direct	2600	Supplementary charting information: Hold W, 1 minute, right turns, 084° Inbnd. Runway 6L, TDZ elevation, 997'.

Procedure turn N side of crs, 236° Outbnd, 056° Inbnd, 2700' within 10 miles of Gem City LOM.
FAF, Gem City LOM. Final approach crs, 056°. Distance FAF to MAP, 5.7 miles.
Minimum Glide slope interception altitude, 2600'. Glide slope altitude at OM, 2564'; at MM, 1197'.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.
MSA: 000°-090°—2400'; 090°-270°—3100'; 270°-360°—2400'.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-6L	1197	RVR 24	200	1197	RVR 24	200	1197	RVR 24	200	1197	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6L	1360	RVR 40	363	1360	RVR 40	363	1360	RVR 40	363	1360	RVR 40	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1460	1	452	1460	1	452	1460	1¼	452	1560	2	552
A	Standard.		T 2-eng. or less—Runway 6L, RVR 24; Standard all other Runways.				T over 2-eng.—Runway 6L, RVR 24; Standard all other Runways.					

City, Dayton; State, Ohio; Airport name, James M. Cox-Dayton Municipal; Elev., 1008'; Facility, I-ATD; Procedure No. ILS Runway 6L, Amdt. 1; Eff. date, 21 May 70; Sup. Amdt. No. Orig.; Dated, 20 Nov. 69

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 4.9 miles after passing Beach Int.
Turtle Int	Beach Int (NOPT)	LOC crs	1600	Climb to 1600' direct to PB NDB and hold.
PBI VORTAC	Beach Int	LOC crs	1600	Supplementary charting information:
R-222°, PBI VORTAC CCW	LOC crs (NOPT)	14-mile Arc PBI, R 102° lead radial.	1600	Hold W, 1 minute, left turns, 093° Inbnd.
R 321°, PBI VORTAC CW	LOC crs (NOPT)	14-mile Arc PBI, R 085° lead radial.	1600	HIRL Runways 9L/27R. MIRL Runways 13/31.
14-mile DME	Beach Int (NOPT)	LOC crs	1600	Runway 27R, TDZ elevation, 19'.

Procedure turn N side of crs, 093°, outbnd, 273° inbnd, 1600' within 10 miles of Beach 9-mile DME Int.
FAF, Beach 9-mile DME Int. Final approach crs, 273°. Distance FAF to MAP, 4.9 miles.
Minimum altitude over Beach 9-mile DME Int—1600'.
MSA: Not authorized.
NOTE: DME required for this procedure. Inoperative component table does not apply to HIRL's Runway 27R. ASR.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-LOC 27R	400	1	381	400	1	381	400	1	381	400	1	381
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Circling	460	1	441	480	1	461	480	1¼	461	680	2	661

Takeoff Standard. Alternate—Standard.

City, West Palm Beach; State, Fla.; Airport name, Palm Beach International; Elev., 19'; Fac. Ident., I-PBI; Procedure No. LOC (BC) Runway 27B, Amdt. 1; Eff. date, 21 May 70; Sup. Amdt. No. Orig.; Dated, 19 Mar. 70

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 14, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

[F.R. Doc. 70-4854; Filed, May 4, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

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

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

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$10 per hour," "$12 per hour," and "$20 per hour" to "$10.80 per hour," "$13 per hour," and "$21.60 per hour" respectively.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Federal Employees Salary Act of 1970 (Public Law 91-231) and Executive Order 11524, April 15, 1970, have required increases in salaries paid to Federal employees engaged in the performance of Federal meat grading services. Therefore, it has been determined that in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees, the hourly fee must be increased as provided for herein. The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other procedure with respect to this amendment are impractical and unnecessary.

This amendment shall become effective May 31, 1970, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 30th day of April, 1970.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 70-5459; Filed, May 4, 1970; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices for 1969-70 Crop

Correction

In F.R. Doc. 70-4582, appearing at page 6110, in the issue of Wednesday, April 15, 1970, under Schedule A, in the center column, the first of the two formulas beginning "Pol DCF=" should read "Brix DCF=".

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

[Plum Reg. 5]

PART 917—HANDLING OF FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Container and Pack Regulation

Notice was published in the April 9 and 16, 1970, issues of the FEDERAL REGISTER (35 F.R. 5815, 6186) that consideration was being given to a proposal by the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is that the current pack regulation for California plums (§ 917.372 Plum Regulation 1; 31 F.R. 7241) be replaced by a new container and pack regulation.

During the period provided in said notice for filing written data, views, or arguments in connection with said proposal, no such material was submitted.

The proposed regulation would continue the current pack requirements while adding certain pack and container requirements applicable to plum containers which bear the optional "tight-fill" marking. Recent innovations in packing employ mechanical methods to settle plums into a tight pack in containers that meet certain construction specifications as to material and strength. The engineered result is greatly reduced bruising of the fruit which provides consumers with better quality plums to the end that market demand is enhanced and financial returns to producers are maximized in accordance with the declared policy of the act. In order to prevent the deceptive practice of marking, as "tight-fill", containers which do not meet the material specifications and which have not been packed by the specified methods, it is imperative that usage of the term "tight-fill" be in accordance with the requirements hereafter set forth.

After consideration of all relevant matter presented, including that in the notice, the recommendations by the Plum Commodity Committee, and other available information, it is hereby found that the regulation hereinafter set forth is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act in that it will facilitate the more efficient handling of California plums and contribute to more effective operations under said marketing agreement and order.

Said regulation is as follows:

§ 917.419 **Plum Regulation 5.**

(a) *Order.* On and after May 15, 1970, no handler shall ship any package or container of any variety of plums except in accordance with the following terms and conditions:

(1) Such plums, when shipped in closed packages or containers, shall conform to the requirements of standard pack;

(2) The diameters of the smallest and largest plums in any individual package or container shall not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in any package or container may fail to meet this requirement;

(3) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the name of the variety if known or, when the variety is not known, the words "unknown variety";

(4) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the size description of the contents which description shall conform to the following, as applicable:

(i) When packed in four-basket crates, the size shall be indicated in accordance with the arrangement of the plums in the top layer of the baskets, such as 5 x 5, 4 x 5, 3 x 4 x 5, etc.

(ii) When packed in face and fill packs in cartons or lug boxes, the size shall be indicated in accordance with the number of rows in the face, such as "6 row", "8 row", etc.

(iii) When packed or filled in other packages or containers, the size shall be indicated in accordance with the number of plums in the package or container, or by the equivalent size designation for such plums when packed in four-basket crates.

(b) Subject to the provisions hereinafter set forth in paragraph (c), any package or container of any variety of plums may be marked with the words

"tight-fill" only if such package or container and the contents thereof meet the following requirements:

(1) The depth of each container shall be equal to at least three times the average diameter of the plums therein as determined by measuring representative fruits;

(2) All container faces shall be composed of at least two complete layers of wax- or resin-treated corrugated paperboard which treatment shall consist of coating both surfaces of each layer with wax or resin, or impregnating at least the corrugating medium in each layer with wax or resin. The material comprising each bottom layer and one layer of both sides and both ends of each container shall have been marked or certified as having a Mullen or Cady test strength of at least 275 pounds, and the material in all other components of each container shall have been marked or certified as having a Mullen or Cady test strength of at least 250 pounds;

(3) Each container shall be well filled and the plums therein shall have been well settled by vibration, according to approved and recognized methods;

(4) Each container shall have a top pad containing wood excelsior or redwood bark. Such pads that contain wood excelsior shall weigh at least 160 pounds per 1,000 square feet of pad and such pads that contain redwood bark shall weigh at least 200 pounds per 1,000 square feet of pad; and

(5) The cover shall be firmly seated against the lower half of each container and firmly fastened to it.

(c) Ten percent of the packages or containers in any lot may fail to meet the requirements of paragraph (b) of this regulation.

(d) When used herein, "standard pack" and "diameter" shall have the respective meanings set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520–1538), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(e) Plum Regulation 1 (31 F.R. 7241) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) pack regulations for California plums are currently in effect, (2) seasonal handling of California plums will begin on or about May 15, 1970, and to be of maximum benefit to handlers and consumers the additional requirements in this regulation should become effective no later than such date, (3) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, and (4) this regulation was unanimously recommended by members of the Plum Commodity Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views.

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

Dated: April 30, 1970.

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

[F.R. Doc. 70-5461; Filed, May 4, 1970; 8:48 a.m.]

[959.310 Amdt. 3]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), 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 regulation, 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 1970 marketing season for South Texas onions is currently in progress and peak volume shipments are now being made, (2) compliance with this amendment will not require any special preparation by handlers, (3) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, (4) the marketability of onions changes very rapidly with little forewarning, and a period of glut is now rapidly approaching requiring that this amendment become immediately effective to decrease excessive shipments of onions, (5) delaying the effective date of the amendment to the regulation would afford handlers an opportunity to increase their shipments of production area onions prior to the effective date thereby tending to nullify any benefits that may otherwise be derived from such amendment to the regulation.

Regulation, as amended. In § 959.310 (34 F.R. 19290 and 35 F.R. 5607, 6312, and 6748) the Limitation of Shipments regulation is amended by adding, to the end thereof, an additional regulation to limit the packaging hours for South Texas onions, to read as follows:

§ 959.310 Limitation of shipments.

* * * * *

(h) *Packing limitations.*

During the period beginning on the effective date hereof through May 16, 1970, the packaging of onions is prohibited except during the hours of 2 p.m. through 6 p.m. of any Monday through Saturday: *Provided*, That:

(1) A handler may package during a different period in any specified day or days consisting of the same number of consecutive hours, upon giving the committee and Federal-State inspection service advance notice thereof. Such advance notice shall be by telephone to the committee office and the Federal-State inspection service, immediately confirmed in writing on forms provided by the committee for such purpose.

(2) Whenever a handler during the hours when he is authorized to package onions is prevented, by a condition hereinafter specified as being beyond his reasonable control, for more than one consecutive hour from so packaging onions, he may obtain permission from the committee to package onions during a comparable number of additional hours in the same day or a later day as specified by the committee. The conditions that are specified as being beyond a handler's reasonable control are:

(i) Interruption of utility services; or

(ii) Adverse weather; or

(iii) Fire; or

(iv) Mechanical failure of grading equipment; or

(v) Labor strike at the packing shed; or

(vi) Such other similar conditions as are so determined by the committee.

(*a*) Whenever a handler is so prevented from packaging onions he shall immediately have a Federal-State inspector note the reason for such occurrence and the time thereof.

(*b*) The handler shall notify the committee by telephone within 2 hours of the inception of such condition and shall give immediate written confirmation thereof on forms provided by the committee for this purpose.

(3) *Exemptions for special purposes.* Onions for: (i) Export to locations outside the North American continent other than Puerto Rico and not for reimportation; and (ii) repackaging into consumer size packages when such onions have been previously packaged during authorized hours for such packaging, have been inspected by a Federal-State inspector and have complied with such other regulations in effect issued pursuant to § 959.52 of this part; are exempt from the restrictions on the packaging and loading of onions on Sundays and the restrictions on the hours when onions may be packaged pursuant to § 959.53, *Handling for special purposes*, provided that the safeguard requirements of §§ 959.120–959.126 are complied with in addition to those hereinafter provided. Further provided that if any onions exempted hereunder as being for export are in fact handled for other nonexempt purposes, there shall be deducted from the handler's remaining authorized packaging hours the number of hours the committee determines were utilized to package such onions handled for nonexempt purposes.

(4) *Safeguards.* (i) The handler shall make application for exemption for handling for such special purposes on forms prescribed by, and available at the

office of the South Texas Onion Committee. Upon request by the committee the following information shall be supplied by the applicant:

(a) Name and address of the handler.

(b) Location of shed at which onions will be packaged for which exemption is requested.

(c) Reason for request.

(d) Anticipated date of shipment.

(e) Mode of transportation and, if for export, name of vessel.

(f) If for export, port of debarkation.

(g) Estimated quantity of each varietal type and size for which exemption is requested.

(h) Remarks, if any.

(i) Signature of applicant and date.

(j) Other information that may be required by the committee.

(ii) (a) If it is determined by the committee from the available information that the applicant is entitled to an exemption for a quantity of onions, and if it is concluded that such exemption will not jeopardize the objectives of the program, the committee shall issue one or more exemption certificates to such handler.

(b) If it is determined from the available information that the applicant is not entitled to an exemption, he will be informed by written notice why the application was not granted.

(iii) Handlers repackaging onions or packaging onions for export must, in addition to complying with the foregoing, telephone or otherwise notify the committee office prior to such handling of onions and inform the committee of the period that they will be so handling onions during hours other than those authorized for the packaging of onions.

(iv) The handlers shall report all shipments made under an approved exemption on a form furnished by the committee.

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

Dated: May 1, 1970, to become effective May 4, 1970.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-5526; Filed, May 4, 1970; 8:49 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders: Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on April 7, 1970 (35 F.R. 5627), that there were under consideration proposals regarding expenses of 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 and related rate of assessment for the fiscal period ending January 31, 1971. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matters presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1971, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1971.

(a) *Expenses.* 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) *Rate of assessment.* The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at $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.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1970, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

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

Dated: April 30, 1970.

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

[F.R. Doc. 70-5462; Filed, May 4, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION 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, the introductory portion of paragraph (e) is amended by adding the name of the State of Indiana thereto and a new paragraph (e) (24) relating to the State of Indiana is added to read:

(e) * * *

(24) *Indiana.* (i) That portion of Knox County bounded by a line beginning at the junction of U.S. Highway 150,50 and the Knox-Daviess County line; thence, following the Knox-Daviess County line in a generally southerly direction to the Knox-Pike County line; thence, following the Knox-Pike County line in a generally westerly direction to the Harrison-Johnson Township line; thence, following the Harrison-Johnson Township line in a generally northerly direction to the Johnson-Palmyra Township line; thence, following the Johnson-Palmyra Township line in a northerly direction to the Palmyra-Vincennes Township line; thence, following the Palmyra-Vincennes Township line in a northerly direction to U.S. Highway 150,50; thence, following U.S. Highway 150,50 in a southeasterly direction to its junction with the Knox-Daviess County line.

(ii) That portion of Rush County bounded by a line beginning at the junction of County Road 300S and the Rush-Fayette County line; thence, following the Rush-Fayette County line in a southerly direction to the Rush-Franklin County line thence, following the Rush-Franklin County line in a southerly direction to the Rush-Decatur County line; thence, following the Rush-Decatur County line in a westerly direction to the Richland-Anderson Township line; thence, following the Richland-Anderson Township line in a northerly direction to the Anderson-Noble Township line; thence, following the Anderson-Noble Township line in a northerly direction to the Noble-Rushville Township line; thence, following the Noble-Rushville

Township line in a northerly direction to County Road 300S; thence, following County Road 300S in an easterly direction to its junction with the Rush-Fayette County line.

2. In § 76.2, in paragraph (e)(19) relating to the State of Texas, a new subdivision (xvii) relating to Cottle County, and a new subdivision (xviii) relating to El Paso County are added to read:

(e) * * *

(19) *Texas.* * * *

(xvii) That portion of Cottle County bounded by a line beginning at the junction of Farm to Market Road 104 and the Pease River; thence, following Farm to Market Road 104 in a generally southwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a generally southwesterly direction to the Cottle-Motley County line; thence, following the Cottle-Motley County line in a northerly direction to the South Pease River; thence, following the south bank of the South Pease River in a generally northeasterly direction to the Pease River; thence, following the south bank of the Pease River in a generally southeasterly direction to its junction with Farm to Market Road 104.

(xviii) That portion of El Paso County bounded by a line beginning at the junction of State Highway 375 and Interstate Highway 10; thence, following Interstate Highway 10 in a southeasterly direction to State Highway 793; thence, following State Highway 793 in a southwesterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a northwesterly direction to Farm to Market Road 258; thence, following Farm to Market Road 258 in a northwesterly direction to State Highway 375; thence, following State Highway 375 in a northeasterly direction to its junction with Interstate Highway 10.

3. In § 76.2, the introductory portion of paragraph (e) is amended by deleting therefrom the name of the State of Oklahoma; paragraph (e)(15) relating to the State of Oklahoma is deleted; and paragraph (f) is amended by adding the name of the State of Oklahoma thereto.

4. In § 76.2, in paragraph (e)(14) relating to the State of North Carolina, subdivision (iii) relating to Robeson County is deleted; a new subdivision (ii) relating to Wayne and Lenoir Counties, and a new subdivision (iii) relating to Pasquotank County are added to read:

(e) * * *

(14) *North Carolina.* * * *

(ii) The adjacent portions of Wayne and Lenoir Counties bounded by a line beginning at the junction of the Lenoir-Greene County line and Secondary Road 1001; thence, following Secondary Road 1001 in a generally southeasterly direction to Secondary Road 1327; thence following Secondary Road 1327 in a southwesterly direction to Secondary Road 1326; thence, following Secondary Road 1326 in a generally southwesterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northwesterly direction to Secondary Road 1733; thence, following Secondary Road 1733 in a northwesterly direction to Secondary Road 1719; thence, following Secondary Road 1719, in a northerly direction to Secondary Road 1718; thence, following Secondary Road 1718 in a generally easterly direction to Secondary Road 1715; thence, following Secondary Road 1715 in a southeasterly direction to the Wayne-Lenoir County line; thence, following the Wayne-Lenoir County line in a northeasterly direction to the Greene-Lenoir County line; thence, following the Greene-Lenoir County line in an easterly direction to its junction with Secondary Highway 1001.

