FEDERAL REGISTER

VOLUME 35 • NUMBER 155

Tuesday, August 11, 1970 • Washington, D.C.

Pages 12701–12739

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

7 CFR

927 12705
1421 (2 documents) 12706
1427 12707

9 CFR

76 12707

14 CFR

15 12708
61 12708
121 12708
171 12709

16 CFR

252 12718

PROPOSED RULES:

416 12727

20 CFR

PROPOSED RULES:

405 12727

21 CFR

135a 12719
141d 12719
146d 12719

33 CFR

117 12720

PROPOSED RULES:

117 12727

41 CFR

5A–72 12721
101–26 12721
101–27 12721
114–43 12722
114–46 12722

42 CFR

81 (2 documents) 12722, 12723

PROPOSED RULES:

81 12726

43 CFR

3810 12723

46 CFR

401 12723

50 CFR

32 (2 documents) 12724, 12725

PROPOSED RULES:

17 12726

Rules and Regulations

Title 7—AGRICULTURE

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

[Pear Reg. 9]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades, Quality, and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Control Committee reflect its appraisal of the winter pear crop and the current and prospective market conditions. Shipments of winter pears are expected to begin on or about August 17, 1970. Grade and size requirements provided herein are necessary to prevent the handling, on and after August 17, 1970, of any of the listed varieties of winter pears (Beurre D'Anjou and Winter Nelis) of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 17, 1970. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 23, 1970, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department on July 24, 1970, with supplemental information received on July 30, 1970, and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 927.309 Pear Regulation 9.

Order. (a) During the period August 17, 1970, through June 30, 1971, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 180 size and shall grade at least U.S. No. 2: *Provided*, That pears of such varieties which fail to meet the U.S. No. 2 grade requirements only because of serious damage, but not very serious damage, caused by frost injury, healed hail marks, russeting or being seriously misshapen may be shipped if they are of a size not smaller than the 135 size: *And provided further*, That pears of such varieties which bear unhealed broken skin punctures not exceeding three-sixteenths ($\frac{3}{16}$) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than the 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White, Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1970, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to not more than 35° Fahrenheit;

(3) Winter Nelis pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 210 size.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 972.60(b), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(2) On the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other Similar Varieties (7 §§ 51.1300–51.1323 of this title); "135 size" and "180 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135 or 180 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: August 6, 1970.

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

[F.R. Doc. 70-10406; Filed, Aug. 10, 1970; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Program

The General Regulations Governing Price Support for 1970 and Subsequent Crops of Grain and Similarly Handled Commodities (35 F.R. 7363 and 7781), and any amendments thereto (hereinafter referred to in this subpart as "the general regulations"), issued by the Commodity Credit Corporation, which contain regulations of a general nature with respect to price support loan and purchase operations, are supplemented for the 1970 and subsequent crops of peanuts as follows:

Sec.
1421.280 Purpose.
1421.281 Availability.
1421.282 Eligible peanuts.
1421.283 Determination of type and quality of farmers stock peanuts.
1421.284 Storage deduction for early delivery.
1421.285 Determination of quantity.
1421.286 Price support rates.
1421.287 Delivery charge.
1421.288 Maturity of loans.
1421.289 Settlement.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425.

§ 1421.280 Purpose.

This subpart and the general regulations, to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make farm-stored peanut loans to, and purchases from, eligible producers of eligible 1970 and subsequent crops of farmers stock peanuts. Notwithstanding the provisions of the general regulations, CCC will not make warehouse storage loans directly to individual producers on 1970 and subsequent crops of peanuts. The General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. 9950) and any amendments and annual crop supplements thereto (hereinafter referred to in this subpart as "the peanut warehouse storage regulations") contain the terms and conditions under which eligible producers may obtain price support advances on eligible 1970 and subsequent crops of farmers stock peanuts from certain cooperative marketing associations which, acting in behalf of such producers collectively, will obtain price support warehouse storage loans from CCC.

§ 1421.281 Availability.

Producers desiring price support for farmers stock peanuts must request a farm-stored peanut loan or notify the ASCS county office of intentions to sell to CCC no later than the dates set forth in the applicable annual peanut crop supplement to the regulations in this subpart.

§ 1421.282 Eligible peanuts.

(a) *General.* In order to be eligible for a farm-stored peanut loan or for purchase, farmers stock peanuts, as defined in § 1446.3(f) of this chapter of the peanut warehouse storage regulations, must meet the requirements of this section in addition to the other eligibility requirements of § 1421.4 of the general regulations.

(b) *Eligible producer.* The peanuts must have been produced in one of the areas defined in § 1446.4(b) of this chapter of the peanut warehouse storage regulations by an eligible producer. For the purposes of this subpart, an eligible producer is a producer who meets the requirements of § 1421.3 of the general regulations and of § 1446.6 of this chapter of the peanut warehouse storage regulations.

(c) *Types.* The peanuts must be one of the types specified in § 1446.3(s) of this chapter of the peanut warehouse storage regulations.

§ 1421.283 Determination of type and quality of farmers stock peanuts.

The type and quality of each lot of farmers stock peanuts acquired by CCC as a result of a loan or purchase shall be determined at the time of delivery to CCC by a Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture. The cost of such determination will be assumed by CCC.

§ 1421.284 Storage deduction for early delivery.

The storage deduction for early delivery provided for in § 1421.23 of the general regulations shall be four (4) cents per day per ton for Virginia-type peanuts or three and three-tenths (3.3) cents per day per ton for all other types of peanuts from the date delivery is accomplished to and including the original loan maturity date.

§ 1421.285 Determination of quantity.

The quantity of peanuts placed under farm-stored peanut loans shall be determined in accordance with § 1421.18 of the general regulations and shall be expressed in units of tons and tenths of tons.

§ 1421.286 Price support rates.

The basic price support loan rates by types for farmers stock peanuts placed under loan shall be as set forth in the annual peanut crop supplement to the regulations in this subpart.

§ 1421.287 Delivery charge.

A delivery charge of 20 cents per ton net weight will be made for the quantity of peanuts acquired by CCC as a result of a loan or purchase and shall be handled in accordance with § 1421.11 of the general regulations. As used in this subpart, the term "net weight" shall have the meaning specified in § 1446.3(m) of this chapter of the peanut warehouse storage regulations.

§ 1421.288 Maturity of loans.

Farm-stored peanut loans will mature on demand but not later than the date specified in the annual peanut crop supplement to the regulations in this subpart.

§ 1421.289 Settlement.

(a) *General.* Settlement for eligible peanuts acquired by CCC under a loan or purchase will be made with the producer as provided in paragraphs (a), (d), (e), (g), (j), and (k) only of § 1421.23 of the general regulations and in this section.

(b) *Settlement values.* The settlement value of the peanuts acquired by CCC shall be the amount computed on the basis of (1) the net weight and quality thereof; (2) the support prices, premiums and discounts provided in the annual peanut crop supplement to the regulations in this subpart; (3) an allowance of four-tenths of a cent ($0.004) per pound, net weight, to compensate the producer for shrinkage during storage, and (4) discounts of (i) $2 per ton, net weight, for each full 1 percent of foreign material in excess of 10 percent, and (ii) $10 per ton, net weight, for peanuts containing more than 10 percent moisture.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1970.

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

[F.R. Doc. 70-10442; Filed, Aug. 10, 1970; 8:49 a.m.]

[CCC Grain Price Support Regs., 1970 Crop Peanut Farm-Stored Loan and Purchase Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Farm-Stored Peanut Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities (35 F.R. 7363) and any amendments thereto (hereinafter referred to as "the general regulations") and the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (35 F.R. 12706) and any amendments thereto (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to price support operations, are further supplemented by revising §§ 1421.291–1421.294 to read as follows, effective as to the 1970 crop of peanuts. The material previously appearing in these sections remains in full

force and effect as to the crops to which it was applicable.

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Price support rates.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425.

§ 1421.291 Purpose.

This supplement, together with the applicable provisions of the general regulations and the provisions of the continuing supplement, apply to farm-stored loans and purchases for the 1970 crop of peanuts.

§ 1421.292 Availability.

(a) *Farm-stored loans.* Producers must request a loan on 1970 crop eligible peanuts on or before April 30, 1971.

(b) *Purchases.* Producers desiring to offer eligible peanuts not under loan for purchase must execute and deliver to the appropirate ASCS county office, on or before May 31, 1971, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1970 crop peanuts he may sell to CCC.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on May 31, 1971.

§ 1421.294 Price support rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	Dollars per ton
Virginia	$265
Runner	245
Southeast Spanish	257
Southwest Spanish	252
Valencia (suitable for cleaning and roasting in southwest) [1]	265

[1] The price for all Valencia type peanuts in the southeast and Virginia-Carolina areas and those in the southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

(b) *Location adjustments to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	Dollars per ton
Arizona	$25
Arkansas	10
California	33
Louisiana	7
Mississippi	20
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.44 the 1970 crop peanut warehouse storage loan and sheller purchase supplement, 35 F.R. 11988, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1970.

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

[F.R. Doc. 70–10443; Filed, Aug. 10, 1970; 8:49 a.m.]