(iii) That portion of Pasquotank County bounded by a line beginning at the junction of Secondary Road 1144 and the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a northeasterly direction to U.S. Highway 17, 158; thence, following U.S. Highway 17, 158 in a southerly direction to State Highway 168; thence, following State Highway 168 in a southeasterly direction to Secondary Road 1169; thence, following Secondary Road 1169 in a southwesterly direction to Secondary Road 1101; thence, following Secondary Road 1101 in a northwesterly direction to Secondary Road 1135; thence, following Secondary Road 1135 in a southwesterly direction to Secondary Road 1139; thence, following Secondary Road 1139 in a northerly direction to Secondary Road 1144; thence, following Secondary Road 1144 in a northwesterly direction to its junction with the Norfolk Southern Railway.

5. In § 76.2, in paragraph (e)(8) relating to the State of Mississippi, a new subdivision (vii) relating to Holmes and Attala Counties is added to read:

(e) * * *

(8) *Mississippi.* * * *

(vii) The adjacent portions of Holmes and Attala Counties bounded by a line beginning at the junction of State Highway 17 and the Holmes-Carroll County line; thence, following the Holmes-Carroll County line in a southeasterly direction to the Big Black River (also Holmes-Attala County line); thence, following the west bank of the Big Black River in a southwesterly direction to State Highway 19; thence, following State Highway 19 in a southeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to State Highway 43; thence, following State Highway 43 in a southwesterly direction to State Highway 14; thence, following State Highway 14 in a generally southwesterly direction to State Highway 17; thence, following State Highway 17 in a generally northwesterly direction to its junction with the Holmes-Carroll County line.

6. In § 76.2, in subparagraph (e)(4) relating to the State of Illinois, subdivision (iii) relating to Menard County is amended to read:

(e) * * *

(4) *Illinois.* * * *

(iii) That portion of Menard County comprised of Road Districts 3 and 11.

* * * * *

7. In § 76.2, subparagraph (e)(3) relating to the State of Georgia is amended to read:

(e) * * *

(3) *Georgia.* That portion of *Marion County* bounded by a line beginning at the junction of State Highway 41 and the Juniper Creek; thence, following State Highway 41 in a generally southerly direction to Secondary Route S640; thence, following Secondary Route S640 in a generally southwesterly direction to the Marion-Chattahoochee County line; thence, following the Marion-Chattahoochee County line in a generally northerly direction to the Upatoi Creek; thence, following the south bank of the Upatoi Creek in an easterly direction to the Juniper Lake; thence, following the west bank of the Juniper Lake in a generally southeasterly direction to the Juniper Creek; thence, following the south bank of the Juniper Creek in an easterly direction to its junction with State Highway 41.

(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, Ill.; portions of Holmes and Attala Counties in Mississippi; portions of Wayne, Lenoir, and Pasquotank Counties in North Carolina; portions of Cottle and El Paso Counties in Texas; and portions of Knox and Rush Counties in Indiana 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 Johnson County and a portion of Laurens County in Georgia; a portion of Garfield County, Okla.; a portion of Menard County, Ill.; and a portion of Robeson County, N.C., 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.

The foregoing amendments also add the State of Oklahoma to the list of hog cholera eradication States as set forth in § 76.2(f). 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 29th day of April 1970.

F. R. MANGHAM,
Acting Administrator
Agricultural Research Service.

[F.R. Doc. 70-5464; Filed, May 4, 1970; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8869]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Adoption of Form SECO-4-70 To Set Annual Fees for Nonmember Broker-Dealers for Fiscal Year 1970

The Commission has announced the adoption of Form SECO-4-70 (17 CFR 249.504d) pursuant to Rule 15b9-2 (17 CFR 240.15b9-2) under the Securities Exchange Act of 1934 ("The Act") to set fees for the fiscal year 1970 for registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. (nonmember broker-dealers).

Section 15(b)(9) under the Securities Exchange Act of 1934 authorizes the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of regulatory duties required to be performed with respect to nonmember broker-dealers. Rule 15b9-2 (17 CFR 240.15b9-2) provides for the required annual fees. The amendment to Rule 15b9-2(d) (17 CFR 240.15b9-2(d)), adopted in Release 34-8608 (34 F.R. 8309), provides that the maximum fee will be set each year on the Form SECO-4 for the particular fiscal year. As thus amended, the maximum fee to be paid by any one broker or dealer will include the office fees as well as the base fee and the fee for each associated person. This year's assessment, to be set forth on Form SECO-4-70, will remain the same and would thus include a base fee of $100, a fee of $5 for each associated person, a $30 fee for each office. It is proposed, however, that the maximum amount payable by a firm in annual charges be raised from $20,000 to $25,000.

The fees are due on June 1, and checks should be mailed to the Office of the Comptroller, U.S. Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

The full text of Rules 15b9-1 and 15b9-2, which together contain all the fee requirements for nonmember broker-dealers, may be obtained by sending a written request to the Branch of Non-NASD Regulation, Division of Trading and Markets, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

Commission action. Pursuant to the authority set forth in section 15(b)(9) of the Securities Exchange Act of 1934 and in accordance with Rule 15b9-2 thereunder (17 CFR 240.15b9-2) the Commission hereby adopts section 249.504d of Chapter II of Title 17 of the Code of Federal Regulations (Form SECO-4-70) as set forth below:

§ 249.504d Form SECO-4-70, 1970, assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed, pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1970, on or before June 1, 1970, by every registered broker-dealer not a member of a registered national securities association.

Incorporation by reference provisions approved by the Director of the Federal Register on May 1, 1970.

NOTE: Copies of the form have been filed with the Office of the Federal Register, and may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549, upon request.

Effective date. The Commission finds that there is good cause for the foregoing amendment to take effect no later than June 1, 1970, in order to permit sufficient notice for the collection of the fees specified therein. Therefore, it is hereby declared that the foregoing amendment shall take effect on June 1, 1970. However, all interested persons may submit any comments with respect to the foregoing amendment to the Commission at its office in Washington, D.C. 20549, no later than May 15, 1970, and in the event that the Commission finds that the foregoing should be revised on the light of any such comments, notice to that effect will be published as soon as possible in the FEDERAL REGISTER prior to the aforesaid effective date.

By the Commission, April 21, 1970.

(Secs. 15(b) and 23(a), 48 Stat. 1379; 15 U.S.C. 78o and 78w)

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-5435; Filed, May 1, 1970; 1:15 p.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegation of Authority

DESIGNATION OF CERTAIN MASTER AND WORKING STANDARDS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121 is amended by adding thereto the following new paragraph to establish the described delegation of authority.

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(n) *Delegation regarding designation of official master and working standards for antibiotic drugs.* The Director of the Bureau of Drugs is authorized to designate official Food and Drug Administration master and working standards for antibiotic drugs under § 145.3 of this chapter.

Effective date. This order is effective on its date of signature.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: April 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5442; Filed, May 4, 1970; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIOCTYL SODIUM SULFOSUCCINATE

A notice was published in the FEDERAL REGISTER of June 10, 1967 (32 F.R. 8379), proposing to revise § 121.1137(b) to limit use of the subject additive as specified. Following publication of the proposal, the petitioner requested and was granted time to provide additional data regarding the use of dioctyl sodium sulfosuccinate in the production of sugar. Based on an evaluation of the data provided, the Commissioner of Food and Drugs concludes that no tolerance is required regarding sugar, the restriction to use in the production of unrefined cane sugar should be continued, and a tolerance of 25 parts per million of the additive in the final molasses should be established. Therefore, pursuant to provisions of the

Federal Food, Drug, and Cosmetic Act (sec. 409 (c), (e), 72 Stat. 1786–87; 21 U.S.C. 348 (c), (e)), and under authority delegated to the Commissioner (21 CFR 2.90), § 121.1137(b) is revised to read as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

* * * * *

(b) As a processing aid in sugar factories in the production of unrefined cane sugar, in an amount not in excess of 0.5 part per million of the additive per percentage point of sucrose in the juice, syrup, or massecuite being processed, and so used that the final molasses will contain no more than 25 parts per million of the additive.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409 (c), (e), 72 Stat. 1786–87; 21 U.S.C. 348 (c), (e))

Dated: April 24, 1970.

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

[F.R. Doc. 70-5443; Filed, May 4, 1970; 8:47 a.m.]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of MDA, MMDA, TMA, JB–318, and JB–336 and Their Salts as Subject to Control

In the matter of listing MDA, MMDA, TMA, JB–318, and JB–336 and their salts as "depressant or stimulant" drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act, because such drugs have a potential for abuse because of their hallucinogenic effect.

Comments were received concerning JB–318 and JB–336, their salts, and all their position isomers, and all the salts thereof, on the proposal in this matter published in the FEDERAL REGISTER of March 10, 1970 (35 F.R. 4305), from the Colgate-Palmolive Co. through its Division, Lakeside Laboratories, and its wholly owned subsidiary, Lakeside Laboratories, Inc., Milwaukee, Wis., suggesting that the compounds N-ethyl-3-piperidyl benzilate methobromide and N-methyl-3-piperidyl benzilate methobromide which are Lakeside Laboratories' drug products Piptal and Cantil, respectively, not be listed as "depressant or stimulant" drugs within the meaning of 21 U.S.C. 321(v) because of the inability of these products to penetrate the blood-brain barrier and produce a hallucinogenic effect. Lakeside further requests that the bases, N-ethyl-3-piperidyl benzilate and N-methyl-3-piperidyl benzilate, not to be controlled since they are required to produce Piptal and Cantil.

It is the decision of the Director of the Bureau of Narcotics and Dangerous Drugs that the compounds N-ethyl-3-piperidyl benzilate methobromide and N-methyl-3-piperidyl benzilate methobromide are not salts of the bases N-ethyl-3-piperidyl benzilate and N-methyl-3-piperidyl benzilate, and therefore are not encompassed by the subject proposal. It is the opinion of the Bureau of Narcotics and Dangerous Drugs that these compounds are properly designated as piperidinium bromide benzilates. Further, to insure proper control, it is necessary to place the bases under the control requirements of the Drug Abuse Control Amendments of 1965 as hallucinogenic drugs.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.100), § 320.3 (c)(2) is amended by inserting the following:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(3) Hallucinogenic effect:

Established name	*Some trade and other names*
MDA, its salts, and all its isomers, such as optical and position, and all the salts thereof.	3,4-methylenedioxy amphetamine (MDA) or 4,5-methylenedioxy amphetamine.
	2,3-methylenedioxy amphetamine or 5,6-methylenedioxy amphetamine.
MMDA, its salts, and all its isomers, such as optical and position, and all the salts thereof.	5-methoxy-3,4-methylenedioxy amphetamine (MMDA) or 3-methoxy-4,5-methylenedioxy amphetamine.
	6-methoxy-3,4-methylenedioxy amphetamine or 2-methoxy-4,5-methylenedioxy amphetamine.
	2-methoxy-3,4-methylenedioxy amphetamine or 6-methoxy-4,5-methylenedioxy amphetamine.
	6-methoxy-2,3-methylenedioxy amphetamine or 2-methoxy-5,6-methylenedioxy amphetamine.
	5-methoxy-2,3-methylenedioxy amphetamine or 3-methoxy-5,6-methylenedioxy amphetamine.
	4-methoxy-2,3-methylenedioxy amphetamine or 4-methoxy-5,6-methylenedioxy amphetamine.
TMA, its salts, and all its isomers, such as optical and position, and all the salts thereof.	3,4,5-trimethoxy amphetamine (TMA).
	2,4,5-trimethoxy amphetamine or 3,4,6-trimethoxy amphetamine.
	4,5,6-trimethoxy amphetamine or 2,3,4-trimethoxy amphetamine.
	2,3,5-trimethoxy amphetamine.
	3,5,6-trimethoxy amphetamine.
	2,3,6-trimethoxy amphetamine.
	2,5,6-trimethoxy amphetamine.
	2,4,6-trimethoxy amphetamine.
JB–318, its salts, and all its position isomers, and all the salts thereof.	N-ethyl-3-piperidyl benzilate (JB–318).
	N-ethyl-2-piperidyl benzilate.
	N-ethyl-4-piperidyl benzilate.
JB–336, its salts, and all its position isomers, and all the salts thereof.	N-methyl-3-piperidyl benzilate (JB–336).
	N-methyl-2-piperidyl benzilate.
	N-methyl-4-piperidyl benzilate.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 613, 1405 I Street NW., Washington, D.C. 20537, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 days from the date of its

publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

Dated: April 30, 1970.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 70-5502; Filed, May 4, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7037]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Quarterly Payment of Federal Unemployment Tax

Correction

In F.R. Doc. 70-5233 apearing at page 6709 in the issue for Tuesday, April 28, 1970, the following changes should be made:

1. In PAR. 5, § 31.6201(b), the first line of the statutory material should read "SEC. 6201. *Assessment authority.* * * *".

2. In PAR. 7, the last line of paragraph (b)(4) of § 31.6302(c)-3 should read "to the district director or director of a service center."

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—NORTH PACIFIC COMMERCIAL FISHERIES

PART 210—NORTH PACIFIC AREA

The need to define certain fishery management closing lines for salmon net fishing in Alaska has arisen. Heretofore all closing lines across bays, inlets, straits, passes, sounds, and entrances had not been defined. Since salmon stocks are dynamic in nature the management of them must be extremely flexible and under common management both within and outside of State waters which are open to commercial fishing. Therefore, the amendment sets the outside fishing boundaries for salmon net fishing in Alaska as those set forth under State of Alaska commercial fishing regulations. Furthermore, the amendment provides that the Federal regulations for any fishing conducted in legal waters outside of State jurisdiction shall be conducted under the fishing regulations promulgated by the State of Alaska for its citizens. Such regulations set forth legal gear and open and closed fishing periods, among others.

This amendment is adopted under authority of sec. 1, 68 Stat. 698, as amended, 16 U.S.C. 1021 et seq.

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

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11686), and dated April 27, 1970.

PHILIP M. ROEDEL,
Director, Bureau of Commercial Fisheries.

Sec.
210.1 Definition.
210.10 Salmon fishing prohibited; exception.

AUTHORITY: The provisions of this Part 210 issued under sec. 1, 68 Stat. 698, as amended, 16 U.S.C. 1021 et seq.

§ 210.1 Definition.

(a) For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48°30' north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend 3 miles seaward (1) from the coast, (2) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds, and entrances, and (3) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

(b) The exclusive waters adjacent to Alaska shall be those in which salmon net fishing is permitted under State of Alaska regulations. Federal salmon net fishing regulations in exclusive waters outside of State waters shall be the same as regulations promulgated by the State of Alaska for its citizens.

§ 210.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49° north.

[F.R. Doc. 70-5433; Filed, May 4, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-16—PROCUREMENT FORMS

Miscellaneous Amendments

This amendment of the Federal Procurement Regulations prescribes and illustrates the November 1969 editions of Standard Form 32, General Provisions (Supply Contract), and Standard Form 33, Solicitation, Offer, and Award.

Subpart 1-16.1—Forms for Advertised Supply Contracts

Section 1-16.101 (a) and (c) is revised to read as follows:

§ 1-16.101 Contract forms.

* * * * * * *

(a) Solicitation, Offer, and Award (Standard Form 33, November 1969 edition).

* * * * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition).

* * * * * * *

Subpart 1-16.9—Illustrations of Forms

1. Section 1-16.901-32 is revised to illustrate the November 1969 edition of Standard Form 32 as follows:

§ 1–16.901–32 Standard Form 32: General Provisions (Supply Contract).

(a) Page 1 of Standard Form 32.

STANDARD FORM 32
NOV 1969 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1-16.901

GENERAL PROVISIONS

(Supply Contract)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "head of the agency" or "Secretary" means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

2. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

3. EXTRAS

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

4. VARIATION IN QUANTITY

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

5. INSPECTION

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or a subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract: *Provided,* That in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retest is necessitated by prior rejection. Acceptance or rejection of the supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

6. RESPONSIBILITY FOR SUPPLIES

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to the supplies only if such loss, destruction,

(b) Page 2 of Standard Form 32.

Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(a) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

12. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided,* That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

13. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

14. BUY AMERICAN ACT

(a) In acquiring end products, the Buy American Act (41 U.S. Code 10 a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b)(ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

15. CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

16. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the

(c) Page 3 of Standard Form 32.

or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

7. PAYMENTS

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

8. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Federal Aviation Agency, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

9. ADDITIONAL BOND SECURITY

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

10. EXAMINATION OF RECORDS

(The following clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, but is not applicable if this contract was entered into by means of formal advertising.)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

11. DEFAULT

(a) The Government may, subject to the provisions of paragraph (c) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services: *Provided*, That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies, and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the

(d) Page 4 of Standard Form 32.

United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of his standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract.

17. WALSH-HEALEY PUBLIC CONTRACTS ACT

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S. Code 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

18. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

19. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

20. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

21. UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

22. UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

(The following clause is applicable if this contract exceeds $5,000.)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in or near concentrated unemployment or underemployment sections of States or in areas of persistent or substantial labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns" the Contractor in placing his subcontracts shall observe the following order of preference: (a) Certified-eligible concerns which are also small business concerns; (b) other certified-eligible concerns; (c) persistent labor surplus area concerns which are also small business concerns; (d) other persistent labor surplus area concerns; (e) substantial labor surplus area concerns which are also small business concerns; (f) other substantial labor surplus area concerns; and (g) small business concerns which are not labor surplus area concerns.

* U.S. GOVERNMENT PRINTING OFFICE : 1970 O—394-455

2. Section 1–16.901–33 is revised to illustrate the November 1969 edition of Standard Form 33.

§ 1–16.901–33 Standard Form 33: Solicitation, Offer, and Award.