[Cotton Loan Program Regs., Amdt. 5]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 70–9721 appearing at page 12100 in the issue for Wednesday, July 29, 1970, the following changes should be made:

1. The word "come" in the fourth line of § 1427.1360(b) should read "same".
2. The word "Forum" in the eighth line of § 1427.1366(a) should read "Form".

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:

In § 76.2, in paragraph (e)(15) relating to the State of Texas, subdivision (ix) relating to Montgomery, San Jacinto, and Harris Counties is amended to read:

(e) * * *

(15) *Texas.* * * *

(ix) The adjacent portions of *Montgomery, San Jacinto, and Harris Counties* bounded by a line beginning at the junction of State Highway 105 and the Montgomery-Liberty County line; thence, following the Montgomery-Liberty County line in a southeasterly direction to the Montgomery-Harris County line; thence, following the Montgomery-Harris County line in a generally southwesterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a southerly direction to Farm-to-Market Road 1960; thence, following Farm-to-Market Road 1960 in a southwesterly direction to State Highway 290; thence following State Highway 290 in a northwesterly direction to the Harris-Waller County line; thence, following the Harris-Waller County line in a northwesterly direction to Spring Creek (also the Harris-Waller County line); thence, following the south bank of the Spring Creek (also the Harris-Waller County line) in a generally southeasterly direction to the Montgomery-Waller County line; thence, following the Montgomery-Waller County line in a northerly direction to Farm-to-Market Road 1488; thence, following Farm-to-Market Road 1488 in a generally northeasterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a northerly direction to State Highway 105; thence, following State Highway 105 in a generally northeasterly direction to its junction with the Montgomery-Liberty County line.

* * * * *

(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 amendment shall become effective upon issuance.

The amendment quarantines a portion of Harris County, Tex., 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 the quarantined area designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. 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 amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1970.

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

[F.R. Doc. 70–10405; Filed, Aug. 10, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10496]

PART 15—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Rescission of Part

Part 15 of the Federal Aviation Regulations has implemented section 601 of the Civil Rights Act of 1964. On June 10, 1970, the Secretary of Transportation added a new Part 21 to the Regulations of the Office of the Secretary of Transportation, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964", effective June 18, 1970 (35 F.R. 10080). Part 21 covers the subject for the entire Department of Transportation, including its operating administrations, and in terms supersedes Part 15. Accordingly, Part 15 of the Federal Aviation Regulations is surplusage and is being rescinded.

Since this amendment relates to public grants, notice and public procedure thereon are not required, and it may be made effective in less than 30 days.

In view of the foregoing, Part 15 of the Federal Aviation Regulations is rescinded, effective August 11, 1970.

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a); Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); Part 21, Regulations of the Secretary of Transportation)

Issued in Washington, D.C., on August 4, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-10411; Filed, Aug. 10, 1970; 8:47 a.m.]

[Docket No. 9815; Amdt. 61-50]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Flight Instructor Recommendation Requirement—Removal in Certain Cases

The purpose of these amendments to Part 61 of the Federal Aviation Regulations is to remove the requirement that an applicant for an airline transport pilot certificate or an additional rating on that certificate must have a written recommendation from a certificated flight instructor in order to be eligible to take a flight test for that certificate or rating.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 69-38) issued on August 29, 1969, and published in the FEDERAL REGISTER on September 5, 1969 (35 F.R. 14081). Due consideration has been given to all comments presented in response to that notice.

Of the 24 comments, 11 concurred with (generally without substantive comment) and 13 opposed the proposal. Some of the latter asserted that the proposal degrades the status of flight instructors, or that the GADO's would be burdened by increased failures in flight tests, or that the quality of airline transport pilots would be lowered. However, the FAA does not agree that any of these results will be caused by these amendments. As pointed out in the notice, the recommendation requirement does not serve the original stated purpose of the provision (Notice 64-18) so far as applicants for airline transport pilot certificates are concerned, that is, to benefit these applicants by insuring that they have had adequate preparation before taking the flight test, thus reducing the possibility of failure. This is so, in view of the fact that flight instructor certificate applicants are not examined on the knowledge and skill requirements that are pertinent to airline transport pilot testing standards, nor need they have the flight experience required therefor.

The commentators who opposed the proposal suggested certain alternatives, all of which were considered and rejected in developing the proposal. Seven of these commentators suggested that the instructor should have an airline transport pilot certificate in addition to his flight instructor certificate, and that the recommendation be required from such a flight instructor. The suggestion has merit, and the FAA agrees that an applicant prepared by such an instructor is more likely to have had good preparation and to pass the flight test. However, there is no standard of conduct or proficiency applicable to an airline transport pilot who would instruct an airline transport pilot applicant or issue a written statement under § 61.21 recommending that applicant, beyond that which would apply to the instructor's relationship with a commercial pilot applicant. For this reason it was not proposed as an alternative in the notice, either as a single requirement or as a requirement in conjunction with a flight instructor certificate. Removing the present requirement opens the field to the applicant to seek the best training available to him to prepare for the airline transport pilot flight test.

Two of the commentators who opposed the proposal recommend that an airline transport pilot grade of flight instructor should be established. However, such a grade or rating was not proposed in the notice because there are no flight instruction requirements in the experience requirements for an airline transport pilot certificate. If in the future specified flight instruction should be so required, consideration will be given at that time to also specifying the qualifications of the flight instructor giving the required flight instruction.

Related alternatives suggested by the commentators who opposed the proposal were that the instructor should have an airline transport pilot certificate but not necessarily a flight instructor certificate, or that the rules should allow recommendation from either an airline transport pilot or a flight instructor. The considerations for rejecting the alternatives discussed above dispose of these suggested alternatives.

In consideration of the foregoing, paragraph (a)(4) and paragraph (b) of § 61.21 of the Federal Aviation Regulations are amended, effective September 11, 1970, to read as follows:

§ 61.21 Prerequisites for flight test.

(a) * * *

(4) Have a written statement made not more than 60 days before applying for the flight test, from a flight instructor whose flight instructor certificate bears the category rating of the aircraft to be used in the flight test (or an instrument rating if that rating is sought), certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is applying for a type rating only;

(iii) Is applying for an airline transport pilot certificate or an additional aircraft rating on an airline transport pilot certificate; or

(iv) Is applying for a pilot certificate with a lighter-than-air category or associated class rating.

(b) Notwithstanding subparagraph (1) of paragraph (a) of this section, an applicant for an airline transport pilot certificate or an additional aircraft rating on that certificate, who has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved pilot training program of, a U.S. air carrier or commercial operator since no later than 24 months after passing the written test, or has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a U.S. scheduled military air transportation service after passing the written test, may take the flight test for that certificate or rating as long as he continues in that employment and pilot training program.

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

Issued in Washington, D.C., on August 4, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-10409; Filed, Aug. 10, 1970; 8:46 a.m.]

[Docket No. 10495; Amdt. 121-65]

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Miscellaneous Amendments

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to correct references in certain sections.

Section 121.303(b) provides that instruments and equipment required by §§ 121.305 through 121.351 must be approved and installed in accordance with the airworthiness requirements applicable to them. This amendment adds §§ 121.353 and 121.355 to the sections referred to in order to correct an inadvertent omission which occurred when Civil Air Regulations Parts 40, 41, and 42 were issued as Part 121 of the Federal Aviation Regulations (29 F.R. 19186, Dec. 31, 1964).

To insure uniformity, this amendment also adds §§ 121.357 and 121.359 to the referenced sections in § 121.303(b). Since these two sections presently require, by their own terms, the installation of approved airborne weather radar and cockpit voice recorder equipment, no substantive change is made to these sections by this amendment.

Section 121.631(b) authorizes a dispatch or flight release to be amended en route to include any alternate airport that is within the fuel range of the aircraft as specified in §§ 121.639 through 121.649. The reference to § 121.649 is incorrect, and should be § 121.647.

Section 121.631(c) refers to "the appropriate requirements of §§ 121.593 through 121.659 * * *." The reference to § 121.659 was inadvertent and should be § 121.661.

Since this amendment merely corrects certain provisions of the regulations as recodified, is clarifying in nature, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is hereby amended, effective August 11, 1970, as follows:

1. Section 121.303(b) is amended by striking out "§ 121.351," and inserting "§ 121.359" in place thereof.

2. Section 121.631(b) is amended by striking out "§ 121.649," and inserting "§ 121.647" in place thereof.

3. Section 121.631(c) is amended by striking out "§ 121.659," and inserting "§ 121.661" in place thereof.

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

Issued in Washington, D.C., on August 3, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-10410; Filed, Aug. 10, 1970; 8:46 a.m.]

[Docket No. 10116; Amdt. 171-7]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Simplified Directional Facility, Distance Measuring Equipment, and VHF Marker Beacons

The purpose of this amendment to Part 171 of the Federal Aviation Regulations is to establish minimum requirements for the approval and operation of simplified directional facilities (SDF), distance measuring equipment (DME), and VHF marker beacons, and to make certain other minor revisions in that part. The amendments were proposed in Notice No. 70-6 issued on January 29, 1970, and published in the FEDERAL REGISTER on February 4, 1970 (35 F.R. 2528).