(a) Page 1 of Standard Form 33.

STANDARD FORM 33, NOV. 1969 GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1–16.101	SOLICITATION, OFFER, AND AWARD	3. CERTIFIED FOR NATIONAL DEFENSE UNDER BDSA REG. 2 AND/OR DMS REG. 1. RATING:	4. PAGE 1 OF
1. CONTRACT (Proc. Inst. Ident.) NO.	2. SOLICITATION NO. ☐ ADVERTISED (IFB) ☐ NEGOTIATED (RFP)	5. DATE ISSUED	6. REQUISITION/PURCHASE REQUEST NO.
7. ISSUED BY CODE		8. ADDRESS OFFER TO (If other than Block 7)	

SOLICITATION

9. Sealed offers in original and ____ copies for furnishing the supplies or services described in the Schedule will be received at the place specified in block 8, OR IF HAND-CARRIED, IN THE DEPOSITARY LOCATED IN _____, until _____ (Time, Zone, and Date). If this is an advertised solicitation, offers will be publicly opened at that time. CAUTION—LATE OFFERS. See par. 8 of Solicitation Instructions and Conditions.

All offers are subject to the following:
1. The attached Solicitation Instructions and Conditions, SF 33–A.
2. The General Provisions, SF 32, _____ edition, which is attached or incorporated herein by reference.
3. The Schedule included below and/or attached hereto.
4. Such other provisions, representations, certifications, and specifications as are attached or incorporated herein by reference. (Attachments are listed in the Schedule.)

FOR INFORMATION CALL (Name and Telephone No.) (No collect calls.):

SCHEDULE

10. ITEM NO.	11. SUPPLIES/SERVICES	12. QUANTITY	13. UNIT	14. UNIT PRICE	15. AMOUNT

SPECIMEN

OFFER (NOTE: Reverse Must Also Be Fully Completed By Offeror)

In compliance with the above, the undersigned offers and agrees, if this offer is accepted within ____ calendar days (60 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered, at the price set opposite each item, delivered at the designated point(s), within the time specified in the Schedule.

16. DISCOUNT FOR PROMPT PAYMENT (See Par. 9 on SF 33–A)
____% 10 CALENDAR DAYS; ____% 30 CALENDAR DAYS; ____% ____ CALENDAR DAYS.

17. OFFEROR NAME & ADDRESS (Street, city, county, state, & ZIP Code) Area Code and Telephone No.: ☐ Check If Remittance Address Is Different From Above—Enter Such Address In Schedule.	CODE	FACILITY CODE	18. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or Print)	
			19. SIGNATURE	20. OFFER DATE

AWARD (To Be Completed By Government)

21. ACCEPTED AS TO ITEMS NUMBERED	22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA	
24. SUBMIT INVOICES (4 copies unless otherwise specified) TO ADDRESS SHOWN IN BLOCK _____		25. NEGOTIATED PURSUANT TO ☐ 10 U.S.C. 2304(a)( ) ☐ 41 U.S.C. 253(c)( )	
26. ADMINISTERED BY (If other than Block 7) CODE		27. PAYMENT WILL BE MADE BY CODE	
28. NAME OF CONTRACTING OFFICER (Type or Print)		29. UNITED STATES OF AMERICA BY: _____ (Signature of Contracting Officer)	30. AWARD DATE

33-138 Award will be made on this form, or on Standard Form 26, or by other official written notice.

(b) Page 2 of Standard Form 33.

PAGE 2 OF SF 33

REPRESENTATIONS, CERTIFICATIONS, AND ACKNOWLEDGMENTS

The Offeror represents and certifies as part of his offer that: *(Check or complete all applicable boxes or blocks.)*

1. SMALL BUSINESS *(See par. 14 on SF 33–A.)*
He ☐ is, ☐ is not, a small business concern. If offeror is a small business concern and is not the manufacturer of the supplies offered, he also represents that all supplies to be furnished hereunder ☐ will, ☐ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

2. REGULAR DEALER—MANUFACTURER *(Applicable only to supply contracts exceeding $10,000.)*
He is a ☐ regular dealer in, ☐ manufacturer of, the supplies offered.

3. CONTINGENT FEE *(See par. 15 on SF 33–A.)*
(a) He ☐ has, ☐ has not, employed or retained any company or person *(other than a full-time, bona fide employee working solely for the offeror)* to solicit or secure this contract, and (b) he ☐ has, ☐ has not, paid or agreed to pay any company or person *(other than a full-time, bona fide employee working solely for the offeror)* any fee, commission, percentage, or brokerage fee contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above, as requested by the Contracting Officer. *(For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Subpart 1–1.5.)*

4. TYPE OF BUSINESS ORGANIZATION
He operates as ☐ an individual, ☐ a partnership, ☐ a nonprofit organization, ☐ a corporation, incorporated under the laws of the State of _____

5. AFFILIATION AND IDENTIFYING DATA *(Applicable only to advertised solicitations.)*
Each offeror shall complete (a) and (b) if applicable, and (c) below:
(a) He ☐ is, ☐ is not, owned or controlled by a parent company. *(See par. 16 on SF 33–A.)*
(b) If the offeror is owned or controlled by a parent company, he shall enter in the blocks below the name and main office address of the parent company:
Name of Parent company and main office address _____
(include ZIP Code) _____
(c) Employer's identification number *(See par. 17 on SF 33–A.)* _____ *(Offeror's I.I. No.)* _____ *(Parent Company's I.I. No.)*

6. EQUAL OPPORTUNITY
He ☐ has, ☐ has not, participated in a previous contract or subcontract subject either to the Equal Opportunity clause herein or the clause originally contained in section 301 of Executive Order No. 10925, or the clause contained in section 201 of Executive Order No. 11114; that he ☐ has, ☐ has not, filed all required compliance reports; and that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. *(The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)*

7. BUY AMERICAN CERTIFICATE
The offeror hereby certifies that each end product, except the end products listed below, is a domestic source end product (as defined in the clause entitled "Buy American Act"); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

EXCLUDED END PRODUCTS	COUNTRY OF ORIGIN

8. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION *(See par. 18 on SF 33–A.)*
(a) By submission of this offer, the offeror certifies, and in the case of a joint offer, each party thereto certifies as to its own organization, that in connection with this procurement:
(1) The prices in this offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competitor;
(2) Unless otherwise required by law, the prices which have been quoted in this offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other offeror or to any competitor; and
(3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.
(b) Each person signing this offer certifies that:
(1) He is the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein and that he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above; or
(2) (i) He is not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above.

9. CERTIFICATION OF NONSEGREGATED FACILITIES
(Applicable to (1) contracts, (2) subcontracts, and (3) agreements with applicants who are themselves performing federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.)
By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):
Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities.
A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually). *NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.*

ACKNOWLEDGMENT OF AMENDMENTS	AMENDMENT NO.	DATE	AMENDMENT NO.	DATE
The offeror acknowledges receipt of amendments to the Solicitation for Offers and related documents numbered and dated as follows:				

NOTE.—Offers must set forth full, accurate, and complete information as required by this Solicitation (including attachments). The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

33–129 REVERSE OF STANDARD FORM 33, NOVEMBER 1969

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

Effective date. This amendment is effective July 15, 1970, but the November 1969 editions of Standard Forms 32 and 33 which are prescribed by the amendment may be used as soon as stocks of the forms are available.

Dated: April 27, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70–5396; Filed, May 4, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas on Either an Acreage Basis or an Acreage-Poundage Basis for the 1971–72, 1972–73, and 1973–74 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended, herein referred to as the "Act", the Secretary is preparing, with respect to Flue-cured tobacco, to proclaim a national marketing quota for each of the three marketing years 1971–72, 1972–73, and 1973–74, either on an acreage basis or on an acreage-poundage basis. If the Secretary determines to proclaim the marketing quotas on an acreage basis, he also will determine and announce for the 1971–72 marketing year, the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the national allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments. If the Secretary determines to announce the marketing quotas on an acreage-poundage basis, he also will determine and announce for the 1971–72 marketing year, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and for establishing allotments for new farms; the national acreage factor; and the national yield factor.

The Secretary will conduct within 30 days from the effective date of the announcement of national marketing quotas on either an acreage basis or on an acreage-poundage basis a referendum of farmers engaged in the 1970 production of Flue-cured tobacco to determine whether they favor or oppose quotas on an acreage basis or on an acreage-poundage basis for three marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973. The Secretary will also determine the date or period of the referendum and whether such referendum shall be conducted at polling places rather than by mail ballot (31 F.R. 12011). Growers of Flue-cured tobacco approved quotas on an acreage-poundage basis for the 1968–69, 1969–70, and 1970–71 marketing years (32 F.R. 11413).

Acreage Basis

Section 312(b) of the Act (7 U.S.C. 1312(b)) requires that the Secretary determine and announce, not later than the first day of December 1970, the amount of the national marketing quota for Flue-cured tobacco which will be in effect for the 1971–72 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of Flue-cured tobacco equal to the reserve supply level. Section 312(b) provides further that the amount of the 1971–72 national marketing quota (determined pursuant to such section) may, not later than March 1, 1971, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of (Flue-cured) tobacco for any marketing year as the carryover at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal years' domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the 5 years immediately preceding the year in which the national marketing quota is proclaimed, and to apportion the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments) among old farms.

The Act (7 U.S.C. 1313(g)) also provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent crop shall not be taken into account in establishing * * * farm acreage allotments.

Acreage Poundage Basis

Section 317(a) of the Act contains, for the purposes of section 317, the following definitions:

(1) "National marketing quota" for any kind of tobacco for a marketing year means the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

(2) "National average yield goal" for any kind of tobacco means the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant.

(3) "National acreage allotment" means the acreage determined by dividing the national marketing quota by the national average yield goal.

(4) "Farm acreage allotment" for a tobacco farm, other than a new tobacco farm, means the acreage allotment determined by adjusting uniformly the acreage allotment established for such farm for the immediately preceding year, prior to any increase or decrease in such allotment due to undermarketings or overmarketings and prior to any reduction under subsection (f), so that the total of all allotments is equal to the national acreage allotment less the reserve provided in subsection (e) of this section with a further downward or upward adjustment to reflect any adjustment in the farm marketing quota for overmarketing or undermarketing and to reflect any reduction required under subsection (f) of this section, and including any adjustment for errors or inequities from the reserve.

(5) The "community average yield" means for Flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963,

inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated, and the average of the remaining years shall be the community average yield.

(6) "Preliminary farm yield" for Flue-cured tobacco means a farm yield per acre determined by averaging the yield per acre for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year except that if that average exceeds 120 per centum of the community average yield the preliminary farm yield shall be the sum of 50 per centum of the average of the 3 highest years and 50 per centum of the national average yield goal but not less than 120 per centum of the community average yield, and if the average of the 3 highest years is less than 80 per centum of the community average yield the preliminary farm yield shall be 80 per centum of the community average yield. In counties where less than 500 acres of Flue-cured tobacco were allotted for 1964, the county may be considered as one community. If Flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period the average of the yields for the years in which tobacco was produced shall be used instead of the 3-year average. If no Flue-cured tobacco was produced on the farm in the 5-year period but the farm is eligible for an allotment because Flue-cured tobacco was considered to have been produced under applicable provisions of law, a preliminary farm yield for the farm shall be determined under regulations of the Secretary taking into account preliminary farm yields of similar farms in the community.

(7) "Farm yield" means the yield of tobacco per acre for a farm determined by multiplying the preliminary farm yield by a national yield factor which shall be obtained by dividing the national average yield goal by a weighted national average yield computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined pursuant to paragraph (4) for the farm prior to adjustments for overmarketing, undermarketing, or reductions required under subsection (f) and dividing the sum of the products by the national acreage allotment.

(8) "Farm marketing quota" for any farm for any marketing year shall be the number of pounds of tobacco obtained by multiplying the farm yield by the acreage allotment prior to any adjustment for undermarketing or overmarketing, increased for undermarketing or decreased for overmarketing by the number of pounds by which marketings of tobacco from the farm during the immediately preceding marketing year, if marketing quotas were in effect under the program established by this section, is less than or exceeds the farm marketing quota for such year: *Provided*, That the farm marketing quota for any marketing year shall not be increased for undermarketing by an amount in excess of the number of pounds determined by multiplying the acreage allotment for the farm for the immediately preceding year prior to any increase or decrease for undermarketing or overmarketing by the farm yield. If on account of excess marketings in the preceding marketing year the farm marketing quota for the marketing year is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made for the subsequent marketing year or years.

Subsection 317(d) of the Act provides: "If marketing quotas have been made effective for a kind of tobacco on an acreage-poundage basis pursuant to subsection (b) or (c) the Secretary shall, not later than December 1 of any marketing year with respect to Flue-cured tobacco, * * *, proclaim a national marketing quota for that kind of tobacco for the next 3 succeeding marketing years if the marketing year is the last year of 3 consecutive years for which marketing quotas previously proclaimed will be in effect. The Secretary, in his discretion, may proclaim the quota on an acreage-poundage basis as provided in this section or on an acreage allotment basis, whichever he determines would result in a more effective marketing quota for that kind of tobacco, and shall conduct a referendum in accordance with the provisions of section 312(c) of this Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas the results shall be proclaimed and the national marketing quota so proclaimed shall not be in effect. If the Secretary proclaims the quotas on an acreage-poundage basis he shall determine and proclaim at the same time the national marketing quota, national acreage allotment, and national average yield goal for the first year of 3 years for which quotas are proclaimed. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by the referendum insofar as practicable shall be mailed to the farm operator prior to the holding of * * * a referendum on acreage-poundage quotas under this subsection, * * *. The Secretary shall determine and announce the national marketing quota, national acreage allotment and national average yield goal for the second and third marketing years of any 3-year period for which national marketing quotas on an acreage-poundage basis are in effect on or before the December 1 with respect to Flue-cured tobacco * * * immediately preceding the beginning of the marketing year to which they apply. Whenever a national marketing quota, national acreage allotment, and national average yield goal are determined and announced, the Secretary shall provide for the determination of farm acreage allotments and farm marketing quotas under the provisions of this section for the crop and marketing year covered by the determinations."

Section 317(e) provides: "No farm acreage allotment or farm yield shall be established for a farm on which no tobacco was produced or considered produced under applicable provisions of law for the immediately preceding 5 years. For each marketing year for which acreage-poundage quotas are in effect under this section the Secretary in his discretion may establish a reserve from the national acreage allotment in an amount equivalent to not more than 1 per centum of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which tobacco was not produced or considered produced during the immediately preceding 5 years. The part of the reserve held for apportionment to new farms shall be allotted on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco-producing experience of the farm operator. The farm yield for any farm for which a new farm acreage allotment is established shall be determined on the basis of available productivity data for the land involved and farm yields for similar farms, and shall not exceed the community average yield."

Section 317(f) provides: "Only the provisions of the last two sentences of subsection (g) of section 313 of this Act shall apply with respect to acreage-poundage programs established under this section. The acreage reductions required under the last two sentences shall be in addition to any other adjustments made pursuant to this section, and when acreage reductions are made the farm marketing quota shall be reduced to reflect such reductions. The provisions of the next to the last sentence of such subsection pertaining to the filing of any false report with respect to the acreage of tobacco grown on the farm shall also be applicable to the filing of any false report with respect to the production or marketings of tobacco grown on a farm for which an acreage allotment and a farm yield are established as provided in this section. In establishing acreage allotments and farm yields for other farms owned by the owner displaced by acquisition of his land by any agency, as provided in section 378 of this Act, increases or decreases in such acreage allotments and farm yields as provided in this section shall be made on account of marketings below or in excess of the farm marketing quota for the farm acquired by the agency. * * *"

Section 316, which provides for annual lease and transfer of Flue-cured tobacco farm marketing quotas, on a pound for pound basis, will expire with the 1970 crop unless extended by additional legislation.

The subjects and issues involved in the proposed determinations are:

1. Whether national marketing quotas for Flue-cured tobacco for the 1971–72, 1972–73, and 1973–74 marketing years shall be proclaimed on an acreage basis or acreage-poundage basis.

2. If proclaimed on an acreage basis:

a. The amount of the national marketing quota for the 1971–72 marketing year.

b. The conversion of the national marketing quota into a national acreage allotment and apportionment of same, less

reserve of not to exceed 1 percent thereof, among old farms. c. The amount of the national acreage allotment to be reserved for new farms, and for making corrections and adjusting in old farm allotments.

3. If proclaimed on an acreage-poundage basis: a. The amount of the national marketing quota for the 1971–72 marketing year. b. The amount of the national average yield goal. c. The amount of the national acreage allotment. d. The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms. e. The national acreage factor. f. The national yield factor.

The community average yields, as computed in 1965 (30 F.R. 6207, 6875, 14487), will be used for the 1971–72 marketing year.

4. Date or period of the referendum on acreage or acreage-poundage quotas, as applicable, and whether such referendum should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

Consideration will be given to data, views and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than June 10, 1970.

Signed at Washington, D.C. on April 24, 1970.

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

[F.R. Doc. 70-5463; Filed, May 4, 1970; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket AO-370]

CHERRIES GROWN IN MICHIGAN ET AL.

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Continental Room of the Pantlind Hotel, Grand Rapids, Mich., beginning at 10 a.m., local time, June 2, 1970, at the Sevastepol School, Route 2, Sturgeon Bay, Wis., beginning at 10 a.m., local time, June 5, 1970, at the Monroe County Farm and Home Center, 248 Highland Avenue, Rochester, N.Y., beginning at 10 a.m., local time, June 9, 1970, and at the West Street Branch, Gettysburg National Bank, West Street, Gettysburg, Pa., beginning at 10 a.m., local time, June 11, 1970, with respect to a proposed marketing agreement and order regulating the handling of cherries grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland.

The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted with a request for a hearing by the National Red Cherry Institute, Michigan Agricultural Cooperative Marketing Association, Michigan Association of Cherry Producers, Michigan Fruit Canners, Inc., Duffy-Mott Corp. of Michigan, Musselman Fruit Products Division, Pet Milk, Oceana Canning Co., Smeltzer Orchard Co., Morgan-McCool, Inc., Cherry Growers, Inc., Silver Mill Frozen Foods, Inc., Pennsylvania Red Cherry Growers Association, Knouse Foods Cooperative, Inc., Wisconsin Red Cherry Growers, Inc., New York Cherry Growers Association, Inc., Orleans County Farm Bureau, Wayne Co., Farm Bureau, New York Farm Bureau Marketing Cooperative, Albion Agway Coop., Inc., Walcott Evaporating Co., Cahoon Farms, Inc., Sodus Fruit Farm, Inc., and Earl T. Howell & Son, Inc. (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

§ 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 2 Act.

"Act" means Public Act No. 10, 73rd Congress (May 12, 1933) as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 4 Production area.

"Production area" means the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, West Virginia, Virginia, and Maryland.

§ 5 Cherries.

"Cherries" means all varieties of the fruit commonly called Red Sour Cherries or Red Tart Cherries grown in the production area.

§ 6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on May 1 of one year and ending on the last day of April of the following year.

§ 7 Board.

"Board" means the Cherry Administrative Board established pursuant to § 20.

§ 8 Grower.

"Grower" is synonymous with "producer" and means any person who produces cherries to be marketed in canned, frozen, or other processed form and who has a proprietary interest therein.

§ 9 Handler.

"Handler" means any person who first handles cherries or causes cherries to be handled.

§ 10 Handle.

"Handle" means to pit, can, freeze, dehydrate, press, or brine cherries, or in any other way convert cherries commercially into a processed product, or in any way use cherries for which a diversion certificate has been issued: *Provided*, That handle shall not include (1) the pitting, canning, freezing, dehydration, pressing, or brining of cherries for home use and not for resale or (2) the sale of cherries, other than cherries for which a diversion certificate has been issued, for consumption as fresh cherries.

§ 11 Crop year.

"Crop year" means that portion of a fiscal period during which cherries are being harvested.

§ 12 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 31(1):

District 1—The State of New York and Erie County, Pa.

District 2—The States of Maryland, Pennsylvania, except Erie County, Virginia, and West Virginia.

District 3—That portion of the State of Michigan which is north of a line drawn along the boundary of Mason and Manistee Counties and extended east to Lake Huron, and the State of Wisconsin.

District 4—That portion of the State of Michigan which is south of District 3 and north of a line drawn along the boundary of Allegan and Ottawa Counties and extended east to the St. Clair River.

District 5—The State of Michigan not included in Districts 3 and 4, and the State of Ohio.

ADMINISTRATIVE BODY

§ 20 Establishment and membership.

There is hereby established a Cherry Administrative Board consisting of 12 members, each of whom shall have an alternate having the same qualifications as the member for whom he is an alternate. Six of the members and their alternates shall be growers or officers or employees of growers. Six of the members and their alternates shall be handlers or officers or employees of handlers. There shall be an individual who shall serve as nonvoting chairman of the Board, and an individual who shall serve as his alternate.

District representation on the committee shall be as follows:

District	Grower members	Handler members
1	1	1
2	1	1
3	2	2
4	1	1
5	1	1

§ 21 Term of office.

The term of office of each member and alternate member of the Board shall be for 3 years, beginning May 1 and ending on the last day of April: *Provided*, That one-third of the initial members and alternates shall serve only until April 30, 1972, and one-third of such members and alternates shall serve only until April 30, 1973. (Determination of which of the initial members and their alternates shall serve for 1 year, 2 years, and 3 years shall be by lot.) Members and alternate members shall serve in such capacity for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to two 3-year terms. The nonvoting chairman of the Board and his alternate shall serve at the pleasure of the Secretary. The Secretary shall give consideration to any recommendation of the Board with respect to termination of appointment of the chairman or his alternate.

§ 22 Nomination.

(a) *Initial members.* The Secretary shall hold, or cause to be held, meetings of growers and of handlers to nominate the initial members and alternate members of the Board. Such meetings shall be held as soon as practicable after the effective date of this part, and shall be conducted in the manner provided in paragraph (b) of this section.

(b) *Successor members.* (1) Nominations for successor members of the Board, and their respective alternates, shall be made at separate meetings of growers and handlers. Such meetings shall be held at such times (on or before April 1 of each year) and places as the Board shall designate. One nominee shall be elected at nomination meetings for each member and one nominee for each alternate member position to be filled. The names and addresses of each nominee shall be submitted to the Secretary not later than April 15 of each year. The Board shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(2) Only growers, including duly authorized officers or employees of growers, who are present and who are eligible to serve as grower members of the Board, shall participate in the nomination of grower members and alternate grower members of the Board. No grower shall participate in the selection of nominees in more than one district during any fiscal period. If a producer produces cherries in more than one district, he shall select the district in which he will so participate and notify the Board of his choice.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present and who are eligible to serve as handler members of the Board, shall participate in the nomination of handler members and alternate handler members of the Board. No handler shall participate in the selection of nominees in more than one district during any fiscal period. If a person is both a grower and a handler of cherries, such person may vote either as a grower or handler, but not as both.

(c) The members of the Board appointed by the Secretary pursuant to § 23 shall, at the first meeting, and whenever necessary thereafter, by a majority vote of those present, nominate an individual to serve as nonvoting chairman of the Board, and an individual to serve as his alternate.

§ 23 Appointment.

From the nominations made pursuant to § 22, or from other qualified individuals, the Secretary shall appoint the chairman of the Board and his alternate and the members of the Board and an alternate for each such member on the basis of the representation provided for in § 20.

§ 24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 22, the Secretary may, without regard to nominations, select the chairman and his alternate and select the members and alternate members of the Board on the basis of representation provided for in § 20.

§ 25 Acceptance.

Any person selected by the Secretary as the chairman and his alternate or as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary within 10 days after notified of such appointment.

§ 26 Vacancies.

To fill any vacancy occasioned by the failure of any person appointed as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and appointed in the manner specified in § 22 and § 23. If the names of the nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which appointment shall be made on the basis of representation provided for in § 20.

§ 27 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is appointed and has qualified. In the event that a grower member and his alternate are unable to attend a Board meeting, the grower members present at such meeting may designate any other grower alternate to serve in such absent grower member's place and stead at that meeting. In the event that a handler member and his alternate are unable to attend a Board meeting, the handler members present at such meeting may designate any other handler alternate to serve in such absent handler member's place and stead at that meeting.

§ 28 Eligibility for membership on Cherry Administrative Board.

(a) Each grower member and each grower alternate member of the Board shall be a grower, or an officer or employee of a grower in the district for which nominated or appointed.

(b) Each handler member and each handler alternate member of the Board shall be a handler, or an officer or employee of a handler, who owns, or leases, and operates a cherry processing facility in the district for which nominated or appointed.

§ 29 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 30 Duties.

The Board shall have, among others, the following duties:

(a) To select such officers, other than the chairman, as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein

and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Board and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Board and to make copies of each statement available to growers and handlers for examination at the office of the Board;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cherries;

(i) To submit to the Secretary the same notice of meetings of the Board as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) To investigate compliance with the provisions of this part; and

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the Board: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in cherry production within the districts and the production area.

§ 31 Procedure.

(a) Eight members of the Board, or alternates acting for members, shall constitute a quorum and any action of the Board shall require a majority vote of those present.

(b) The Board may provide for simultaneous meetings of groups of its members at two or more designated places or may use a telephone conference call meeting: *Provided,* That such meetings shall be subject to the establishment of communications so that each member may participate in the discussions and other actions the same as if the Board were assembled in one place.

(c) The Board may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 32 Expenses and compensation.

The members of the Board, and alternates when acting as members, and the chairman of the Board, and his alternate when acting as chairman, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this part. The Board at its discretion may request the attendance of one or more alternates, including the alternate to the nonvoting chairman, at any or all meetings, notwithstanding the expected or actual presence of the respective member, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 40 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be paid to the Board by handlers in the manner prescribed in § 41.

§ 41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the Board during a fiscal period, each handler shall pay to the Board, upon demand, assessments on all cherries handled by him during such period. The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during the fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cherries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first of a fiscal period before sufficient operating income is available from assessments, the Board may accept the payment of assessments in advance, and may also borrow money for such purposes. If a handler does not pay his assessment within the time prescribed by the Board, the unpaid assessment may be subject to an interest charge at rates prescribed by the Board, with the approval of the Secretary.

§ 42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the Board, with the approval of the Secretary, may carry over all or any portion of such excess into subsequent fiscal periods as reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such a manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the Board pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the Board and its members to account for all receipts and disbursements.

REGULATIONS

§ 50 Marketing Policy.

Each season prior to making any recommendations pursuant to § 51, the Board shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cherries;

(b) The expected general quality of such cherry production;

(c) The expected carryover as of July 1 of canned or frozen cherries and other cherry products;

(d) The expected demand conditions for cherries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cherries;

(h) The regulation expected to be recommended during the marketing season; and

(i) The total volume of cherries that are placed in the reserve pool.

§ 51 Recommendations for volume regulation.

(a) Not later than June 25 of each year the Board, if it deems it advisable to regulate the handling of cherries in the manner provided in § 52, shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulations pursuant to paragraph (a) of this section, the Board shall give consideration to current information with respect to the factors affecting the supply of and demand for cherries during the then current fiscal period. With each such recommendation for regulation, the Board shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

(c) All assembled meetings of the Board shall be open to growers and handlers. The Board may publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the Board for such purpose.

§ 52 Issuance of volume regulations.

(a) The Secretary shall limit, in the manner specified in this section, the quantity of cherries which handlers may acquire and freely handle during the then current fiscal period, whenever he finds from the recommendations and information submitted by the Board, or

from other available information, that such regulation will tend to effectuate the declared policy of the Act. Such regulation shall fix the free and restricted percentages, totaling 100 percent, which shall be applied in accordance with § 54 to cherries acquired by handlers during such fiscal period.

(b) The Board shall be informed immediately of any such regulation issued by the Secretary, and the Board shall promptly give notice thereof to handlers.

§ 53 Modification, suspension, or termination of volume regulations.

(a) During the period September 15–25 of each year, or some other date recommended by the Board and approved by the Secretary, the Board shall determine the total quantity of free percentage cherries handled from the current crop. If it determines that such quantity is less than the quantity determined earlier by the Board as the quantity of cherries which should be available for handling, it shall recommend to the Secretary that a portion or all of the reserve pool be released to handlers for use in normal commercial outlets. The amount of the reserve pool so recommended to be released shall be the amount required to make the total available supplies for handling in normal commercial outlets equal, but not exceed the quantity, as estimated by the Board, needed to meet the demand in such outlets.

(b) On and after March 15 of each year and prior to June 1 of such year, the Board may recommend to the Secretary that a portion or all of the reserve pool be released to handlers for use in normal commercial channels to the extent that the total available supply in normal commercial outlets is less than needed to meet the demand in such outlets. Such reserve pool shall be offered for sale to handlers for a period of 10 days: *Provided*, That only one release period shall be authorized by the Secretary during the period from March 15 to June 1 of each year.

(c) Whenever the Secretary finds, from the recommendation and information submitted by the Board pursuant to paragraph (a) or paragraph (b) of this section, or from other available information, that a portion or all of the cherries in the reserve pool should be released, he shall authorize the Board to release such cherries as provided in § 59.

§ 54 Reserve pool.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 52(a), each handler shall set aside for the reserve pool, at such time and in such manner and form, other than as canned cherries or canned cherry products, as the Board may prescribe, a portion of the cherries he acquires during such period. Except as otherwise permitted pursuant to §§ 56 and 61, such reserve pool portion shall be equal to the sum of the products obtained by multiplying the weight or volume of the cherries in each lot of cherries acquired during the fiscal period by the restricted percentage fixed by the Secretary: *Provided*, That in converting cherries in each lot to the form prescribed by the Board the reserve pool obligations shall be adjusted, in accordance with uniform rules adopted by the Board, to recognize shrinkage and loss resulting from processing.

(b) Reserve pool cherries shall meet such standards of grade, quality, or condition as the Board, with the approval of the Secretary, may prescribe. All such cherries shall be inspected by the Processed Products Standardization and Inspection Branch, U.S.D.A. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks (can codes or lot stamp), and a certification that the cherries met the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted to the Board, at the place designated by the Board, a copy of the certificate of inspection issued with respect to such cherries.

(c) Each handler shall hold his reserve pool for the account of the Board until relieved of such responsibility by the Board. Such reserve pool cherries shall be stored in accordance with good commercial practice and shall be separate and apart from any other cherries in possession of the handler. Each handler so holding reserve pool shall deliver to the Board, upon demand, such portion of the reserve pool held by him as the Board may specify.

§ 55 Off-premise reserve pool.

No handler may transfer a reserve pool obligation but any handler may, upon modification to the Board, arrange to hold reserve pool, of his own production or which he has purchased, on the premises of another handler or in an approved commercial storage in the same manner as though the reserve pool were on his own premises.

§ 56 Diversion privilege.

Any producer may voluntarily elect to divert, in accordance with provisions of this section, all or a portion of his cherries which otherwise, upon delivery to a handler, would become reserve pool. Upon such diversion and compliance with the provisions of this section, the Board shall issue to the diverting producer a diversion certificate which shall entitle such producer to deliver to a handler, and such handler to receive, the specified weight of cherries free from all reserve pool requirements.

(a) *Eligible diversion.* Diversion certificates shall be issued to producers only if the cherries are diverted in accordance with the following terms and conditions to such of the following outlets as the Board with the approval of the Secretary may designate: uses exempt under § 61; nonhuman food uses; or other uses, including diversion by leaving such cherries unharvested.

(1) *Application.* The producer electing to so divert cherries shall first make application to the Board for permission to do so. Such application shall describe in detail the manner in which the applicant proposes to divert cherries including, if the diversion is to be by means of leaving the cherries unharvested, a detailed description of the location of the orchard and the ages of the trees therein. It shall also contain an agreement that the proposed diversion is to be carried out under the supervision of the Board and that the cost of such supervision is to be paid by the applicant.

(2) *Diversion certificate.* If the Board approves the application, it shall so notify the applicant and conduct such supervision of the applicant's diversion of cherries as may be necessary to assure that the cherries are diverted. After the diversion has been accomplished, the Board shall issue to the diverting producer a diversion certificate stating the weight of cherries which may be delivered to a handler free from all reserve pool requirements; the latter of which shall be in an amount having the same relationship to the weight of cherries diverted as that existing between the free and restricted percentages fixed pursuant to § 52. Where diversion is carried out by leaving the cherries unharvested, the Board shall estimate the weight of cherries diverted on the basis of such uniform rule as the Board, with the approval of the Secretary, may prescribe.

(b) Any producer who diverts cherries pursuant to the provisions of this section shall be entitled to participate in proceeds from the disposition of reserve pool cherries only if he delivers cherries to handler in excess of the quantity shown on his diversion certificate and then only to the extent of such excess delivery of cherries. The Board, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section.

§ 57 Equity holders.

A grower's equity in the reserve pool may be transferred to another person with approval of the Board.

So that the Board may determine each producer's, or his successor's in interest, equity in the total reserve pool, each handler who receives cherries shall determine and certify to the Board the weight of cherries received, the name and address of the producer or successor in interest. Each weight and determination shall be made in accordance with uniform rules adopted by the Board and approved by the Secretary. Each grade determination shall be made by the Federal or Federal-State Inspection Service.

§ 58 Handler compensation.

Each handler shall be compensated for receiving, processing, supplies, storing and such other costs relating to the reserve pool as the Board may deem to be appropriate: *Provided*, That the compensation for receiving, processing, and storing shall not exceed the handler's costs for such services. At the beginning

of each crop year, the Board shall, with the approval of the Secretary, establish a schedule of charges for receiving, processing, storing and other costs related to the reserve pool. The payment of such costs shall be by the producers having an interest in the reserve pool, or their successors in interest, and may be deducted from any moneys owed by handlers to such persons. A handler may request the Board to remove reserve pool cherries from his premises upon expiration of prepaid storage charges or refund of unearned charges, and the Board shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall also pay one-half of the cost of such removal and shall forfeit to the extent of the removed volume, his pro rata share in any offer to sell reserve pool and such share shall be allocated to the successor storing handler.

§ 59 Disposition of reserve pool.

(a) The Board shall offer reserve pool cherries for purchase by handlers for disposition in accordance with § 53 (a) and (b). Reserve pool cherries shall be sold to handlers at prices and in a manner intended to maximize returns to equity holders and achieve complete disposition of such cherries.

(b) The Board shall have the power and authority to dispose of any or all reserve pool cherries for any nonhuman use, including animal feed, or any use other than normal commercial outlets.

(c) The Board shall offer each handler his share of the reserve pool cherries to be sold by the Board. The handler's share shall be determined by applying to the total quantity offered the percentage that the reserve pool processed by such handler is of the total reserve pool processed by all handlers. If any handler declines, or fails, to purchase all or any part of his share, the remainder shall be offered to all handlers who have purchased their respective shares.

§ 60 Disposition of proceeds from sale of reserve pool.

The proceeds from the disposition of any reserve pool shall be distributed, after deduction of any expenses incurred by the Board in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the reserve pool. The distribution of proceeds to producer members of cooperative associations, which are handlers and have reserve pool cherries pursuant to § 54, shall be made to the appropriate association.