Comments were received from 52 sources, including individuals, trade associations, and Governmental bodies. Twenty-eight of these comments were received from a manufacturer of SDF equipment. Numerous comments from varied sources urged the adoption of the amendment but addressed the provisions of §§ 171.105(a)(7) and 171.105(b). The comments were identical and cited the following as unequal treatment of non-Federal and Federal navigation facilities:

1. The low priority of frequency assignment.

2. The low priority of frequency retention.

3. The additional cost burden of FAA commissioning.

With respect to both frequency assignment and frequency retention, it is believed that a reasonable basis exists for insuring that Federal facilities, in the National interest, are given high priority. However, this policy is the responsibility of the Federal Communications Commission, not the Federal Aviation Administration, and is not altered by this amendment.

With respect to inequities in funding policy, the Federal Aviation Administration believes that there may be a misunderstanding of FAA policy. As stated in Amendment 171-6, published in the FEDERAL REGISTER on June 24, 1970 (35 F.R. 10288), the FAA has relaxed the total prohibition on Federal funding of ground and flight inspections, and will now provide funds therefor when consistent with budgetary requirements and related necessary policies of the Administrator. This policy is repeated in this Amendment (§ 171.105(a)(7)). In any case, this amendment does not introduce any new FAA funding policy contrary to the interests of sponsors of non-Federal navigation aids.

In response to one comment, § 171.105(b) is clarified to make it clear that the facility in question will be licensed by the Federal Communications Commission. The license will give the operator authority to transmit on the assigned frequency until it expires, normally a period of 5 years, or until it is canceled. The Federal Communications Commission will cancel or revoke a license only for certain reasons. It does, however, consider Federal Aviation Administration recommendations for short term licenses, and has agreed to consider recommendations for nonrenewal of licenses for facilities which provide limited public service. This wording of § 171.105(b) is therefore changed accordingly.

As a result of internal recommendations, it has been decided to change the designation of the facility in Subpart F from Simplified Directional Approach System (SDAS) to Simplified Directional Facility (SDF).

One comment questioned the criteria contained in § 171.103 (a)(5) and (b) as to inspection and evaluation of the facility, expressing the opinion that the criteria should apply only to the initial unit certified by a given manufacturer, and once accepted into the system that there should be no requirement for repeating the process for each identical facility.

It is the position of the Federal Aviation Administration that the 800-hour mean time between failure (MTBF) standard and in-service evaluation should apply to all SDF facilities to be installed subsequent to approval of SDF by the Systems Research and Development Service. It does not appear reasonable to assume that an evaluation of one facility at one particular location will necessarily satisfy the evaluation requirements of another facility at a different location. However, § 171.103 (a)(5) provides that previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with the provisions of that subparagraph.

This commentator also urged that the nominal course sector width (§ 171.109 (a)(9)) be maintained at 6° if possible. In response to this, the Federal Aviation Administration points out that a width of 12° would not be approved (and a width of 6° would be used) unless there is assurance that it will provide satisfactory service. The commentator further correctly noted that § 171.111 (g) and (h) as written, were inconsistent with the privisions of § 171.109(a)(8). This inconsistency has been resolved.

In addressing Subpart H, the commentator observed that an instrument approach procedure cannot be established on a VHF Marker Beacon which is a secondary facility to be used only in conjunction with another type of radio facility which provides course information. The Federal Aviation Administration agrees with this comment and appropriate changes have been made.

Three commentators expressed concern that approval of SDF would result in a "lowering of standards" and a struggle to acquire and retain scarce frequencies. The operational adequacy of the SDF will be determined by appropriate ground and flight inspection criteria. Approval of an IFR procedure for a particular location which will utilize an SDF will have to be determined on a location by location basis. This is the same procedure currently used for approval of an IFR procedure for any type of navigation aid. After careful review of the total combination of operating and approval criteria in this amendment, the Federal Aviation Administration is confident that no lowering of operational safety levels will result from this amendment.

One comment endorsed this amendment, but had particular reservations about §§ 171.113 (c) and (d), and 171.115(h)(i), concerning the possible requirement for dual equipment and the

shutting down of equipment upon detection of malfunction from the air, respectively.

The statement in § 171.113 pertaining to the possibility of requiring dual equipment is to advise the public that such a requirement may be necessary to support IFR procedures at given locations. This is consistent with current Federal Aviation Administration policy. The provisions of § 171.115(h)(i) are designed to ensure adequate safety in those instances where a facility may have a malfunction that is detected in the air before it is observed on the ground. No change in either provision appears justified.

In response to a comment concerning the factors to be included in Federal Aviation Administration determinations of reliability, the Federal Aviation Administration believes that reliability requirements for newly developed equipment installed subsequent to being approved for use in the National Airspace System by the Systems Research and Development Service may be satisfied by any party having acceptable documentation of the facility. Loss of electrical power constitutes an equipment failure and, therefore, must be retained as part of the MTBF requirement. The Federal Aviation Administration region concerned will determine compliance with respect to requirements for numbers of inspections and periodicity of performance checks. The suitability of specific air/ground communications equipment will have to be determined on a case-by-case basis. Licensing requirements of course are determined by the Federal Communications Commission, not the Federal Aviation Administration.

In response to one comment concerning reporting requirements, it is the Federal Aviation Administration's position that reporting requirements under Part 171 have already been sufficiently relaxed and no further relaxation is anticipated.

In response to a comment concerning communications requirements in Subpart H, the Federal Aviation Administration believes that the factors affecting these requirements cannot be predicted in advance, and that such requirements should therefore be considered on a case-by-case basis, and should not, as requested, be identified and defined in advance of receipt of data from the sponsor.

In a detailed submission, one comment supported the subparts on DME and VHF Marker Beacons, but strongly opposed inclusion of standards for SDF. The commentator stated that the SDF is a degraded ILS system and that in view of the great effort, nationally and internationally, that has gone into developing standards for the ILS system, it is unacceptable to now degrade that long-term standardization effort by adopting standards for a degraded ILS localizer without the accepted process of national selection or agreement. The comment also expressed concern with respect to the impact upon scarce ILS channel assignments since each SDF facility will require a localizer frequency. The commentator raised a question of reliability based upon one unfavorable report concerning one particular installation and upon the fact that no SDF system has yet been installed which meets the standards and requirements outlined in the amendment; and stated that performance information is lacking and should be known prior to consideration of the rule.

The Federal Aviation Administration does not believe that any of these concerns expressed by the commentator can be justified on their merits. The operational adequacy of the SDF will be determined by appropriate ground and flight inspection criteria that are fully adequate to ensure the safety of the operational use of the equipment. Approval of an IFR procedure on a location which will utilize an SDF is a matter to be determined on a location-by-location basis. This is the procedure currently used for approval of an IFR procedure for any type of navigational aid. Accordingly, if the SDF performs in accordance with the systems characteristics provided by SRDS and meets stability requirements, the Federal Aviation Administration is confident that no lowering of standards would result.

In regard to assigned frequencies, the Federal Aviation Administration does not anticipate any jeopardy of frequency assignment or retention because of the entry of SDF into the field. In addition to an SRDS evaluation of SDF performance, information will be determined by ground and flight inspection, and MTBF requirements will be satisfied on a site-by-site basis. With respect to a general comment on MTBF as a factor, the Federal Aviation Administration, in view of the many varying types of operational requirements, does not believe the levying of an availability requirement is the most feasible or economical way to obtain the results this factor provides for. An MTBF for all facilities encompassed in Part 171 will be provided as it becomes available.

One comment generally endorsed the amendment, but expressed concern over the ability of at least one type of SDF system to meet the stated requirements, particularly with regard to the tolerances for vertical polarization. It is expected that some manufacturers of SDF equipment may have to modify or improve their equipment to meet the vertical polarization tolerances specified in the amendment. The tolerance limit set out is adequate for approach aids, and experience has shown that with proper care, radiated signals can be maintained within the specified limits.

One manufacturer of an SDF system submitted 28 comments to the NPRM, requesting a variety of changes in Subpart F. Comments as to cost of flight and ground inspections, and priority of assignment and retention of frequencies, have already been answered. The Federal Aviation Administration concurred with changes suggsted in 13 of the comments. These deal with:

- The composite field pattern from the SDF antenna system;
- The angle of convergence of the final approach course and the extended runway centerline;
- Changing "course width" to "course sector width" for consistency;
- The identification signal of the SDF;
- Course structure;
- Power output;
- VSWR;
- Requirements for course alignment;
- Clearance;
- Modulation monitor limits;
- Standby power for the SDF.

These suggested changes have been incorporated into the final rule.

The Federal Aviation Administration did not agree with the changes suggested in the remainder of this commentator's suggestions. The more significant of these are treated in the following discussion.

With respect to the approval of new facility types, the commentator objected to the procedures involved. In this regard, the Federal Aviation Administration believes that any new facility type should be approved by SRDS prior to receiving any consideration for having the facility concerned approved for IFR use. Upon SRDS approval of a new facility, any potential sponsor of an SRDS approved facility may request approval of an IFR approach procedure using such a facility. The Federal Aviation Administration region concerned will then respond to a potential sponsor's request for an IFR procedure by initiating action to evaluate the facility for a required period (normally 30 days) for the location concerned. This Federal Aviation Administration regional evaluation will be required for all subsequent locations utilizing identical facilities. The commentator assumed in one comment that the MTBF requirement need only be met once. This is not correct. An 800-hour MTBF will be required for all such facilities requesting an IFR procedure. This is not a one-time approval requirement and the commentator's suggested certification procedure would not, in the Federal Aviation Administration's opinion, achieve the same result. Furthermore, the period of in-service evaluation will be determined by the Federal Aviation Administration region in which the facility is installed, as proposed in the notice.