§ 61 Exemptions.

The Board, with the approval of the Secretary, may exempt from the provisions of §§ 52 through 60 cherries used for experimental purposes or processed into products which use less than 5 percent of the preceding 5-year average production of cherries. The Board, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cherries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 62 Reports.

(a) *Inventory.* Each handler shall, upon request of the Board, file promptly with the Board a certified report showing such information as the Board shall specify with respect to any cherries or cherry products which were held by him on such date as the Board may designate.

(b) *Receipts.* Each handler shall, upon request of the Board, file promptly with the Board a certified report showing the name and address of each grower and the total weight of cherries delivered for the season.

(c) *Other reports.* Upon the request of the Board, with the approval of the Secretary, each handler shall furnish to the Board such other information with respect to the cherries acquired and disposed of by such handler as may be necessary to enable the Board to exercise its powers and perform its duties under this part.

§ 63 Records.

Each handler shall maintain such records of all cherries acquired, handled, or sold, or otherwise disposed of as will substantiate the required reports and as may be prescribed by the Board. All such records shall be maintained for not less than 2 years after the termination of the crop year in which the transactions occurred or for such lesser period as the Board may direct.

§ 64 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Board, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cherries are received, stored, or handled, and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 65 Confidential information.

All reports and records furnished or submitted by handlers to the Board and its authorized agents which include data or information constituting a trade secret or disclosing trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the Board, and shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 70 Compliance.

Except as provided in this part, no person may handle cherries, the handling of which has been prohibited by the Secretary under this part, and no person shall handle cherries except in conformity with the provisions of this part and the regulations issued hereunder. No person may handle any cherries for which a diversion certificate has been issued other than as provided in § 56(a).

§ 71 Right of the Secretary.

The members of the Board (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the Board shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 72 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 73.

§ 73 Termination.

(a) The Secretary at any time may terminate the provisions of this part by giving at least one day's notice by means of a press notice or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cherries which were produced within the production area. Such termination shall become effective on the last day of April subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum every 5 years after the effective date of this part to ascertain whether continuation of this part is favored by the growers and handlers. If it develops from said referendum that (1) more than 50 percent of the producers by number or volume of production represented in the referendum or (2) more than 50 percent of the handlers, who during the current fiscal period handled more than 50 percent of the total volume of cherries processed within the production area by those handlers voting in the referendum, favor termination of this part, the Secretary shall terminate the provisions in accordance with paragraph (c) of this section.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 74 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the Board shall, for the purpose of liquidating the affairs of the Board, continue as trustees of all the

funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustee, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or in the trustees pursuant thereto.

(c) Any person to whom funds, property, and claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Board and upon the trustees.

§ 75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 77 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture to act as his agent or representative in connection with any provisions of this part.

§ 78 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 79 Personal liability.

No member or alternate member of the Board and no employee or agent of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 80 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 81 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ 82 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

§ 83 Order with marketing agreement.

Each signatory handler hereby requests the Secretary of issue, pursuant to the Act, an order providing for regulating the handling of cherries in the same manner as is provided for in this agreement. * * *

Dated: April 29, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-5425; Filed, May 4, 1970; 8:45 a.m.]

[7 CFR Parts 1032, 1050]

[Docket Nos. AO-355-A8, AO-313-A19]

MILK IN CENTRAL ILLINOIS AND SOUTHERN ILLINOIS MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

This notice is supplemental to the notice of hearing which was issued on April 8, 1970, and published in the FEDERAL REGISTER on April 11, 1970 (35 F.R. 6009), and to a supplemental notice of hearing which was issued on April 23, 1970, and published in the FEDERAL REGISTER on April 28, 1970 (35 F.R. 6712). Notice is hereby given that the aforesaid hearing will be held at scheduled at the Pere Marquette Hotel, 501 Main Street, Peoria, Ill., beginning at 10 a.m., local time, on May 13, 1970, with respect to proposed amendments previously announced and to an additional proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the Southern Illinois marketing area.

The hearing is called 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).

The purpose of the hearing is to receive evidence with respect to the economic and markting conditions which relate to the previously announced proposed amendments, and to the additional proposed amendment hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Illinois and Southern Illinois marketing areas.

The proposed amendment, set forth below, and the previously announced proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Mid-America Dairymen, Inc., and Associated Milk Producers, Inc.:

Proposal No. 3. Revise the appropriate provisions of the Southern Illinois milk order (Part 1032 of this Chapter) to provide that producer milk diverted to nonpool plants shall not carry a higher price than milk delivered to pool plants from which diverted.

Copies of this supplemental notice and the orders may be procured from the Market Administrator, Post Office Box 1485, Maryland Heights, Mo. 63042 (street address: 2550 Schuetz Road), or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 30, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-5460; Filed, May 4, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

SOUTHERN LOUISIANA-SOUTHEAST TEXAS INTERSTATE AIR QUALITY CONTROL REGION

Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909),

notice is hereby given of a proposal to designate the Southern Louisiana-Southeast Texas Interstate Air Quality Control Region (Louisiana-Texas) as set forth in the following new § 81.53 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Louisiana and Texas and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., May 15, 1970, Grand Jury Room, Federal Building, Moss and Kirby Streets, Lake Charles, La. 70601.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expidite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.53 is proposed to be added to read as follows:

§ 81.53 Southern Louisiana-Southeast Texas Interstate Air Quality Control Region.

The Southern Louisiana-Southeast Texas Interstate Air Quality Control Region (Louisiana-Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Louisiana:

Acadia Parish.
Allen Parish.
Ascension Parish.
Assumption Parish.
Avoyelles Parish.
Beauregard Parish.
Calcasieu Parish.
Cameron Parish.
East Baton Rouge Parish.
East Feliciana Parish.
Evangeline Parish.
Grant Parish.
Iberia Parish.
Iberville Parish.
Jefferson Parish.
Jefferson Davis Parish.
Lafayette Parish.
Lafourche Parish.
Livingston Parish.
Orleans Parish.
Plaquemines Parish.
Pointe Coupee Parish.
Rapides Parish.
St. Bernard Parish.
St. Charles Parish.
St. Helena Parish.
St. James Parish.
St. John the Baptist Parish.
St. Landry Parish.
St. Martin Parish.
St. Mary Parish.
St. Tammany Parish.
Tangipahoa Parish.
Terrebonne Parish.
Vermilion Parish.
Vernon Parish.
Washington Parish.
West Baton Rouge Parish.
West Feliciana Parish.

In the State of Texas:

Hardin County.
Jasper County.
Jefferson County.
Newton County.
Orange County.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: April 29, 1970.

JOHN H. LUDWIG,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-5391; Filed, May 4, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121, 127]

[Docket No. 10289; Notice No. 70-20]

MAINTENANCE, PREVENTIVE MAINTENANCE, AND ALTERATIONS

Notice of Proposed Rule Making

The FAA is considering amending Parts 121 and 127 of the Federal Aviation Regulations to authorize holders of certificates issued under those parts to approve and return to service aircraft, aircraft engines, propellers, or appliances which have had maintenance performed by any person who does so in accordance with the certificate holder's airworthiness maintenance program and maintenance manual.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenus SW., Washington, D.C. 20590. All communications received on or before August 3, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Sections 121.363 and 127.131 state that each certificate holder is primarily responsible for the airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts, and is responsible for the maintenance, preventive maintenance, and alterations thereon in accordance with its manual and the Federal Aviation Regulations. However, under current regulations, Parts 121 and 127 certificate holders may not approve for return to service aircraft or components which have had maintenance, preventive maintenance, or alterations performed by other persons, in spite of the fact that the work must be done in accordance with the certificate holder's current airworthiness maintenance program and manual, and performed under the certificate holder's surveillance.

The proposed amendment would authorize a certificate holder to approve for return to service aircraft, aircraft engines, propellers, appliances or parts which have been maintained or altered by any other person when that work is performed in accordance with the certificate holder's manual. Accordingly, § 121.379(a) would be amended so that the authorization for approval for return to service specified in § 121.379(b) would include work performed by others as well as work performed by the certificate holder. Paragraph (b) would also be amended so that the reference to work performed for the certificate holder's approval includes that performed by other persons.

No change is proposed to alter the certificate holder's primary responsibility to maintain its aircraft in an airworthy condition, or to have it performed in accordance with its manual.

In consideration of the foregoing, it is proposed to amend Parts 121 and 127 of the Federal Aviation Regulations as follows:

1. By amending § 121.379 to read:

§ 121.379 Authority to perform and approve maintenance, preventive maintenance, and alterations.

(a) A certificate holder may perform, or it may make arrangements with other persons to perform, maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness maintenance program and its maintenance manual. In addition, a certificate holder may perform these functions for another certificate holder as provided in the continuous airworthiness maintenance program and maintenance manual of the other certificate holder.

(b) A certificate holder may approve any aircraft, airframe, aircraft engine,

propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that is performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

2. By amending § 127.140 to read:

§ 127.140 Authority to perform and approve maintenance, preventive maintenance, and alterations.

(a) A certificate holder may perform, or it may make arrangements with other persons to perform, maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness maintenance program and its maintenance manual. In addition, a certificate holder may perform these functions for another certificate holder as provided in the continuous airworthiness maintenance program and maintenance manual of the other certificate holder.

(b) A certificate holder may approve any helicopter, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that is performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

These amendments are proposed under the authority of sections 313(a), 601, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1425) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 29, 1970.

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

[F.R. Doc. 70-5451; Filed, May 4, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

WORLD EDUCATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

World Education, Inc., 667 Madison Avenue, New York, N.Y. 10021.

Dated: April 24, 1970.

HARRIETT S. CROWLEY,
Director, Office for Private Overseas Programs.

[F.R. Doc. 70-5430; Filed, May 4, 1970; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 20]

FARMERS ALLIANCE MUTUAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $721,000 has been established for the company.

Name of company, location of principal executive office, and State in which Incorporated:

Farmers Alliance Mutual Insurance Company

McPherson, Kansas

Kansas

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: April 29, 1970.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-5458; Filed, May 4, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 435]

NEW MEXICO

Notice of Proposed Classification of Lands

APRIL 24, 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, it is proposed to classify for multiple use management the public lands within the area 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 Federal use or purpose.

2. The public lands located within the following described areas are shown on maps designated 03–10, Chupadera Mesa, on file in the Las Cruces District Office Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001, and Land Office, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

The overall description of the area is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 S., R. 7 E.,
Secs. 25, 26, 28, 29, 33, 34, and 35.
T. 5 S., R. 7 E.,
Secs. 1, 3, and 4;
Sec. 10, N½ and SE¼;
Secs. 11, 12, 13, and 14;
Sec. 23, N½;
Sec. 24, N½.
T. 4 S., R. 8 E.,
Sec. 9;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12;
Sec. 13, E½;
Secs. 21, 23, 24, 27, and 28;
Sec. 29, E½ and E½W½;
Sec. 30, lots 4, 5, 12, 13, and E½E½;
Secs. 31, 33, and 34.
T. 5 S., R. 8 E.,
Secs. 3, 4, 5, and 6.
T. 4 S., R. 9 E.,
Sec. 7, lots 3, 4, E½SW¼ and SE¼;
Sec. 8, W½SW¼;
Sec. 17, W½W½;
Secs. 18 and 19;
Sec. 20, W½W½;
Sec. 26, SW¼;
Sec. 27, S½;
Sec. 28, S½;
Sec. 29, W½NE¼, W½, and SE¼;
Secs. 30, 31 and 33;
Sec. 34, N½, SW¼, and N½SE¼;
Sec. 35.
T. 5 S., R. 9 E.,
Sec. 3, S½NW¼ and S½;
Sec. 4, S½NE¼ and SE¼;
Sec. 9, E½;
Sec. 10, N½ and W½SW¼;
Sec. 11, N½N½.
T. 4 S., R. 10 E.,
Sec. 31.
T. 5 S., R. 10 E.,
Sec. 5, lots 3, 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.

The areas described aggregate 30,460.58 acres.

3. 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 Las Cruces District Manager, Bureau of Land Management, Las Cruces, N. Mex. 88001.

4. A public hearing on the proposed classification will be held on May 27, 1970, at 2 p.m. in the Lincoln County Court House, Carrizozo, N. Mex.

R. O. BUFFINGTON,
Acting State Director.

[F.R. Doc. 70-5426; Filed, May 4, 1970; 8:45 a.m.]

[New Mexico 9688]

NEW MEXICO

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

APRIL 28, 1970.

F.R. Doc. 70-4621 which appeared in the FEDERAL REGISTER issue of April 16, 1970, at pages 6197–98, is hereby corrected as follows:

The land description in Unit 02–13 in column 3 of page 6197 under T. 3 N., R. 15 W., "Sec. 33, E½SE¼;" is corrected to "Sec. 33, E½NE¼;".

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-5427; Filed, May 4, 1970; 8:45 a.m.]

[S-965]

CALIFORNIA

Notice of Proposed Amendment to Final Classification of Public Lands for Multiple-Use Management

APRIL 27, 1970.

The notice appearing in F.R. Doc. 68-664, pages 704 and 705, of the issue of January 19, 1968, is proposed to be changed as follows:

Paragraph 4: Add the following described lands to provide for their segregation from the mining laws but not the mineral leasing laws, totaling approximately 995 acres of public lands:

MOUNT DIABLO MERIDIAN, CALIF.

SAN BENITO COUNTY

All public lands in:
T. 18 S., R. 11 E.,
Sec. 1, S½S½SW¼;
Sec. 10, S½SE¼SE¼;
Sec. 11, lots 3 and 4, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 12, lots 1, 2, and 3;
Sec. 14, N½NW¼NW¼;
Sec. 15, N½NE¼ and E½NE¼NW¼.
T. 18 S., R. 12 E.,
Sec. 7, lot 2, S½SW¼NE¼, SE¼NE¼, SE¼NW¼, N½NE¼SW¼, and N½N½SE¼;
Sec. 8, lots 5, 7, and 9, and N½NW¼SW¼;
Sec. 9, lots 14, 15, 16, and 17.

All the above-described lands are found to have high recreational values and require the protection by the above segregations. Public comments and the record of public discussion on the additional segregations are of record in the Folsom District Office.

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

A public hearing will be held if sufficient interest is shown.

For the State Director.

DELMAR D. VAIL,
District Manager.

[F.R. Doc. 70-5419; Filed, May 4, 1970; 8:45 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

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) and April 7 (pp. 5635-5636). 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:

ALABAMA

Mobile County

Mobile, *Bishop Portier Home*, 307 Conti Street.

The following properties have been added to the National Register since April 7:

ALABAMA

Lauderdale County

Florence, *Kennedy (Oscar) House*, 303 North Pine Street.

ILLINOIS

Adams County

Quincy, *Wood (John) Mansion*, 425 South 12th Street.

Champaign County

Urbana, *Altgeld Hall, University of Illinois*, University of Illinois campus, Wright and John Streets.

Cook County

Chicago, *Auditorium Building, Roosevelt University*, Michigan Avenue at Congress Street.
Chicago, *Carson, Pirie, Scott & Co.*, 1 South State Street.
Chicago, *Charnley (James) House*, 1365 North Astor Street.
Chicago, *Chicago Stock Exchange Building*, 30 North La Salle Street.
Chicago, *Glessner (John J.) House*, 1800 South Prairie Avenue.
Chicago, *Leiter I Building*, 200-208 West Monroe Street.
Chicago, *McClurg Building*, 218 South Wabash Avenue.
Chicago, *Rookery Building*, 209 South La Salle Street.
Oak Park, *Unity Temple*, 875 Lake Street.
River Forest, *Winslow (William H.) House and Stable*, 515 Auvergne Place.

Henry County

Bishop Hill, *Bishop Hill Historic District*, bounded on the north by the South Branch of the Edwards River, then south in a straight line along Jacobson Street to Berlang Street; west on Berlang to Erickson Street; south on Erickson to the south edge of the corporate line; westward along the corporate line to Johnson Street; north on Johnson to Knox Street; west on Knox to Kronberg Street; north on Kronberg to Hedeen Street; east on Hedeen to Olson Street; north on Olson to Front Street; east on Front Street to Park Street; north on Park to River Street; east on River to an extension of Johnson Street, then north to the river.

KENTUCKY

Logan County

Adairville vicinity, *Savage Cave Archeological Site*, about 1 mile east of Adairville on Kentucky 591.

MAINE

Cumberland County

Portland, *Spring Street Historic District*, bounded on the northeast by a straight line along Forest Avenue (midway between Cumberland Avenue and Congress Street) across a flatiron block to Free Street, across Free Street and another block to Spring Street, then along Oak Street to High Street, across High Street and another block to Danforth Street; by Danforth Street on the southeast; by Brackett Street on the southwest; by a straight line along Pine Street to Longfellow Square, across the square to Vernon, Avon, and Henry Streets to Deering Place, and from Deering Place to Forest Avenue on the northwest.

MARYLAND

Baltimore (independent city)

Federal Hill Historic District, bounded on the east by Covington Street, on the north by Hughes Street, on the west by Charles Street, and on the south by Hamburg Street.

MISSOURI

Buchanan County

St. Joseph, *Pony Express Stables*, 914 Penn Street.

Jackson County

Kansas City, *Majors (Alexander) House*, 8145 State Line Road.

Washington County

Fertile vicinity, *Washington State Park Petroglyph Archeological Site*, SE¼SE¼SE¼SW¼SW¼ sec. 23, T. 39 N., R. 3 E. and NW¼SW¼SE¼NE¼ sec. 27, T. 39 N., R. 3 E.

NEW JERSEY

Union County

Union, *First Presbyterian Congregation of Connecticut Farms*, Stuyvesant Avenue at Chestnut.

NORTH CAROLINA

Bertie County

Windsor vicinity, *Hope Plantation*, 4 miles northwest of Windsor off North Carolina 308.

Burke County

Morganton, *Burke County Courthouse*, Courthouse Square, bounded on the northwest by Union Street, on the northeast by Sterling Street, on the southeast by Meeting Street, and on the southwest by Green Street.

Guilford County

Greensboro, *Blandwood*, 411 West Washington Street.

Mecklenburg County

Charlotte, *Alexander (Hezekiah) House*, 3420 Shamrock Drive.

New Hanover County

Wilmington, *City Hall-Thalian Hall*, 100 North Third Street.

RHODE ISLAND

Providence County

Providence, *Brackett (Charles) House*, 45 Prospect Street.
Providence, *Hopkins (Governor Stephen) House*, 15 Hopkins Street.

SOUTH CAROLINA

Abbeville County

Abbeville, *Burt (Armistead) House*, 306 North Main Street.

TEXAS

Medina County

Castroville, Castroville Historic District, bounded on the northwest by a line 45° north-northeast through the center of the Medina River and intersecting Texas 471; on the southwest by Constantinople Street to Houston Street, by Naples Street from

Houston to Florence Streets, by Constantinople Street from Florence to Gentile Streets, and by Gime Street to the river; bounded on the southeast by a line 45° north-northeast through the center of the river to Texas 471; and on the northeast by Texas 471.

Travis County

Austin, *Bremond Block Historic District*, a block bounded on the northeast by West Eighth Street, on the southeast by Guadalupe Street, on the southwest by West Seventh Street, and on the northwest by San Antonio Street; also the west side of San Antonio Street between West Seventh and West Eighth Streets and the south side of West Seventh Street from No. 315 to No. 610 Guadalupe Street.

WASHINGTON

Whatcom County

Bellingham, *Whatcom Museum of History and Art*. 121 Prospect Street.

WYOMING

Platte County

Guernsey vicinity, *Register Cliff*, NW¼NW¼ sec. 7, T. 26 N., R. 65 W.

Sweetwater County

Rock Springs vicinity, *Point of Rocks Stage Station*, SW¼SW¼ sec. 27, R. 101 W., T. 20 N.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 70-5434; Filed, May 4, 1970; 8:46 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

Delegation of Authority

The following material is a revision of the delegation of authority to the Director, Bureau of Commercial Fisheries, appearing in the Departmental Manual. The numbering system is that of the Manual. This material supersedes the delegation published in 31 F.R. 11685.

PART 241—BUREAU OF COMMERCIAL FISHERIES

CHAPTER 1—GENERAL PROGRAM DELEGATION

241.1.1 *Delegation.* The Director, Bureau of Commercial Fisheries, may, except as provided in 241 DM 1.2 exercise the authority of the Secretary of the Interior with respect to any matter relating to commercial fisheries, whales, seals, and sea lions, and other activities of the Bureau.

241.1.2 *Limitations.* The authority granted in 241 DM 1.1. does not include:

A. Authority which the Secretary may not redelegate as set forth in 200 DM 1.4.

B. Authority to issue amendments of or additions to the Code of Federal Regulations except as provided in 241 DM 3.

C. Authority delegated on a functional basis in 205 DM.

241.1.3 *Redelegation.* This authority may be redelegated in writing to subordinates except:

A. No authority to perform or exercise any defense function or power relating to fishery commodities or products delegated to the Director by the Secretary of the Interior may be redelegated to subordinates, and

B. Authority to approve fishery loans may be redelegated to the Deputy Director, but may not be redelegated further.

WALTER J. HICKEL,
Secretary of the Interior.

APRIL 21, 1970.

[F.R. Doc. 70-5420; Filed, May 4, 1970; 8:45 a.m.]

LAYTON E. KINCANNON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Director—American Fletcher National Bank and Trust Co., Indianapolis, Ind.
(2) Purchases—Common Stock: American Fletcher National Bank and Trust Co.
Sales: Central Telephone and Utilities; Ford Motor Co.
(3) None.
(4) None.

This statement is made as of April 8, 1970.

Dated: April 21, 1970.

L. E. KINCANNON.

[F.R. Doc. 70-5421; Filed, May 4, 1970; 8:45 a.m.]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 26, 1970.

Dated: April 20, 1970.

WILLIAM R. REMALIA.

[F.R. Doc. 70-5422; Filed, May 4, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

PROJECTED STANDARD SHIP DESIGN

Notice of Presentation

The President announced a new Merchant Marine Program on October 23, 1969. An important part of this program is to make it possible for industry to build more ships over the next 10 years, moving from the present subsidy level of about 10 ships a year to a new level of 30 ships a year.

Another goal of this program is to gradually reduce the construction-differential subsidy from the present level of about 50 percent to 35 percent of the total U.S. shipbuilding expense. Series construction of highly productive ships, designed for ease of construction, will make a substantial contribution toward meeting this goal.

In an effort to advance this ship construction program, the Maritime Administration contracted with Newport News Shipbuilding and Dry Dock Co. and Bath Industries to develop, in cooperation with the ship operating industries, a foreign trade forecast for the United States in the 1970's and to develop preliminary designs for standard ships that will meet this trade demand in the most economical manner.

The Maritime Administration will present to the Maritime Industry the results of these contracts at a forum on "Merchant Ships for the Seventies."

This presentation will take place on May 21, 1970, in the Grand Ballroom of the Biltmore Hotel in New York City, between the hours of 9 to 11:30 a.m. The contractors will present an oral briefing of their findings and their standard ship design concepts. This presentation will be supplemented by written material and sketches describing the designs and will include estimated ship cost data. In addition, a technical session will be held in the same place beginning at 2:15 p.m.

Persons or firms interested in participating in the briefing and technical session are invited to attend. Reservations for attending the conference should be made by calling the Maritime Administration's Eastern Region Office, Area Code 212-264-1303.

Additional information with respect to the standard designs, including full preliminary design data, will be available in early June upon request when accompanied by a $1,000 deposit for each preliminary design. This deposit will be refunded upon the return of the data within 6 months. Such request should be made to the Secretary, Maritime Administration, Washington, D.C. 20235.

To assist in formulating a shipbuilding program for the 1970's, and on the basis of material presented at the Biltmore Hotel on May 21, 1970, interested ship operators are requested to provide the Maritime Administrator with responses to the following questions by June 30, 1970; it being understood that the responses are preliminary in nature and will not obligate the operator. (These responses should reflect the operators' needs during the 1970's.)

1. Which design or designs do you prefer?

2. How many ships of each design will you need? Give preferred delivery requirements. (Assume first ship in program will be delivered in late 1973.)

3. The number and type of ships proposed to be replaced by the new construction.

4. On what trade routes or in what trade areas will these ships be used?

5. What special trade features, i.e., reefer, heavy lift gear, must be incorporated in the standard ship to meet your requirements?

6. What is your experience in the shipping business?

7. The method of financing envisaged. Do you anticipate use of title XI mortgage insurance?

8. Will ship that you wish to have built require payment of a construction subsidy to the shipyard?

9. Will you require operating-differential subsidy? If so, approximately how much per year per ship?

The Maritime Administration will determine the standard designs that will be used in the 1971 Shipbuilding Program based upon the industry response to the preceding questions. Bidding plans and specifications will then be developed at Government expense for the selected designs to be made available to interested firms for their use in developing a firm commitment to participate in the program.

Additional details with respect to the procedure to be used for the selection of ship owners to participate in the program, foreign cost determination and procedures for awarding ship construction contracts, will be contained in future notices published in the FEDERAL REGISTER.

Dated: May 1, 1970.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 70-5506; Filed, May 4, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-129; NADA No. 8-813V, etc.]

ABBOTT LABORATORIES, ET AL.

Pentobarbital Sodium and Mephenesin Products; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9096) on the matter of withdrawal of approval of new animal drug applications covering drugs which contain pentobarbital sodium and mephenesin and which are recommended for use as muscle relaxants in animals. Said notice followed publication of an announcement of the findings of the Food and Drug Administration and the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, following evaluation of reports received from the Academy by the Administration, which announcement was published in the FEDERAL REGISTER of February 14, 1969 (34 F.R. 2212). The drug products named were Myotal and Thesant.

Norden Laboratories, Inc., 601 West Oak, Lincoln, Nebr. 68501, holder of new animal drug application No. 8-389V for the drug Thesant, and Warren-Teed Pharmaceuticals, Inc., 582 West Goodale Street, Columbus, Ohio 43215, holder of new animal drug application No. 8-203V for the drug Myotal, have advised that they do not wish to avail themselves of the opportunity for a hearing. No other response to the notice of opportunity for a hearing was received.

Abbott Laboratories, North Chicago, Ill. 60064, holds new animal drug application No. 8-813V for the drug product Nembusen which contains 60 milligrams of pentobarbital sodium and 60 milligrams of mephenesin per milliliter and which is recommended for conditions of use similar to those recommended for the above cited drugs. Since Abbott Laboratories did not furnish data for review by the Academy as requested in the notice published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), the findings of the Academy and of the Administration with regard to veterinary muscle relaxants containing pentobarbital sodium and mephenesin apply equally to the drug Nembusen as do the February 14, 1969, and June 7, 1969, FEDERAL REGISTER notices concerning such drugs to which Abbott Laboratories failed to respond.

Based on the grounds set forth in the notice of opportunity for hearing the Commissioner of Food and Drugs concludes that approval of new animal drug applications No. 8-203V, 8-389V and 8-813V, should be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 512(e), 82 Stat. 345-47 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of said applications including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: April 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5444; Filed, May 4, 1970; 8:47 a.m.]

NEOMYCIN-SULFONAMIDE TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Haver Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141:

1. Neo-Plus Tablets (Modified) with Triple Sulfas; each tablet contains 20 milligrams of neomycin base (as sulfate), 160 micrograms of atropine methylnitrate, 108 milligrams of phthalylsulfacetamide, 108 milligrams of sulfaguanidine, 108 milligrams of sulfathiazole, 16 milligrams of aluminum hydroxide gel, 4 milligrams of pectin, 33 milligrams of sodium chloride, 33 milligrams of potassium chloride (not official), 8 milligrams of calcium lactate (food grade), 8 milligrams of magnesium citrate soluble, and 83 milligrams of carob flour.

2. Neo-Plus Tabsules (modified); each tabsule contains 120 milligrams of neomycin base (as sulfate), 1 milligram of atropine methlynitrate, 648 milligrams of phthalylsulfacetamide, 648 milligrams of sulfaguanidine, 648 milligrams of sulfathiazole, 100 milligrams of aluminum hydroxide gel, 25 milligrams of pectin, 200 milligrams of sodium chloride, 200 milligrams of potassium chloride, 50 milligrams of magnesium citrate, and 500 milligrams of carob flour.

3. Neo-Plus Toytabs (Modified) with Triple Sulfas; each toytab contains 5 milligrams of neomycin base (as sulfate), 40 micrograms of atropine methylnitrate, 27 milligrams of phthalylsulfacetamide, 27 milligrams of sulfathiazole, 4 milligrams of aluminum hydroxide gel, 1 milligram of pectin, 8.3 milligrams of sodium chloride, 8.3 milligrams of potassium chloride (not official), 2 milligrams of calcium lactate (food grade), 2 milligrams of magnesium citrate (soluble), and 21 milligrams of carob flour.

The Academy concludes that: (1) These products are probably not effective for treatment of diarrheas in young farm animals, dogs, and cats; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (3) this preparation does not satisfy the condition that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as a therapeutic ingredient; (4) dosage should be expressed on a unit-weight basis; and (5) the manufacturer of these tablets must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs with the above conclusions of the Academy.

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

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

Manufacturers of the drugs are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 22, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5445; Filed, May 4, 1970; 8:47 a.m.]

[DESI 8622V]

OXYTETRACYCLINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017:

1. Terramycin Animal Formula Soluble Powder containing 25 grams of oxytetracycline hydrochloride per pound.

2. Terramycin TM–5 Premix containing oxytetracycline quaternary salt equivalent in activity to 5 grams of oxytetracycline hydrochloride per pound of premix.

3. Terramycin TM–10 Premix containing oxytetracycline quaternary salt equivalent in activity to 10 grams of oxytetracycline hydrochloride per pound of premix.

The Academy evaluated Terramycin Animal Formula Soluble Powder as effective for use in the treatment of hexamitiasis They evaluated the product as probably effective when used for the control and treatment of specific diseases of livestock and poultry and concluded that use may result in faster gains and improved feed efficiency under appropriate conditions. The Academy evaluated the subject premixes as probably effective when used for the control and treatment of specific diseases of livestock (swine, cattle, sheep, rabbits, and mink) and poultry (broiler chickens, laying chickens, and turkeys), and concluded that use may result in faster gains and improved feed efficiency under appropriate conditions.

The Academy concluded that:

1. Labels and package inserts require extensive revision. There is inadequate documentation of claims, excessive claims are made and bold conclusions are reached in the absence of sufficient controlled experimental evidence.

2. Claims for growth promotion or stimulation are not allowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions."

3. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)" and if the disease cannot be so qualified the claim must be dropped.

4. The label claims "for prevention of" or, "to prevent" should be replaced with "as an aid in the control of" or, "to aid in the control of."

5. The label claim pertaining to egg production and hatchability should be modified to read, "May aid in maintaining egg production and hatchability, under appropriate conditions, by controlling pathogenic organisms."

6. The labels should carry a warning that treated animals under the conditions that prevail must actually consume sufficient medicated water, or medicated feed, to constitute a therapeutic dose. As a precaution, the labels should state what the desired oral dose is in terms of animal weight per day for each species to serve as a guide to effective use of the preparations in drinking water or feed.

7. The labels should declare the dosage for the treatment of individual animals in terms of the amount of drug which should be given per unit of animal weight.

The Food and Drug Administration concurs in the Academy's evaluation and in addition concludes that:

1. The claims for hexamitiasis should be included under the susceptible host.

2. Appropriate claims regarding faster weight gains and improved feed efficiency should be stated as "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the applications for the subject drugs has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 5600 Fishers Lane, Rockville, Md. 20852.

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

Dated: April 21, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5446; Filed, May 4, 1970; 8:47 a.m.]

McLAUGHLIN GORMLEY KING CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2530) has been filed by McLaughlin Gormley King Co., 1715 Southeast Fifth Street, Minneapolis, Minn. 55414, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of combinations of piperonyl butoxide and pyrethrins as components of multiwall cellophane-polyethylene bags to be used only for dried fruits.

Dated: April 27, 1970.

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

[F.R. Doc. 70-5440; Filed, May 4, 1970; 8:46 a.m.]

NOLVAPENT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Nolvapent, Anesthetic Eye and Ear Ointment; each ½ ounce contains 100 milligrams of chlorhexidine hydrochloride, 5 milligrams of hydrocortisone acetate, 150 milligrams of phenacaine hydrochloride, 100,000 units of procaine penicillin G, 50

milligrams of neomycin (as sulfate), 250 milligrams of dihydrostreptomycin (as sulfate), 750 milligrams of sulfisoxazole, and 5 milligrams of cobalt sulfate; by Fort Dodge Laboratories Inc., Fort Dodge, Iowa 50501.

The Academy concludes that this preparation is probably not effective for treatment of bacterial infections of the eye and ear; there is no justification for such a complex formulation; phenacaine hydrochloride should be removed from the drug; topically applied dihydrostreptomycin does not penetrate the intact cornea sufficiently well to be of therapeutic value; and evidence is not provided to substantiate the claim as an anti-inflammatory, antibacterial, and antimycotic agent. Also, labeling should point out the additional warnings: (1) All topical ophthalmic preparations containing corticosteroids with or without an antimicrobial agent are contraindicated in the initial treatment of corneal ulcers—they should not be used until the infection is well under control and corneal regeneration is well under way; and (2) there is a possibility of sensitivity to penicillin both in the patient and the person applying it.

The Food and Drug Administration concurs with the above conclusions of the Academy.

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

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

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

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

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 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).

Dated: April 22, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5441; Filed, May 4, 1970; 8:46 a.m.]

Office of the Secretary

FEDERALLY IMPACTED AREAS

Emergency Payments

Applications for emergency payments under section 2 of Public Law 91–237, approved May 1, 1970, may be submitted to the Division of School Assistance in Federally Affected Areas, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, until May 20, 1970. To be eligible for such a payment, an applicant must be entitled to payments under section 3(a) of Public Law 81–874 for children living on federally owned property in a number amounting to at least 25 percent of its school enrollment. In no event will emergency payments, divided by the number of children counted under section 3(a) of Public Law 81–874, exceed the applicant's average per pupil expenditure for current operating expenses for free public education for all children, excluding expenditures from Public Law 81–874, shared revenue, and other Federal payments and State payments to or on behalf of the applicant. The application should include data in that regard. Emergency payments to an applicant will not exceed the difference between the applicant's full entitlement under section 3(a) and such entitlement as pro rata reduced in the light of actual appropriations for Public Law 81–874. Emergency payments will be made to an applicant only if the pro rata reduction in the total payments to it computed under section 3(a) of Public Law 81–874 amounts to at least 5 percent of its total current operating expenditures for free public education, except where at least 25 percent of its pupils reside on federally owned property outside the geographical limits of the applicant's district or, in the determination of the Secretary, would be outside that district if it were not federally owned property. Each application must demonstrate a fiscal effort by the applicant commensurate with its fiscal capacity, and, in no event, will a payment be made if the entitlement for emergency payments is less than $100,000.