With respect to comments concerning relaxation of the vertical polarization requirement, the Federal Aviation Administration believes that a vertical polarization limit of one-twentieth of the course sector width is necessary to insure that the undesired polarization component does not exceed the course structure limitations. Vertical polarization can reasonably be controlled and maintained within the limits specified, and in view of its substantial effect upon the pilot's ability to fly the desired course, the specified value is justified.

One comment requested a form of relaxed tolerance checks in certain parameters, including ground standards and tolerances. It is believed that the tolerance check criteria in this Amendment are necessary for safety. This comment cannot, therefore, be accepted.

Interested persons have been afforded an opportunity to participate in the

making of these amendments. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as provided herein.

In consideration of the foregoing, Part 171 of the Federal Aviation Regulations, is amended, effective September 9, 1970, as follows:

§§ 171.1, 171.21, 171.41 [Amended]

1. By amending §§ 171.1, 171.21, and 171.41, by inserting the words "approval and" between the words "for the" and the words "operation of."

2. By amending § 171.3(a) by adding a new subparagraph (5) to read as follows:

§ 171.3 Requests for IFR procedure.

(a) * * *

(5) A showing that the facility has an acceptable level of operational reliability and an acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

3. By deleting § 171.3(c).

4. By amending the first sentence of § 171.7(a) to read as follows:

§ 171.7 Performance requirements.

(a) The VOR must perform in accordance with the "International Standards and Recommended Practices, Aeronautical Telecommunications" Part I, paragraph 3.3 (Annex 10 to the Convention on International Civil Aviation) except that part of paragraph 3.3.7 requiring removal of only the bearing information. * * *

* * * * *

5. By amending § 171.9(a) to read as follows:

§ 171.9 Installation requirements.

(a) The facility must be installed according to accepted good engineering practices, applicable electric and safety codes, and the installation must meet at least the Federal Communication Commission's licensing requirements.

6. By amending § 171.23(a) by adding a new subparagraph (5) to read as follows:

§ 171.23 Requests for IFR procedure.

(a) * * *

(5) A showing that the facility has an acceptable level of operational reliability and an acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

* * * * *

7. By deleting § 171.23(c).

8. By amending § 171.27(a) to read as follows:

§ 171.27 Performance requirements.

(a) The facility must meet the performance requirements set forth in the "International Standards and Recommended Practices, Aeronautical Telecommunications, Part I, paragraph 3.4" (Annex 10 to the Convention on International Civil Aviation), except that identification by on-off keying of a second carrier frequency, separated from the main carrier by 1020 Hz plus or minus 50 Hz, is also acceptable.

* * * * *

9. By amending § 171.43(a) by adding a new subparagraph (5) to read as follows:

§ 171.43 Requests for IFR procedure.

(a) * * *

(5) A showing that the facility has an acceptable level of operational reliability and an acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

* * * * *

10. By deleting § 171.43(c).

11. By adding a new § 171.75, within Subpart E, to read as follows:

§ 171.75 Submission of requests.

(a) Requests for approval of facilities not having design and operational characteristics identical to those of facilities currently approved under this part, including requests for deviations from this part for such facilities, must be submitted to the Director, Systems Research and Development Service.

(b) The following requests must be submitted to the Regional Director of the region in which the facility is located:

(1) Requests for approval of facilities that have design and operational characteristics identical to those of facilities currently approved under this part, including requests for deviations from this part for such facilities.

(2) Requests for deviations from this part for facilities currently approved under this part.

(3) Requests for modification of facilities currently approved under this part.

9. By adding new Subparts F, G, and H to read as follows:

Subpart F—Simplified Directional Facility (SDF)

§ 171.101 Scope.

This subpart sets forth minimum requirements for the approval and operation of non-Federal Simplified Directional Facilities (SDF) that are to be involved in the approval of instrument flight rules and air traffic control procedures related to those facilities.

§ 171.103 Requests for IFR procedure.

(a) Each person who requests an IFR procedure based on an SDF that he owns must submit the following information with that request:

(1) A description of the facility and evidence that the equipment meets the performance requirements of § 171.109 and the standards and tolerances of § 171.111, and is installed in accordance with § 171.113.

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and a maintenance manual that meets the requirements of § 171.115.

(4) A statement of intent to meet the requirements of this subpart.

(5) A showing that the facility has an acceptable level of operational reliability as prescribed in § 171.111(k), and an acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

(b) After the Federal Aviation Administration inspects and evaluates the facility, it advises the owner of the results and of any required changes in the facility or the maintenance manual or maintenance organization. The owner must then correct the deficiencies, if any, and operate the facility for an in-service evaluation by the Federal Aviation Administration.

§ 171.105 Minimum requirements for approval.

(a) The following are the minimum requirements that must be met before the Federal Aviation Administration will approve an IFR procedure for a non-Federal Simplified Directional Facility:

(1) A suitable frequency channel must be available.

(2) The facility's performance, as determined by air and ground inspection, must meet the requirements of §§ 171.109 and 171.111.

(3) The installation of the equipment must meet the requirements of § 171.113.

(4) The owner must agree to operate and maintain the facility in accordance with § 171.115.

(5) The owner must agree to furnish periodic reports as set forth in § 171.117, and agree to allow the FAA to inspect the facility and its operation whenever necessary.

(6) The owner must assure the FAA that he will not withdraw the facility from service without the permission of the FAA.

(7) The owner must bear all costs of meeting the requirements of this section and of any flight or ground inspections made before the facility is commissioned, except that the FAA may bear certain of these costs subject to budgetary limitations and policy established by the Administrator.

(b) If the applicant for approval meets the requirements of paragraph (a) of this section, the FAA commissions the facility as a prerequisite to its approval for use in an IFR procedure. The approval is withdrawn at any time the facility does not continue to meet those requirements. In addition, the facility is licensed by the Federal Communications Commission. The Federal Aviation Administration recommends cancellation or nonrenewal of the Federal Communications Commission license whenever the frequency channel is needed for higher priority common system service.

§ 171.107 Definition.

As used in this subpart:

"SDF" (simplified directional facility) means a directional aid facility providing only lateral guidance (front or back course) for approach from a final approach fix.

"DDM (difference in depth of modulation)" means the percentage modulation depth of the larger signal minus the percentage modulation depth of the smaller signal, divided by 100.

"Angular displacement sensitivity" means the ratio of measured DDM to the corresponding angular displacement from the appropriate reference line.

"Back course sector" means the course sector on the opposite end of the runway from the front course sector.

"Course line" means the locus of points along the final approach course at which the DDM is zero.

"Course sector" means a sector in a horizontal plane containing the course line and limited by the loci of points nearest to the course line at which the DDM is 0.155.

"Displacement sensitivity" means the ratio of measured DDM to the corresponding lateral displacement from the appropriate reference line.

"Front course sector" means the course sector centered on the course line in the direction from the runway in which a normal final approach is made.

"Half course sector" means the sector in a horizontal plane containing the course line and limited by the loci of points nearest to the course line, at which the DDM is 0.0775.

"Point A" means a point on the front course in the approach direction a distance of 4 nautical miles from the threshold.

"Point A1" means a point on the front course in the approach direction a distance of 1 statute mile from the threshold.

"Point A2" means a point or the front course at the threshold.

"Reference datum" means a point at a specified height located vertically above the intersection of the course and the threshold.

"Missed approach point" means the point on the final approach course, not farther from the final approach fix than Point "A2", at which the approach must be abandoned, if the approach and subsequent landing cannot be safely completed by visual reference, whether or not the aircraft has descended to the minimum descent altitude.

§ 171.109 Performance requirements.

(a) The Simplified Directional facility must perform in accordance with the following standards and practices:

(1) The radiation from the SDF antenna system must produce a composite field pattern which is amplitude modulated by a 90 Hz and a 150 Hz tone. The radiation field pattern must produce a course sector with the 90 Hz tone predominating on one side of the course and with the 150 Hz tone predominating on the opposite side.

(2) When an observer faces the SDF from the approach end of runway, the depth of modulation of the radiofrequency carrier due to the 150 Hz tone must predominate on his right hand and that due to the 90 Hz tone must predominate on his left hand.

(3) All horizontal angles employed in specifying the SDF field patterns must originate from the center of the antenna system which provides the signals used in the front course sector.

(4) The SDF must operate on odd tenths MHz within the frequency band 108.1 MHz to 111.9 MHz. The frequency tolerance must not exceed plus or minus 0.005 percent.

(5) The radiated emission from the SDF must be horizontally polarized. The vertically polarized component of the radiation on the course line must not exceed that which corresponds to an error one-twentieth of the course sector width when an aircraft is positioned on the course line and is in a roll attitude of 20° from the horizontal.

(6) The SDF must provide signals sufficient to allow satisfactory operation of a typical aircraft installation within the sector which extends from the center of the SDF antenna system to distances of 18 nautical miles within a plus or minus 10° sector and 10 nautical miles within the remainder of the coverage when alternative navigational facilities provide satisfactory coverage within the intermediate approach area. SDF signals must be receivable at the distances specified at and above a height of 1,000 feet above the elevation of the threshold, or the lowest altitude authorized for transition, whichever is higher. Such signals must be receivable, to the distances specified, up to a surface extending outward from the SDF antenna and inclined at 7° above the horizontal.

(7) The modulation tones must be phase-locked so that within the half course sector, the demodulated 90 Hz and 150 Hz wave forms pass through zero in the same direction within 20° of phase relative to the 150 Hz component, every half cycle of the combined 90 Hz and 150 Hz wave form. However, the phase need not be measured within the half course sector.

(8) The angle of convergence of the final approach course and the extended runway centerline must not exceed 30°. The final approach course must be aligned to intersect the extended runway centerline between points A1 and the runway threshold. When an operational advantage can be achieved, a final approach course that does not intersect the runway or that intersects it at a distance greater than point A1 from the threshold, may be established, if that course lies within 500 feet laterally of the extended runway centerline at a point 3,000 feet outward from the runway threshold. The mean course line must be maintained within ±10 percent of the course sector width.

(9) The nominal displacement sensitivity within the half course sector must be 50 microamperes/degree. The nominal course sector width must be 6°. When an operational advantage can be achieved, a nominal displacement sensitivity of 25 microamperes/degree may be established, with a nominal course sector width of 12° with proportional displacement sensitivity. The lateral displacement sensitivity must be adjusted and maintained within the limits of plus or minus 17 percent of the nominal value.

(10) The off-course (clearance) signal must increase at a substantially linear rate with respect to the angular displacement from the course line up to an angle on either side of the course line where 175 microamperes of deflection is obtained. From that angle to ±10°, the off-course deflection must not be less than 175 microamperes. From ±10° to ±35° the off-course deflection must not be less than 150 microamperes. With the course adjusted to cause any of several monitor alarm conditions, the aforementioned values of 175 microamperes in the sector 10° each side of course and 150 microamperes in the sector ±10° to ±35° may be reduced to 160 microamperes and 135 microamperes, respectively. These conditions must be met at a distance of 18 nautical miles from the SDF antenna within the sector 10° each side of course line and 10 nautical miles from the SDF antenna within the sector ±10° to ±35° each side of course line.

(11) The SDF may provide a ground-to-air radiotelephone communication channel to be operated simultaneously with the navigation and identification signals, if that operation does not interfere with the basic function. If a channel is provided, it must conform with the following Standards:

(i) The channel must be on the same radiofrequency carrier or carriers as used for the SDF function, and the radiation must be horizontally polarized. Where two carriers are modulated with speech, the relative phases of the modulations on the two carriers must avoid the occurence of nulls within the coverage of the SDF.

(ii) On centerline, the peak modulation depth of the carrier or carriers due to the radiotelephone communications must not exceed 50 percent but must be adjusted so that the ratio of peak modulation depth due to the radiotelephone communications to that due to the identification signal is approximately 9:1.

(iii) The audiofrequency characteristics of the radiotelephone channel must be flat to within 3 db relative to the level at 1,000 Hz over the range from 300 Hz to 3,000 Hz.

(12) (i) The SDF must provide for the simultaneous transmission of an identification signal, specific to the runway and approach direction, on the same radiofrequency carrier or carriers as used for the SDF function. The transmission of the identification signal must not interfere in any way with the basic SDF function.

(ii) The identification signal must be produced by Class A2 modulation of the radiofrequency carrier or carriers using a modulation tone of 1020 Hz within ±50 Hz. The depth of modulation must be between the limits of 5 and 15 percent except that, where a radiotelephone communication channel is provided, the

depth of modulation must be adjusted so that the ratio of peak modulation depth due to radiotelephone communications to that due to the identification signal modulation is approximately 9:1. The emissions carrying the identification signal must be horizontally polarized.

(iii) The identification signal must employ the International Morse Code and consist of three letters.

(iv) The identification signal must be transmitted at a speed corresponding to approximately seven words per minute, and must be repeated at approximately equal intervals, not less than six times per minute. When SDF transmission is not available for operational use, including periods of removal of navigational components or during maintenance or test transmissions, the identification signal must be suppressed.

(b) It must be shown during ground inspection of the design features of the equipment that there will not be conditions that will allow unsafe operations because of component failure or deterioration.

(c) The monitor must be checked periodically during the in-service test evaluation period for calibration and stability. These tests, and ground checks of SDF radiation characteristics, must be conducted in accordance with the maintenance manual required by section 171.115(c) and must meet the standards and tolerances contained in paragraph 171.111(j).

(d) The monitor system must provide a warning to the designated control point(s) when any of the conditions of 171.111(j) occur, within the time periods specified in that paragraph.

(e) Flight inspection to determine the adequacy of the facility's operational performance and compliance with applicable performance requirements must be conducted in accordance with the "U.S. Standard Flight Inspection Manual." Tolerances contained in the U.S. Standard Flight Inspection Manual, section 217, must be complied with except as stated in paragraph (f) of this section.

(f) Flight inspection tolerances specified in section 217 of the "U.S. Standard Flight Inspection Manual" must be complied with except as follows:

(1) *Course sector width.* The nominal course sector width must be 6°. When an operational advantage can be achieved, a nominal course sector width of 12° may be established. Course sector width must be adjusted and maintained within the limits of ±17 percent of the nominal value.

(2) *Course alignment.* The mean course line must be adjusted and maintained within the limits of ±10 percent of the nominal course sector width.

(3) *Course structure.* Course deviations due to roughness, scalloping, or bends must be within the following limitations:

(i) *Front course.* (*a*) Course structure from 18 miles from runway threshold to Point A must not exceed ±40 microamperes;

(*b*) Point A to Point A–1—linear decrease from not more than ±40 microamperes at Point A to not more than ±20 microamperes at Point A–1;

(*c*) Point A–1 to Missed Approach Point—not more than ±20 microamperes;

(*d*) Monitor tolerances: width ±17 percent of nominal; alignment—±10 percent of nominal course sector width.

(ii) *Back course.* (*a*) Course structure 18 miles from runway threshold to 4 miles from runway threshold must not exceed ±40 microamperes. Four miles to 1 mile from R/W must not exceed ±40 microamperes decreasing to not more than ±20 microamperes, at a linear rate.

(*b*) Monitor tolerances: width—±17 percent of nominal; alignment—±10 percent of nominal course sector width.

§ 171.111 Ground standards and tolerances.

Compliance with this section must be shown as a condition to approval and must be maintained during operation of the SDF.

(a) *Frequency.* (1) The SDF must operate on an assigned frequency within the band 108.1 MHz to 111.9 MHz, inclusive. The frequency tolerance must not exceed ±0.005 percent.

(2) The modulating tones must be 90 Hz and 150 Hz within ±2.5 percent.

(3) The identification signal must be 1020 Hz within ±50 Hz.

(4) The total harmonic content of the 90 Hz tone must not exceed 10 percent.

(5) The total harmonic content of the 150 Hz tone must not exceed 10 percent.

(b) *Power output.* The normal carrier power output must be of a value which will provide coverage requirements of § 171.109(a)(6) when reduced by 3dB to the monitor RF power reduction alarm point specified in § 171.111(j)(3).

(c) *VSWR.* (1) The VSWR of carrier and sideband feedlines must be a nominal value of 1/1 and must not exceed 1.2/1.

(2) The sponsor will also provide additional manufacturer's ground standards and tolerances for all VSWR parameters peculiar to the equipment which can effect performance of the facility in meeting the requirements specified in §§ 171.109 and 171.111.

(d) *Insulation resistance.* The insulation resistance of all coaxial feedlines must be greater than 20 megohms.

(e) *Depth of modulation.* (1) the depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be 20 percent ±2 percent along the course line.

(2) The depth of modulation of the radiofrequency carrier due to the 1020 Hz identification signal must be within 5 percent to 15 percent.

(f) *Course sector width.* The standard course sector width must be 6° or 12°. The course sector must be maintained width ±17 percent of the standard.

(g) *Course alignment.* Course alignment must be as specified in §171.109(a)(8).

(h) *Back course alignment and width.* If a back course is provided, standards and tolerances for back course sector width and alignment must be the same as course sector width and course alignment specified in paragraphs (f) and (g) of this section.

(i) *Clearance.* Clearance must be as specified in § 171.109(a)(10).

(j) *Monitor standards and tolerances.* (1) The monitor system must provide a warning to the designated control point(s) when any of the conditions described in this paragraph occur, within the time periods specified in subparagraph (6) of this paragraph.

(2) Course shift alarm: The monitor must alarm and cause radiation to cease, or identification and navigation signals must be removed, if the course alignment deviates from standard alignment by 10 percent or more of the standard course sector width.

(3) RF power reduction alarm: The monitor must alarm and cause radiation to cease, or identification and navigation signals must be removed, if the output power is reduced by 3 Db or more from normal.

(4) Modulation level alarm: The monitor must alarm and cause radiation to cease, or identification and navigation signals must be removed, if the 90 Hz and 150 Hz modulation levels decrease by 17 percent or more.

(5) Course sector width alarm: The monitor must alarm and cause radiation to cease, or identification and navigation signals must be removed, for a change in course sector width to a value differing by ±17 percent or more from the standard.