Dated: May 1, 1970.

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

[F.R. Doc. 70-5592; Filed, May 4, 1970; 10:39 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Availability of Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Statement on Environmental Considerations Relating to Proposed Operation by Northern States Power Company of the Monticello Nuclear Generating Plant (Unit 1)" is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.; the Office of the Clerk, Wright County Courthouse, Buffalo, Minn.; and the Environmental Resources Center, 1222 Fourth Street SW., Minneapolis, Minn. Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 29th day of April 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 70-5431; Filed, May 4, 1970; 8:46 a.m.]

[Dockets Nos. 50-327 and 50-328]

TENNESSEE VALLEY AUTHORITY

Notice of Availability of Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Statement on the Environmental Considerations Involved in the Proposed Construction and Operation by the Tennessee Valley Authority of the Sequoyah Nuclear Plant Units 1 and 2" is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where it will be available for inspection by members of the public. Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 29th day of April 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 70-5432; Filed, May 4, 1970; 8:46 a.m.]

[Docket No. 50-22]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3 to Facility License No. TR-2. The amendment removes from the conditions and requirements of this license the Truck Lock Building which is external to the reactor containment building of the deactivated Westinghouse Testing Reactor (WTR) located near Waltz Mill in Westmoreland County, Pa.

By application dated February 18, 1970, the Westinghouse Electric Corp. (WEC) requested an amendment to Facility License No. TR-2 to remove the Truck Lock Building from the defined

WTR facility. Additional information was submitted by letter dated April 3, 1970. The Truck Lock Building removed from the conditions and requirements of Facility License No. TR–2 will remain under the control of WEC, and be utilized for nonreactor related activities that are subject to AEC materials licenses.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 30 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application dated February 18, 1970, (2) supplement dated April 3, 1970, and (3) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of April 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70–5417; Filed, May 4, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22123]

UNIVERSAL AIRLINES CO. ET AL.

Notice of Prehearing Conference

Universal Airlines Co., Universal Airlines, Inc., First Grant Corp., and American Flyers Airline Corp.

Application for approval of acquisition of control, transfer of certificates and related matters.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 26, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

Requests for information, evidence, suggested issues, procedural dates, and motions shall be filed with the Examiner and copies served on parties of record on or before May 18, 1970.

Dated at Washington, D.C., April 29, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–5467; Filed, May 4, 1970; 8:48 a.m.]

[Docket No. 20929; Order 70–4–148]

ALASKA AIRLINES, INC. ET AL.

Order Setting Matter for Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1970.

Agreements between Alaska Airlines, Inc., Continental Air Lines, Inc., et al. relating to a common automated reservations system, Docket No. 20929, Agreement CAB 20953 and 20953–A1.

By Order 70–1–39 served January 9, 1970, the Board deferred action on Agreement CAB 20953–A1 and afforded interested persons an oportunity to file comments and rebuttal comments on an amendment thereto.[1] The principal purpose of the amendment according to the parties was to modify paragraph 12 of the agreement between the Air Traffic Conference (ATC), and Atar Computer Systems, Inc. (ATARCSI), so as to delete the exclusivity requirements which would have prevented vendors of other automated reservations systems from entering into similar arrangements. In addition, the amendment included a list of functional requirements which a competing vendor would be required to meet or exceed to participate in the common system. The full text of the amendment was attached as an appendix to Order 70–1–39.

Comments supporting approval of the agreement generally emphasized the immediate need for and important benefits of automated reservations systems.[2] The members of ATC maintain that the amendment of paragraph 12 of the ATC–ATARCSI agreement removes any color of antitrust violation; that there is no requirement for prior approval of a competing system by the ATC monitor and that any vendor which determines that its system meets or exceeds the functional requirements and is willing to provide the same guarantees as ATARCSI, is free to market its system to the carriers at any time.[3] ASTA believes that the exclusivity features of the original agreement have been eliminated by the amendment; that the functional requirements and guarantees are necessary to provide a common system that can serve all carriers and travel agents; that the Board has jurisdiction over the agreement including its various exhibits and that the agreement should be approved without further delay. ATARCSI contends that the basis for antitrust objections has been eliminated by the amendment and that to disapprove or delay implementation of the agreement would be wholly inconsistent with the public interest.

Opponents of the agreement insist that the amendment of paragraph 12 does not remove the antitrust objections expressed in previous comments submitted to the Board.[4] They maintain that the effect of the amendment is to require prior approval by the ATC monitor of any system desiring to compete with ATARS and that such competition could be frustrated by such a requirement and the arbitration provisions of the amendment. A further question has been raised concerning the Board's jurisdiction over agreements involving third parties which are not carriers within the meaning of section 412 of the Act or, in the event the agreement is approved, whether the antitrust immunity provided by section 414 is extended to such third parties.

In ultimate terms, we feel that the question to be resolved is whether the agreement, as interpreted by the ATC members,[5] does in fact permit reasonable competition between ATARS and other systems which meet or exceed the functional requirements and guarantees specified in the agreement.

It would seem important at this time to have a common understanding of what the ATC carriers mean by a common system. Prior to the amendment, the concept embraced ATARS only. The common system now appears to contemplate a group of systems operated by unrelated vendors, each of which receives and stores the schedule availability information of all ATC members and which furnishes sell and cancel, and related responses to subscribers through remote terminal facilities.

We believe that the issues raised by the agreement, as amended, can best be clarified with the aid of discussion at oral argument before the Board.

Accordingly, it is ordered, That:

1. CAB Agreement 20953, as amended, be set for oral argument before the Board on May 13, 1970 at 10 a.m., e.d.t., in

[1] The original agreement (CAB 20953) was filed on Apr. 21, 1969. By Order 69–7–74, July 15, 1969, the Board invited interested persons to file comments. The Board subsequently deferred action to permit the parties to consider alternatives.

[2] Such comments were filed by ATC, American Society of Travel Agents (ASTA) and ATARCSI.

[3] ATC filed only rebuttal comments and these views were thus not known to other parties at the time they filed their rebuttal comments.

[4] Such comments were filed by American Express Co., Association of Retail Travel Agents, U.S. Dept. of Justice, Reservations World, Inc., and Telemax Division of Wellington Computer Systems, Inc.

[5] "Participation in the common system is open to any vendor which substantially complies with the reasonable and necessary minimum standards established for the system * * *" (carriers' rebuttal comments, pp. 1–2).

Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.; and

2. All parties of record in this proceeding who desire to participate in such oral argument shall advise the Board in writing of their intention to participate on or before May 6, 1970.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-5468; Filed, May 4, 1970; 8:48 a.m.]

[Docket No. 11278; Order 70-4-138]

NEW YORK-SAN JUAN

Order Modifying Minimum Rate Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1970.

By petition filed March 9, 1970, Pan American World Airways, Inc. (Pan American), requested the Board to modify until June 3, 1971, the outstanding minimum air freight rate order in the New York-San Juan market [1] to permit the introduction of container rates and related provisions for lower deck (LD) containers for B-747 aircraft.[2]

Pan American proposes a minimum charge for the LD container of $200 in both directions between New York and San Juan, applicable up to and including a net weight of 1,984 pounds, and above such weight, excess poundage would be charged at the rate of 10 cents per pound.[3] Pan American would not charge any rental fee for its carrier-owned LD container; when the container is shipper-owned, Pan American would refund $15. The shipper would load and the consignee would unload the container, subject to two exceptions: if unloading of all or part of the container at destination is performed by Pan American or on Pan American's premises, a charge of $75 would be assessed; if such unloading is necessitated for Customs inspection and only a single clearance and delivery to consignee is required, the charge would be $30.

A 48-hour free time period for loading and unloading of carrier-owned containers is provided, with a detention charge of $50 for each day or part of a day thereafter until the loaded or empty container is returned to the carrier.[4]

Answers in opposition to Pan American's petition and the proposed rates in the San Juan market have been filed by Airlift International, Inc., and Trans Caribbean Airways, Inc. (Trans Carribbean). The protestants state that the proposed rates will undercut the container rates recently approved by the Board,[5] and that the domestic agreement CAB 21225 on incentive discounts for containers should serve as the pattern for the market, as opposed to the IATA formula.[6] In addition, Trans Caribbean suggests several alternative incentive formulas for the LD container whereby it would merge with the "domestic" formula with less competitive advantage.

Upon consideration of all relevant matters, and in consideration of the power the Board has reserved in Order E-23840 dated June 21, 1966, in Docket 11278 to make changes in the minimum rate without hearing, and of the fact that no hearing has been requested by any party, we have determined to grant Pan American's petition.

Aside from certain subsidiary problems, Pan American's proposed container rates are not unreasonable in relation to other container rates in the San Juan market. A comparison of charges on various shipment weights from 900 to approximately 8,000 pounds in all established domestic container units (types A, B, B-2, D, and LD, or multiples thereof), reveals that an LD container produces the lowest charge beginning at 1,984 pounds; that at 3,000 pounds the type A container charge is lower; that at 3,000 and 3,200 pounds both the type B-2 and D containers produce lower charges than either the type A or LD; and that for shipments above 3,200 pounds, at which the LD container is lowest, the difference is approximately only 5 percent. Lastly, the competitive advantage of the LD container, as expressed above, is limited to a payload-density range of from approximately 12.4 to 16.3 pounds per cubic foot. Accordingly, we see no basis to limit the carriers to the domestic container agreement in their Puerto Rican services.

The Board has reservations, however, as to the $15 refund on the shipper-owned LD container. Such units are understood to be an integral component of the B-747 aircraft system, i.e., its design, manufacture, and specifications must be fairly exact to insure aircraft loading and tiedown capability, which the petition does not specify, and the carrier has made no showing that the proposed refund is commensurate with the average shipper cost-per-trip for such unit.

In addition, the Board is concerned with the on-airport-premises unloading service which is included in the petition. As we understand the thrust of the industry's container programs, they are intended to transfer the multipiece-shipment handling, loading, and unloading functions from the carriers' airport premises to some off-airport site or satellite terminal, and preferably to the shipper and consignee. Inasmuch as not all shippers and consignees have dock and terminal capabilities sufficient to accommodate containers, we can see some rationale for an off-airport container loading and/or unloading service by the carrier, the fee for which still results in some overall saving for the user.

We recognize that the two foregoing features of the proposed container service are consistent with the carriers' international container program (IATA) previously approved by the Board, and consequently we will not disapprove them here. It should be noted, however, that the Board will expect adequate justification should any carrier desire to extend these provisions beyond the specified expiry date.

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

It is ordered, That:

1. The petition of Pan American World Airways, Inc., dated March 2, 1970, to modify the minimum rate orders in Docket 11278 is granted;

2. Order E-23431 dated March 28, 1966, as amended by Orders E-23840 dated June 21, 1966, 69-4-32 dated April 4, 1969, and 70-2-97 dated February 24, 1970, is hereby further amended as follows:

(a) The airport-to-airport transportation of carrier-owned shipper-loaded/consignee-unloaded Type LD containers of approximately 160 cubic feet capacity (designed for carriage in the lower cargo compartment of B-747 aircraft) may be performed, provided that:

(i) The minimum charge is $200 per LD container, applicable up to and including 1,984 pounds (net weight), and that all poundage in excess of 1,984 net pounds shall be charged at 10 cents per pound;

(ii) No charges shall be assessed for the tare weight of such containers, nor shall a rental charge be assessed;

(iii) When an LD container is furnished by the shipper, the carrier may refund $15;

(iv) Unloading of an LD container may be performed by the carrier, providing a reasonable charge for such service is assessed in addition to all other charges;

(v) Detention charges shall be assessed of not less than $3.20 per 24-hour period or fraction thereof for shipper/consignee detention time in excess of free loading/unloading time periods of not less than 36 hours; and

(b) Direct air carriers which elect to transport LD containers in accordance with the above shall publish appropriate tariff provisions therefor bearing an expiry date of not later than June 3, 1971, and shall report such container traffic to the Board on a monthly basis on C.A.B. Form T-103, or in such other form as may be authorized.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-5469; Filed, May 4, 1970; 8:48 a.m.]

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[1] Order 70-2-97 dated Feb. 24, 1970, and prior orders.

[2] The LD container has a cube of 160 cubic feet and a maximum payload of 2,600 pounds.

[3] The proposed rates are approximately 67 percent of the 2,000-pound general commodity rate.

[4] Domestic detention charges for carrier-owned units are based on 2 cents per cubic foot per day in excess of a 36-hour free time period.

[5] Pursuant to Order 70-2-97, Trans Caribbean filed its container tariff in the San Juan market effective Mar. 28, 1970.

[6] The IATA container program is essentially a rate reduction of approximately 30 percent at a minimum charge based on the cube of the unit times a payload density of approximately 14 pounds per cubic foot. See Order 69-12-27 dated December 4, 1969, concerning the domestic container program (Agreement CAB 21225).

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18839, 18840; FCC 70-423]

EXECUTIVE AVIATION, INC., AND HILLCREST-SPOKANE AVIATION CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Executive Aviation, Inc., Spokane, Wash., Docket No. 18839, File No. 17-A-L-99; Hillcrest-Spokane Aviation Co., Inc., Spokane, Wash., Docket No. 18840, File No. 171-A-L-99; for aeronautical advisory station to serve the Spokane International Airport, Spokane, Wash.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the Spokane International Airport, Spokane, Wash., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing, *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Executive Aviation, Inc., and Hillcrest-Spokane Aviation Co., Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: April 22, 1970.

Released: April 29, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-5465; Filed, May 4, 1970; 8:48 a.m.]

[1] Commissioners H. Rex Lee and Wells absent.

[Canadian List No. 268]

CANADIAN LIST

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments

APRIL 10, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power Kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (feet)	
		590 kHz							
CKRS (PO: 590 kHz, 1 Kw, DA-1).	Jonquiere, Quebec, N. 48°22'15", W. 71°10'20".	*10D/5N*	*DA-2*	U	III				4-1-71.
		600 kHz							
(New)	Tuktoyaktuk, Northwest Territory, N. 69°27'22", W. 133°01'53".	1	ND-180	U	III	273	120 Top loaded	410	4-1-71.
		1340 kHz							
(New)	100 Mile House, British Columbia, N. 51°40'11", W. 121°17'22".	0.25	ND-180	U	IV	150	120	318	4-1-71.
		1280 kHz							
CJMS (Change in daytime operation—PO: 1280 kHz, 50 Kw, DA-2).	Montreal, Quebec, N. 45°19'31", W. 73°32'55".	50	DA-2	U	III				4-1-71.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 70-5466; Filed, May 4, 1970; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CZECHOSLOVAK SOCIALIST REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

APRIL 30, 1970.

On August 29, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic to the United States over a 2-year period beginning on May 1, 1969 and extending through April 30, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories and within the aggregate limit a specific limit on Category 26 (other than duck).

There is published below a letter of April 30, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Cateory 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1970, and extending through April 30, 1971, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administration Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

APRIL 30, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 29, 1969, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning May 1, 1970, and extending through April 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,050,000 square yards.

Cotton textiles in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1969, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period of May 1, 1969, through April 30, 1970. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)[1] may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-5423; Filed, May 4, 1970; 8:45 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

APRIL 29, 1970.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 4-year period beginning on May 1, 1967. Among the provisions of the agreement are those establishing an aggregate limit, group limits, and specific limits for Categories 9, 10, 22, 23, 26, 27, 63, and 64, with sublimits on duck fabric (parts of Categories 26 and 27), and on zipper tapes (part of Category 64), for the agreement year beginning May 1, 1970.

There is published below a letter of April 27, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1970, and extending through April 30, 1971, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 27, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1970, and for the 12-month period extending through April 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1, 2, 3, and 4, shall be 13,035,866 pounds. Of this amount not more than 3,271,549 pounds shall be in Categories 3 and 4.

The overall level of restraint for Categories 5 through 27 shall be 24,310,125 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

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[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

Category	12-month level of restraint
9 ---- square yards	4,630,500
10 ---- do	2,315,250
22 ---- do	4,630,500
23 ---- do	3,472,875
26 ---- do[1]	6,945,750
27 ---- do[1]	2,315,250

[1] Of the total amount for Categories 26 and 27, not more than 5,209,313 square yards shall be in duck fabric, T.S.U.S.A. Nos.:

320---01 through 04, 06, 08
321---01 through 04, 06, 08
322---01 through 04, 06, 08
326---01 through 04, 06, 08
327---01 through 04, 06, 08
328---01 through 04, 06, 08

Within the overall level of restraint for Categories 5 through 27, each category without a specific level of restraint is subject to a consultation level of 578,813 square yards, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The overall level of restraint for Categories 28 through 64, shall be 2,546,775 square yards equivalent. There was attached to the directive of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, concerning cotton textiles and cotton textile products from Mexico, a table of the rates of conversion into square yard equivalents of the aforesaid categories which may be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 64, the following specific levels of restraint shall apply:

Category	12-month level of restraint
63	127,339 pounds.
64	377,386 pounds (of which not more than 104,186 pounds shall be in zipper tapes, T.S.U.S.A. No. 347.3340).

Within the overall level of restraint for Categories 28 through 64, each category without a specific level of restraint is subject to a consultation level of 405,169 square yards equivalent, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1969, through April 30, 1970. In the event that any level of restraint for the 12-month period ending April 30, 1970, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter. It would be appreciated if you would undertake to obtain reports on cotton textiles and cotton textile products in Categories 1 through 64, by category, which are entered for consumption or withdrawn from warehouse for consumption under the provisions of this paragraph in those categories for which the levels of restraint for the 12-month period ending April 30, 1970, have been exhausted by previous entries.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1967, between the Governments of the United States and Mexico which provides in part that within the aggregate limit, the group limits for Group I and Group II may be exceeded by not more than 10 percent and the Group limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-5424; Filed, May 4, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

COSMOPOLITAN SMALL BUSINESS INVESTMENT CO., INC.