(6) Monitor delay before shutdown: Radiation must cease, or identification and navigation signals must be removed, within 10 seconds after a fault is detected by the monitor, and no attempt must be made to resume radiation for a period of at least 20 seconds. If an automatic recycle device is used, not more than three successive recycles may be permitted before a complete SDF shutdown occurs.

(k) *Mean time between failures.* The mean time between failures must not be less than 800 hours. This measure is applied only to equipment failures (monitor or transmitting equipment, including out of tolerance conditions) which result in facility shutdown. It does not relate to the responsiveness of the maintenance organization.

(l) *Course alignment stability.* Drift of the course alignment must not exceed one-half the monitor limit in a 1-week period.

§ 171.113 Installation requirements.

(a) The facility must be installed according to accepted good engineering practices, applicable electric and safety codes, and FCC requirements.

(b) The SDF facility must have the following basic components:

(1) VHF SDF equipment and associated monitor system;

(2) Remote control and indicator equipment (remote monitor) when required by the FAA;

(3) A final approach fix; and

(4) Compass locator (COMLO) or marker if suitable fixes and initial approach routes are not available from existing facilities.

(c) The facility must have a reliable source of suitable primary power, either from a power distribution system or locally generated. Also, adequate power capacity must be provided for operation of test and working equipment at the SDF. A determination by the Federal Aviation Administration as to whether a facility will be required to have standby power for the SDF and monitor accessories to supplement the primary power will be made for each airport based upon operational minimums and density of air traffic.

(d) A determination by the Federal Aviation Administration as to whether a facility will be required to have dual transmitting equipment with automatic changeover for the SDF will be made for each airport based upon operational minimums and density of air traffic.

(e) There must be a means for determining, from the ground, the performance of the equipment (including antennae), initially and periodically.

(f) The facility must have the following ground/air or landline communication services:

(1) At facilities outside of and not immediately adjacent to air traffic control zones or areas, there must be ground/air communications from the airport served by the facility. The utilization of voice on the SDF should be determined by the facility operator on an individual basis.

(2) At facilities within or immediately adjacent to air traffic control zones or areas, there must be the ground/air communications required by subparagraph (1) of this paragraph and reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility.

Compliance with subparagraphs (1) and (2) of this paragraph need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to air traffic control zones or areas, and where extensive delays are not a factor, the requirements of subparagraphs (1) and (2) of this paragraph may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communication facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure down to the airport surface or at least to the minimum approach altitude.

(g) At those locations where two separate SDF facilities serve opposite ends of a single runway, an interlock must insure that only the facility serving the approach direction in use can radiate, except where no operationally harmful interference results.

(h) At those locations where, in order to alleviate frequency congestion, the SDF facilities serving opposite ends of one runway employ identical frequencies, an interlock must insure that the facility not in operational use cannot radiate.

(i) Provisions for maintenance and operations by authorized persons only.

(j) Where an operational advantage exists, the installation may omit a back course.

§ 171.115 Maintenance and operations requirements.

(a) The owner of the facility shall establish an adequate maintenance system and provide qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. Each person who maintains a facility shall meet at a minimum the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to maintain the facility, including proficiency in maintenance procedures and the use of specialized test equipment.

(b) The SDF must be designed and maintained so that the probability of operation within the performance requirements specified is high enough to insure an adequate level of safety. In the event out-of-tolerance conditions develop, the facility shall be removed from operation, and the designated control point notified.

(c) The owner must prepare, and obtain approval of, and each person operating or maintaining the facility shall comply with, an operations and maintenance manual that sets forth procedures for operations, preventive maintenance, and emergency maintenance, including instructions on each of the following:

(1) Physical security of the facility. This includes provisions for designating critical areas relative to the facility and preventing or controlling movements within the facility that may adversely affect SDF operations.

(2) Maintenance and operations by authorized persons only.

(3) Federal Communications Commission requirements for operating personnel and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relation between the facility and Federal Aviation Administration air traffic control facilities, with a description of the boundaries of controlled airspace over or near the facility, instructions for relaying air traffic control instructions and information (if applicable), and instructions for the operation of an air traffic advisory service if the facility is located outside of controlled airspace.

(6) Notice to the Administrator of any suspension of service.

(7) Detailed and specific maintenance procedures and servicing guides stating the frequency of servicing.

(8) Air-ground communications, if provided, expressly written or incorporating appropriate sections of Federal Aviation Administration manuals by reference.

(9) Keeping of station logs and other technical reports, and the submission of reports required by § 171.117.

(10) Monitoring of the facility.

(11) Names, addresses, and telephone numbers of persons to be notified in an emergency.

(12) Inspection by U.S. personnel.

(13) Shutdowns for routine maintenance and issue of "Notices to Airmen" for routine or emergency shutdowns, except that private use facilities may omit "Notices to Airmen."

(14) Commissioning of the facility.

(15) An acceptable procedure for amending or revising the manual.

(16) An explanation of the kinds of activities (such as construction or grading) in the vicinity of the facility that may require shutdown or certification of the facility by Federal Aviation Administration flight check.

(17) Procedure for conducting a ground check of SDF course alignment, width and clearance.

(18) The following information concerning the facility:

(i) Facility component locations with respect to airport layout, instrument runway, and similar areas;

(ii) The type, make, and model of the basic radio equipment that will provide the service;

(iii) The station power emission and frequencies of the SDF, markers and associated COMLOs, if any;

(iv) The hours of operation;

(v) Station identification call letters and method of station identification and the time spacing of the identification;

(vi) A description of the critical parts that may not be changed, adjusted, or repaired without a Federal Aviation Administration flight check to confirm published operations.

(d) The owner shall make a ground check of the facility each month in accordance with procedures approved by the Federal Aviation Administration at the time of commissioning, and shall report the results of the checks as provided in § 171.117.

(e) If the owner desires to modify the facility, he shall submit the proposal to the Federal Aviation Administration and may not allow any modifications to be made without specific approval.

(f) The owner's maintenance personnel shall participate in initial inspections made by the Federal Aviation Administration. In the case of subsequent inspections, the owner or his representatives shall participate.

(g) Whenever it is required by the Federal Aviation Administration, the owner shall incorporate improvements in SDF maintenance. In addition, he shall provide a stock of spare parts, of such a quantity, to make possible the prompt replacement of components that fail or deteriorate in service.

(h) The owner shall provide Federal Aviation Administration approved test instruments needed for maintenance of the facility.

(i) The owner shall close the facility by ceasing radiation and shall issue a "Notice to Airmen" that the facility is out of service (except that private use facilities may omit "Notices to Airmen"), upon receiving two successive pilot reports of its malfunctioning.

§ 171.117 Reports.

The owner of each facility to which this subpart applies shall make the following reports, at the time indicated, to the Federal Aviation Administration Regional Office for the area in which the facility is located:

(a) Record of meter readings and adjustments (Form FAA–198). To be filled out by the owner or his maintenance representative with the equipment adjustments and meter readings as of the time of commissioning, with one copy to be kept in the permanent records of the facility and two copies to the appropriate Regional Office of the Federal Aviation Administration. The owner shall revise the form after any major repair, modification, or retuning, to reflect an accurate record of facility operation and adjustment.

(b) Facility maintenance log (Form FAA–406c). This form is a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken. The owner shall keep the original of each report at the facility and send a copy to the appropriate Regional Office of the Federal Aviation Administration at the end of each month in which it is prepared.

(c) Radio equipment operation record (Form FAA–418), containing a complete record of meter readings, recorded on each scheduled visit to the facility. The owner shall keep the original of each month's record at the facility and send a copy of it to the appropriate Regional Office of the Federal Aviation Administration.

Subpart G—Distance Measuring Equipment (DME)

§ 171.151 Scope.

This subpart sets forth minimum requirements for the approval and operation of non-Federal DME facilities that are to be involved in the approval of instrument flight rules and air traffic control procedures related to those facilities.

§ 171.153 Requests for IFR procedure.

(a) Each person who requests an IFR procedure based on a DME facility that he owns must submit the following information with that request:

(1) A description of the facility and evidence that the equipment meets the performance requirements of § 171.157 and is installed in accordance with § 171.159.

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and maintenance manual that meets the requirement of § 171.161.

(4) A statement of intention to meet the requirements of this subpart.

(5) A showing that the facility has an acceptable level of operational reliability and an acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

(b) After the Federal Aviation Administration inspects and evaluates the facility, it advises the owner of the results and of any required changes in the facility or the maintenance manual or maintenance organization. The owner must then correct the deficiencies, if any, and operate the facility for an in-service evaluation by the Federal Aviation Administration.

§ 171.155 Minimum requirements for approval.

(a) The following are the minimum requirements that must be met before the Federal Aviation Administration will approve an IFR procedure for a non-Federal DME:

(1) A suitable frequency channel must be available.

(2) The facility's performance, as determined by air and ground inspection, must meet the requirements of § 171.157.

(3) The installation of the equipment must meet the requirements of § 171.159.

(4) The owner must agree to operate and maintain the facility in accordance with § 171.161.

(5) The owner must agree to furnish periodic reports, as set forth in § 171.163, and must agree to allow the Federal Aviation Administration to inspect the facility and its operation whenever necessary.

(6) The owner must assure the Federal Aviation Administration that he will not withdraw the facility from service without the permission of the Federal Aviation Administration.

(7) The owner must bear all costs of meeting the requirements of this section and of any flight or ground inspections made before the facility is commissioned, except that the Federal Aviation Administration may bear certain of these costs subject to budgetary limitations and policy established by the Administrator.

(b) If the applicant for approval meets the requirements of paragraph (a) of this section, the Federal Aviation Administration commissions the facility as a prerequisite to its approval for use in an IFR procedure. The approval is withdrawn at any time the facility does not continue to meet those requirements.

§ 171.157 Performance requirements.

(a) The DME must meet the performance requirements set forth in the "International Standards and Recommended Practices. Aeronautical Telecommunications, Part I, Paragraph 3.5.1" (Annex 10 to the Convention of International Civil Aviation).

(b) It must be shown during ground inspection of the design features of the equipment that there will not be conditions that will allow unsafe operations because of component failure or deterioration.

(c) The monitor must be checked periodically, during the in-service test evaluation period, for calibration and stability. These tests and ground tests of the functional and performance characteristics of the DME transponder must be conducted in accordance with the maintenance manual required by § 171.161(b).

(d) Flight inspection to determine the adequacy of the facility's operational performance and compliance with applicable "Standards and Recommended Practices" must be accomplished in accordance with the "U.S. Standard Flight Inspection Manual."

§ 171.159 Installation requirements.

(a) The facility must be installed according to accepted good engineering practices, applicable electric and safety codes, and Federal Communications Commission requirements.

(b) The facility must have a reliable source of suitable primary power, either from a power distribution system or locally generated, with a supplemental standby system, if needed.

(c) Dual transmitting equipment with automatic changeover is preferred and may be required to support certain IFR procedures.

(d) There must be a means for determining from the ground, the performance of the equipment, initially and periodically.

(e) A facility intended for use as an instrument approach aid for an airport must have or be supplemented by the following ground air or landline communications services:

(1) At facilities outside of and not immediately adjacent to air traffic control areas, there must be ground-air communications from the airport served by the facility. Separate communications channels are acceptable.

(2) At facilities within or immediately adjacent to air traffic control areas, there must be the ground-air communications required by subparagraph (1) of this paragraph and reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communication facility. Separate communications channels are acceptable.

Compliance with subparagraphs (1) and (2) of this paragraph need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to air traffic control zones or areas, and where extensive delays are not a factor, the requirements of subparagraphs (1) and (2) of this paragraph may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled area.

§ 171.161 Maintenance and operations requirements.

(a) The owner of the facility shall establish an adequate maintenance system and provide qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. Each person who maintains a facility shall meet at a minimum the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to maintain the facility, including proficiency in maintenance procedures and the use of specialized test equipment.

(b) The owner must prepare and obtain Federal Aviation Administration approval of, and each person operating or maintaining the facility shall comply with, an operations and maintenance manual that sets forth procedures for operations, preventive maintenance, and emergency maintenance, including instructions on each of the following:

(1) Physical security of the facility.

(2) Maintenance and operations by authorized persons only.

(3) Federal Communications Commission's requirements and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relations between the facility and Federal Aviation Administration air traffic control facilities, with a description of the boundaries of controlled airspace over or near the facility, instructions for relaying air traffic control instructions and information (if applicable), and instructions for the operation of an air traffic advisory service if the DME is located outside of controlled airspace.

(6) Notice to the Administrator of any suspension of service.

(7) Detailed and specific maintenance procedures and servicing guides stating the frequency of servicing.

(8) Air-ground communications, if provided, expressly written or incorporating appropriate sections of Federal Aviation Administration manuals by reference.

(9) Keeping of station logs and other technical reports, and the submission of reports required by § 171.163.

(10) Monitoring of the facility.

(11) Inspections by U.S. personnel.

(12) Names, addresses, and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for routine maintenance and issue of "Notices to Airmen" for routine or emergency shutdowns, except that private use facilities may omit the "Notices to Airmen."

(14) An explanation of the kinds of activity (such as construction or grading) in the vicinity of the facility that may require shutdown or reapproval of the facility by Federal Aviation Administration flight check.

(15) Commissioning of the facility.

(16) An acceptable procedure for amending or revising the manual.

(17) The following information concerning the facility:

(i) Location by latitude and longitude to the nearest second, and its position with respect to airport layouts.

(ii) The type, make, and model of the basic radio equipment that will provide the service.

(iii) The station power emission and frequency.

(iv) The hours of operation.

(v) Station identification call letters and methods of station identification, whether by Morse Code or recorded voice announcement, and the time spacing of the identification.

(vi) A description of the critical parts that may not be changed, adjusted, or repaired without an FAA flight check to confirm published operations.

(c) The owner shall make a monthly ground operational check in accordance with procedures approved by the FAA at the time of commissioning, and shall report the results of the checks as provided in § 171.163.

(d) If the owner desires to modify the facility, he shall submit the proposal to the FAA and may not allow any modifications to be made without specific approval.

(e) The owner's maintenance personnel shall participate in initial inspections made by the FAA. In the case of subsequent inspections, the owner or his representative shall participate.

(f) Whenever it is required by the FAA, the owner shall incorporate improvements in DME maintenance.

(g) The owner shall provide a stock of spare parts of such a quantity to make possible the prompt replacement of components that fail or deteriorate in service.

(h) The owner shall provide FAA-approved test instruments needed for maintenance of the facility.

(i) The owner shall shut down the facility (i.e. cease radiation and issue a NOTAM that the facility is out-of-service) upon receiving two successive pilot reports of its malfunctioning.

§ 171.163 Reports.

The owner of each facility to which this subpart applies shall make the following reports on forms furnished by the FAA, at the time indicated, to the FAA Regional office for the area in which the facility is located:

(a) Record of meter readings and adjustments (Form FAA–198). To be filled out by the owner with the equipment adjustments and meter readings as of the time of commissioning, with one copy to be kept in the permanent records of the facility and two copies to the appropriate Regional office of the FAA. The owner shall revise the form after any major repair, modification, or retuning, to reflect an accurate record of facility operation and adjustment.

(b) Facility maintenance log (Form FAA–406c). This form is a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken. The owner shall keep the original of each report at the facility and send a copy to the appropriate Regional Office of the Federal Aviation Administration at the end of the month in which it is prepared.

(c) Radio equipment operation record (Form FAA–418), containing a complete record of meter readings, recorded on each scheduled visit to the facility. The owner shall keep the original of each month's record at the facility and send a copy of it to the appropriate Regional Office of the Federal Aviation Administration.

Subpart H—VHF Marker Beacons

§ 171.201 Scope.

(a) This subpart sets forth minimum requirements for the approval and operation of non-Federal VHF marker beacon facilities that are to be involved in the approval of instrument flight rules and air traffic control procedures related to those facilities.

§ 171.203 Requests for IFR procedure.

(a) Each person who requests an IFR procedure which will incorporate the use of a VHF marker beacon facility that he owns must submit the following information with that request:

(1) A description of the facility and evidence that the equipment meets the performance requirements of § 171.207 and is installed in accordance with § 171.209.

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and a maintenance manual that meets the requirements of § 171.211.

(4) A statement of intent to meet the requirement of this subpart.

(5) A showing that the facility has an acceptable level of operational reliability, and an acceptable standard of performance. Previous equivalent operational experience may be shown to comply with this subparagraph.

(b) After the Federal Aviation Administration inspects and evaluates the facility, it advises the owner of the results and of any required changes in the facility or the maintenance manual or maintenance organization. The owner shall then correct the deficiencies, if any, and operate the facility for an in-service evaluation by the Federal Aviation Administration.

§ 171.205 Minimum requirements for approval.

(a) The following are the minimum requirements that must be met before the Federal Aviation Administration will approve an IFR procedure which incorporates the use of a non-Federal VHF marker beacon facility under this subpart:

(1) The facility's performances, as determined by air and ground inspection, must meet the requirements of § 171.207.

(2) The installation of the equipment must meet the requirements of § 171.209.

(3) The owner must agree to operate and maintain the facility in accordance with § 171.211.

(4) The owner must agree to furnish periodic reports, as set forth in § 171.213,

and agree to allow the Federal Aviation Administration to inspect the facility and its operation whenever necessary.

(5) The owner must assure the Federal Aviation Administration that he will not withdraw the facility from service without the permission of the Federal Aviation Administration.

(6) The owner must bear all costs of meeting the requirements of this section and of any flight or ground inspections made before the facility is commissioned, except that the Federal Aviation Administration may bear certain of these costs subject to budgetary limitations and policy established by the Administrator.

(b) If the applicant for approval meets the requirements of paragraph (a) of this section, the Federal Aviation Administration commissions the facility as a prerequisite to its approval for use in an IFR procedure. The approval is withdrawn at any time the facility does not continue to meet those requirements.

§ 171.207 Performance requirements.

(a) VHF Marker Beacons must meet the performance requirements set forth in the "International Standards and Recommended Practices, Aeronautical Telecommunications, Part I, paragraphs 3.1.6 and 3.6." (Annex 10 to the Convention on International Civil Aviation) except those portions that pertain to identification. Identification of a marker beacon (75 MHz) must be in accordance with "U.S. Standard Flight Inspection Manual," § 219.