Notice of License Revocation

Cosmopolitan Small Business Investment Co., Inc., was incorporated under the laws of the State of Ohio solely for the purpose of operating as a small business investment company under the Small Business Investment Act (15 U.S.C. 661 et seq.) and the regulations promulgated thereunder (33 F.R. 326, 13 CFR Part 107). It was licensed as a small business investment company by the Small Business Administration on February 21, 1961 (License No. 03/06-0013).

On October 9, 1963, the corporation was involuntarily dissolved by Proclamation of the Secretary of State of the State of Ohio. Pursuant to laws of the State of Ohio, Cosmopolitan Small Business Investment Co., Inc., ceased to exist as a legal entity on October 9, 1964.

Therefore, under the authority vested by the Small Business Investment Act and pursuant to the regulations promulgated thereunder, the license is hereby revoked and all rights, privileges, and franchises derived therefrom are canceled.

Dated: April 20, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-5428; Filed, May 4, 1970; 8:45 a.m.]

[License No. 01/02-5265]

HARTFORD COMMUNITY CAPITAL CORP.

Notice of Issuance of Small Business Investment Company License

On March 21, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 4982) stating that Hartford Community Capital Corp., 777 Main Street, Hartford, Conn. 06115, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 9, 1970, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 01/02-5265 to Hartford Community Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: April 20, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-5429; Filed, May 4, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4872]

THE COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Notes and Common Stock by Subsidiary Companies to Holding Company and Open Account Advances by Holding Company to Subsidiary Companies

APRIL 27, 1970.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, and its above-named wholly owned subsidiary companies (hereinafter referred to as "United Fuel", "Seaboard", "Columbia of Ky.", "Distribution", "Kentucky Gas", "Columbia of Ohio", "Ohio Fuel", "Ohio Valley", "Preston of Ohio", "Preston of Delaware", "Columbia of

Pa.", "Manufacturers", "Home", "Columbia of N.Y.", "Columbia of Md.", "Columbia Gulf", and "Columbia Development") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to advance on open account to certain of the subsidiary companies for construction and for short-term seasonal purposes up to the respective amounts set forth below. All construction open account advances will mature on March 31, 1971. On that date, such advances, in an amount equal to the Columbia notes issued to banks in 1970 under a $100 million commitment agreement (Holding Company Act Release No. 16295 (February 25, 1969)) and presently estimated to aggregate $50 million, are proposed to be converted, pro rata, into unsecured promissory notes to Columbia maturing February 25, 1972, on which date Columbia's commitment notes to banks also mature. Authorization is requested herein for the issue and sale of such notes as may be required for such conversions. The remaining construction open account advances will be converted into long-term installment notes and common stocks in maximum amounts as indicated hereinafter.

The following table sets forth the maximum amounts of construction advances, "seasonal" advances, common stocks, and installment notes for which authorization is requested in the present filing:

	Construction advances	Seasonal advances	Common stock	Installment notes
United Fuel	$13,000,000	$14,500,000	----------	$13,000,000
Seaboard	12,400,000	500,000	$3,550,000	8,850,000
Columbia of Kentucky	1,100,000	2,000,000	200,000	900,000
Distribution	1,100,000	600,000	200,000	900,000
Kentucky Gas	1,675,000	750,000	----------	1,675,000
Columbia of Ohio	10,000,000	17,500,000	----------	10,000,000
Ohio Fuel	16,000,000	22,500,000	----------	16,000,000
Ohio Valley	1,707,000	1,250,000	207,000	1,500,000
Preston of Ohio	21,500,000	----------	12,000,000	9,500,000
Columbia of Pennsylvania	6,300,000	3,500,000	----------	6,300,000
Manufacturers	7,000,000	9,000,000	----------	7,000,000
Columbia of New York	----------	400,000	----------	----------
Columbia of Maryland	575,000	250,000	175,000	400,000
Home	2,600,000	2,250,000	----------	2,600,000
Columbia Gulf	60,500,000	----------	15,500,000	45,000,000
Total	155,457,000	75,000,000	31,832,000	123,625,000

The subsidiary companies will use the proceeds from the construction advances to finance a part of their respective construction programs, which, in the aggregate, are estimated for 1970 to require expenditures of $196,899,000. The proceeds of the "seasonal" advances will be used by the subsidiary companies to purchase natural gas for inventory and for other short-term seasonal purposes.

The construction open account advances will be made by Columbia up to and including March 31, 1971. The interest rate on such construction advances will be the same as the rates Columbia is to be charged by the banks for its borrowings, that is, the prime rate in effect for commercial borrowers at Morgan Guaranty Trust Co. of New York (currently 8 percent) on the day the advance is made. Any change in that bank's prime rate will be effective as to such advances then outstanding on the first business day following such change. As of March 31, 1971, Columbia will determine what the composite effective annual rate of interest has been on its borrowings under bank loans (including the commitment fee to be paid to the banks), debentures, and commercial paper, if any, and will, thereafter, retroactively adjust the interest charges paid or incurred by the subsidiary companies on such advances to March 31, 1971, to reflect Columbia's composite effective annual interest rate during that same period.

The notes proposed to be issued on March 31, 1971, in conversion of part of the construction advances will, as stated, mature on February 25, 1972. The notes will bear interest at the prime commercial bank rate in effect from time to time and may be prepaid at any time without premium.

The installment notes will be acquired no later than March 31, 1971, will be dated when issued, will be payable in 25 equal annual installments on May 31 of each of the years 1972–96, inclusive, and may be prepaid at any time, in whole or in part, without premium. Interest will accrue from the date of issue and is to be paid semiannually on the unpaid principal balance. The interest rate will be the actual cost of money to Columbia with respect to its planned sale of debentures, decreased by an amount necessary in order that the interest rate be a multiple of $\frac{1}{10}$th of 1 percent.

The "seasonal" open account advances will be made from time to time during 1970 and will be paid by the subsidiary companies in three equal installments on February 25, March 25, and April 23, 1971. The interest rate on the proposed "seasonal" open account advances will initially bear interest at the prime commercial bank rate in effect from time to time. The interest charges will be adjusted, after the storage financing period, to the effective interest cost Columbia achieves on its short-term borrowing for this purpose.

Pursuant to the authorization of this Commission (Holding Company Act Release Nos. 16503 and 16624 (October 24, 1969, and March 4, 1970) and following receipt of a favorable tax ruling of the Internal Revenue Service, Preston of Ohio is planning to transfer its Appalachian area oil operations to Preston of Delaware and merging its remaining assets and southwest gas development operations into Columbia Development. The proposed $21,500,000 of aggregate financing for Preston of Ohio described above will be taken over by Preston of Delaware ($3,500,000) and Columbia Development ($18 million) when the proposed dispositions of its assets by Preston of Ohio are consummated.

The expenses to be paid by Columbia and by the subsidiary companies in connection with the proposed transactions are estimated at $400 and $6,160, respectively.

The application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: the Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, the Public Utilities Commission of Ohio, the State Corporation Commission of Virginia, the Kentucky Public Service Commission, and the New York Public Service Commission. It is also stated that the orders of said Commissions will be filed with this Commission by amendment. No other State commission and no Federal commission, other than this Commission, is stated to have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 14, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter.

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5436; Filed, May 4, 1970; 8:46 a.m.]

[70-4875]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 27, 1970.

Notice is hereby given that Michigan Consolidated Gas Co. (Michigan Consolidated), 1 Woodward Avenue, Detroit, Mich. 48226, a public-utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Michigan Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $30 million principal amount of first mortgage bonds, ------ percent series, due June 15, 1995. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, (which will not be less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust, dated as of March 1, 1944, between Michigan Consolidated and First National City Bank and Blair A. Powell, as trustees, as heretofore supplemented and as to be further supplemented by a 19th Supplemental Indenture to be dated as of June 1, 1970, and including a prohibition until June 15, 1975, against refunding the issue with funds borrowed at a lower cost of money.

Michigan Consolidated will use the net proceeds from the issue and sale of the bonds to retire all of Michigan Consolidated's then outstanding notes payable to banks, estimated to be $5,500,000, and to pay, in part, for Michigan Consolidated's 1970 construction program estimated to be $43 million. The outstanding notes to banks were issued to finance construction.

The fees and expenses to be paid by Michigan Consolidated in connection with the issue and sale of the bonds are estimated at $119,000, including counsel fees of $27,500, and accountant's fee of $8,000. The fee of counsel for the bond underwriters, estimated at $11,000, is to be paid by the successful bidders.

The Michigan Public Service Commission has jurisdiction over the proposed issue and sale of the bonds by Michigan Consolidated, and a copy of that commission's order authorizing the same will be filed by amendment in this proceeding. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 20, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5437; Filed, May 4, 1970; 8:46 a.m.]

[70-4876]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Charter Amendment and Solicitation of Proxies in Connection Therewith

APRIL 29, 1970.

Notice is hereby given that Mississippi Power & Light Co. (MP&L), Post Office Box 1640, Jackson, Miss. 39205, a public-utility subsidiary company of Middle South Utilities, Inc. (Middle South), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), proposing an amendment to its Articles of Incorporation (Articles) and the solicitation of proxies in connection therewith. MP&L has designated sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendment.

MP&L proposes to amend its Articles to effect an increase in the number of authorized shares of its preferred stock. As of March 31, 1970, the authorized shares of MP&L included 204,476 shares of preferred stock, consisting of 60,000 shares of 4.36 percent preferred stock, of which 59,920 shares were issued and outstanding; 44,476 shares of 4.56 percent preferred stock of which 43,888 shares were issued and outstanding; and 100,000 shares of 4.92 percent preferred stock, of which 100,000 shares were issued and outstanding. MP&L now proposes, to provide capital funds with which to finance its expenditures for construction and other corporate purposes, (a) to amend its Articles so as to increase its authorized preferred stock to 454,476 shares, and (b) to solicit proxies in connection therewith.

MP&L intends to submit the proposed amendment of its Articles to its shareholders for their approval at a special meeting of shareholders to be held on June 30, 1970. In connection therewith, MP&L proposes to solicit proxies from the holders of its preferred stock through the use of solicitation material which sets forth the proposed amendment in detail. The declaration states that under the applicable provisions of the Mississippi Business Corporation Law, the proposed amendment requires the affirmative vote of the holders of at least two-thirds of all of the outstanding shares of MP&L's preferred stock and common stock, as well as the affirmative vote of the holders of at least two-thirds of all of the outstanding shares of MP&L's preferred stock voting separately from the common stock as one class. Middle South, holder of all of the outstanding shares of MP&L's common stock, has indicated that all such shares will be voted in favor of the proposed amendment.

The fees and expenses incurred and to be incurred in connection with the proposed transactions are estimated at $7,750, including counsel fees of $3,750. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 22, 1970, request in writing that a hearing be held with respect to the proposed amendment, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the

general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5438; Filed, May 4, 1970; 8:46 a.m.]

[812-2510]

THE PAUL REVERE VARIABLE ANNUITY CONTRACT ACCUMULATION FUND

Notice of Application for Exemptions

APRIL 27, 1970.

Notice is hereby given that The Paul Revere Variable Annuity Contract Accumulation Fund (applicant), 18 Chestnut Street, Worcester, Massachusetts, a registered open-end diversified investment company established by The Paul Revere Variable Annuity Insurance Co. (Insurance Company) as a separate account through which Insurance Company sets aside assets attributable to certain of its variable annuity contracts, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current public offering price described in the prospectus.

(1) The proposed load scale for applicant's Group Deposit Administration Variable Annuity Contract (Deposit Administration Contract) (being a new contract designed to take the place of applicant's Group Allocated and Unallocated Deposit Administration Variable Annuity Contracts and its Group Terminal Funding Variable Annuity Contract, all of which are hereinafter referred to as "old group contracts") would include a sales charge of 5.5 percent on the first $5,000 of purchase payments, 5 percent on the next $5,000, 4.5 percent on the next $5,000, 4 percent on the next $5,000, 3.5 percent on the next $5,000, 2.5 percent on the next $25,000 and 1.5 percent on purchase payments in excess of $50,000 and an administration charge on each purchase payment of 1 percent. If total purchase payments in any contract year exceed $100,000, however, the total load charge on the amount paid in that year in excess of $100,000 will be 1 percent of which 0.75 percent is sales charge and 0.25 percent administration charge. The load scale would differ from that applicable to old group contracts now outstanding and those which may be issued prior to the adoption of the Deposit Administration Contract and the proposed scale.

Accordingly, applicant requests an exemption from section 22(d) to the extent necessary to permit the deduction of load charges at the current rates from payments made under old group contracts issued prior to the offer and sale of the Deposit Administration Contract, at the same time that it is deducting load charges at the rates set forth above from purchase payments made for new Deposit Administration Contracts. Applicant states that, in its opinion, adoption of the new scale is in the public interest because of its simplicity in comparison with the present scales and its lower net cost to most purchasers.

(2) In connection with certain pension, profit sharing or retirement plans, funding may be accomplished by means of a combination of variable and level amount annuity contracts, the latter contracts being written either by Insurance Company or The Paul Revere Life Insurance Co. (Life Company) of which Insurance Company is a wholly-owned subsidiary. During the build-up period, (i) all of the funding may be in deferred level amount annuity contracts, or (ii) part of the funding may be in such deferred level amount annuity contracts and part may be in deferred variable annuity contracts. Transfer of funding from deferred level amount annuity contracts to variable annuity contracts is to be permitted during the build-up period or at the annuity commencement date. Applicant proposes to eliminate load charges in transferring funds from level amount annuity contracts of the Insurance Company or the Life Company to the variable annuity contracts. Such transfers from a level amount annuity contract to a variable annuity contract will be limited to one transfer each year per participant.

Applicant requests exemption from section 22(d) to the extent necessary to permit transfers without a load charge as described above. Applicant states that in each case where such charge will be eliminated, a similar charge will previously have been incurred, the purpose of eliminating additional load charge being to avoid accumulating such charges.

(3) Insurance Company and Life Company have power to issue life insurance, endowment, and level amount annuity contracts. Such contracts provide for lump sum payments under certain circumstances such as the death benefit under a life policy, the maturity value of an endowment contract, surrender values, and cash options available to beneficiaries. In instances where the recipient of such a lump sum payment from Insurance Company or Life Company uses it to purchase a variable annuity contract, Applicant proposes to reduce the load charge to a level 2 percent, being a sales charge of 1.25 percent and an administration charge of 0.75 percent. The reduced load charge is the same as the lowest load charge applicable to purchase payments under Insurance Company's individual variable annuity contracts.

Applicant requests exemption from section 22(d) to the extent necessary to permit such sales at the reduced load charge indicated. Applicant states that in each case where the charge will be reduced a charge will previously have been incurred in acquiring the insurance from Insurance Company or Life Company, and the reduction will help avoid excessive accumulation of such charges.

Section 6(c). Section 6(c) of the Act provides that the Commission may by order upon application conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision or provisions of the Act or rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 11, 1970, at 12 noon, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5439; Filed, May 4, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 30, 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. 41947—*Phosphate rock from Occidental, Fla.* Filed by O. W. South, Jr.; agent (No. A6169), for interested rail carriers. Rates on phosphate rock, in carloads (other than ground phosphate rock), as described in the application, from Occidental, Fla., to Valleyfield, Quebec, Canada.

Grounds for relief—Rate relationship.

Tariff—Supplement 106 to Southern Freight Association, agent, tariff ICC S–658.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–5470; Filed, May 4, 1970; 8:48 a.m.]

[S.O. 994; ICC Order No. 39; Amdt. 1]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 39 (The Chicago and North Western Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 39 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 30, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 29, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70–5471; Filed, May 4, 1970; 8:48 a.m.]

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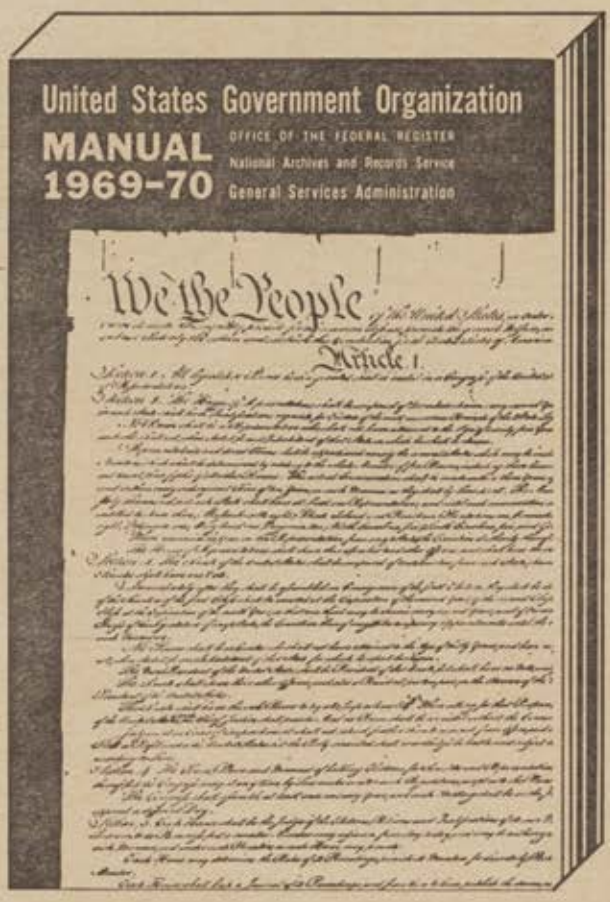

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