(b) The facility must perform in accordance with recognized and accepted good electronic engineering practices for the desired service. The facility must be checked periodically during the in-service test evaluation period for calibration and stability. These tests and ground tests of the marker radiation characteristics must be conducted in accordance with the maintenance manual required by § 171.211(b).

(c) It must be shown during ground inspection of the design features of the equipment that there will not be conditions that will allow unsafe operations because of component failure or deterioration.

(d) Flight inspection to determine the adequacy of the facility's operational performance and compliance with applicable "Standards and Recommended Practices" are conducted in accordance with the "U.S. Standard Flight Inspection Manual." The original test is made by the Federal Aviation Administration and later tests must be made under arrangements, satisfactory to the Federal Aviation Administration, that are made by the owner.

§ 171.209 Installation requirements.

(a) The facility must be installed according to accepted good engineering practices, applicable electric and safety codes, and Federal Communications Commission requirements.

(b) The facility must have a reliable source of suitable primary power.

(c) Dual transmitting equipment may be required, if applicable, to support certain IFR procedures.

(d) At facilities within or immediately adjacent to air traffic control areas, and that are intended for use as instrument approach aids for an airport, there must be ground-air communications or reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communication facility. Compliance with this paragraph need not be shown at airports where an adjacent Federal Aviation Administration facility can communicate with aircraft on the ground at the airport and during the entire proposed instrument approach procedure. In addition, at low traffic density airports within or immediately adjacent to air traffic control zones or areas, and where extensive delays are not a factor, the requirements of this paragraph may be reduced to reliable communications (at least a landline telephone) from the airport to the nearest Federal Aviation Administration air traffic control or communications facility, if an adjacent Federal Aviation Administration facility can communicate with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude for the controlled area.

§ 171.211 Maintenance and operations requirements.

(a) The owner of the facility shall establish an adequate maintenance system and provide qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. Each person who maintains a facility shall meet at a minimum the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to maintain the facility, including proficiency in maintenance procedures and the use of specialized test equipment.

(b) The owner must prepare, and obtain approval of, and each person who operates or maintains the facility shall comply with, an operations and maintenance manual that sets forth procedures for operations, preventive maintenance, and emergency maintenance, including instructions on each of the following:

(1) Physical security of the facility.

(2) Maintenance and operations by authorized persons only.

(3) Federal Communications Commission's requirements for operating and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relations between the facility and Federal Aviation Administration air traffic control facilities, with a description of the boundaries of controlled airspace over or near the facility, instructions for relaying air traffic control instructions and information (if applicable).

(6) Notice to the Administrator of any suspension of service.

(7) Detailed arrangements for maintenance, flight inspection, and servicing, stating the frequency of servicing.

(8) Keeping of station logs and other technical reports, and the submission of reports required by § 171.213.

(9) Monitoring of the facility, at least once each half hour, to assure continuous operation.

(10) Inspections by U.S. personnel.

(11) Names, addresses, and telephone numbers of persons to be notified in an emergency.

(12) Shutdowns for routine maintenance and issue of "Notices to Airmen" for routine or emergency shutdowns (private use facilities may omit the "Notice to Airmen").

(13) Commissioning of the facility.

(14) An acceptable procedure for amending or revising the manual.

(15) The following information concerning the facility:

(i) Location by latitude and longitude to the nearest second, and its position with respect to airport layouts.

(ii) The type, make, and model of the basic radio equipment that will provide the service.

(iii) The station power emission and frequency.

(iv) The hours of operation.

(v) Station identification call letters and methods of station identification, whether by Morse Code or recorded voice announcement, and the time spacing of the identification.

(c) If the owner desires to modify the facility, he shall submit the proposal to the Federal Aviation Administration and meet applicable requirements of the Federal Communications Commission, and must not allow any modification to be made without specific approval by the Federal Aviation Administration.

(d) The owner's maintenance personnel shall participate in initial inspections made by the Federal Aviation Administration. In the case of subsequent inspections, the owner or his representative shall participate.

(e) The owner shall provide a stock of spare parts, of such a quantity to make possible the prompt replacement of components that fail or deteriorate in service.

(f) The owner shall shut down the facility by ceasing radiation, and shall issue a "Notice to Airmen" that the facility is out of service (except that private use facilities may omit "Notices to Airmen") upon receiving two successive pilot reports of its malfunctioning.

§ 171.213 Reports.

The owner of each facility to which this subpart applies shall make the following reports, at the times indicated, to the Federal Aviation Administration Regional Office for the area in which the facility is located:

(a) Record of meter readings and adjustments (Form FAA–198). To be filled out by the owner or his maintenance representative with the equipment adjustments and meter readings as of the time of commissioning, with one copy to be kept in the permanent records of the facility and two copies to the appropriate Regional Office of the Federal Aviation Administration. The owner must revise the form after any major repair, modification, or retuning, to reflect an accurate record of facility operation and adjustment.

(b) Facility maintenance log (Form FAA–406c). This form is a permanent

record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken. The owner shall keep the original of each report at the facility and send a copy to the appropriate Regional Office of the Federal Aviation Administration at the end of the month in which it is prepared.

(c) Radio equipment operation record (Form FAA-418), containing a complete record of meter readings, recorded on each scheduled visit to the facility. The owner shall keep the original of each month's record at the facility and send a copy of it to the appropriate Regional Office of the Federal Aviation Administration.

(Secs. 305, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958; 49 U.S.C. 1346, 1348, 1354(a), 1421, 1426; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 4, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-10403; Filed, Aug. 10, 1970; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 252—GUIDES FOR LABELING, ADVERTISING, AND SALE OF WIGS AND OTHER HAIRPIECES

The Commission is concerned with the acts and practices of some manufacturers, importers, distributors, and retailers of wigs and other hairpieces (hereinafter referred to as wigs), and is issuing these Guides in the interest of the purchasing public and to assist those engaged in the manufacture and sale of wigs to avoid possible violations of the Federal Trade Commission Act.

Information coming to the Commission's attention from various sources such as reputable manufacturers and sellers of wigs, Better Business Bureaus, and consumers reflects that guidance is clearly needed with respect to certain practices. These Guides are issued in the belief that the more knowledge businessmen have as to the requirements of laws designed to protect the consumer and foster open and fair competition, the greater the likelihood that they will conform to those laws, with attendant benefits to both the public and the business community.

While the Guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as expressed in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C. Secs. 41-58). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce," as commerce is defined therein. In this connection, the Commission considers wigs to be "cosmetics" under section 15(e) of the Federal Trade Commission Act, and will assume jurisdiction under section 12 of the Act over false wig advertising disseminated by U.S. mails, or in commerce by any means, which is likely to induce the purchase of such products, or disseminated by any means which is likely to induce the purchase in commerce of such products.

Moreover, the Commission considers wigs to be subject to the requirements of the Flammable Fabrics Act (15 U.S.C. section 1191, as amended) and will assume jurisdiction thereunder when deemed appropriate.

Inasmuch as the Commission believes that under certain circumstances the failure to disclose material information to consumers may result in their deception, the Guides provide for affirmative disclosure in some instances. In this regard, the lack of opportunity for a mail order purchaser to inspect a wig prior to purchase may necessitate disclosure in mail order advertising that may not be considered material in other advertising.

The content of these Guides is not to be construed as an expression of opinion concerning the relative merits of the various materials used in the manufacture of the products of this industry. Rather, the disclosure provisions of the Guides are intended to insure that consumers are not deceived into thinking they are getting one material when actually they are furnished another.

Sec.

AUTHORITY: The provisions of this Part 252 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

§ 252.0 Definitions.

(a) "Industry Member" means any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of any industry product as defined below.

(b) "Industry Product" means any kind or type of lady's wig, wiglet, fall, chignon, or other hairpiece and any kind or type of man's toupee or other hairpiece.

(c) "Hair Composition" means the type of hair fiber contained in an industry product. Hair composition may consist of, or be a combination of, three basic types of fiber, namely, human hair, animal hair, and artificial hair.

§ 252.1 Misrepresentation (general).

An industry product should not be labeled, advertised, or otherwise represented in any manner which may have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the composition, quality, durability, construction, weight, length, size, fit, color, set, ability to accept a set or be reset, style, ease of styling, maintenance, service, guarantee, origin, price, or any other feaure of such product.[1] [Guide 1]

§ 252.2 Disclosure of hair composition.

Disclosure of hair composition of an industry product should be made by label attached to the product and in all advertising relating to such product. If the hair composition consists of more than one of the basic types of fiber, e.g., human hair and artificial hair, then the percentage of each contained therein should be set forth on the label attached to the product and in all advertising relating to the product.

NOTE 1: A disclosure made in accordance with this section should be clear and conspicuous, and labels bearing such disclosure should be attached to the product with sufficient permanency so as to remain thereon until sale to the ultimate purchaser.

NOTE 2: The percentage of each type of hair fiber contained in an industry product may be based on (1) the ratio of the weight of each type of hair fiber to the total weight of hair fiber in the product or (2) the ratio of the number of hair fibers of each type to the total number of hair fibers in the product. Under the latter method, a representative sample of the hair fibers contained in a product may be used to determine the percentage of each type of hair fiber.

NOTE 3: Disclosure of artificial hair may be made with such terms as "simulated hair", "man-made hair", "imitation hair", or with terms of similar import, or with the generic name of the material itself, or with such other term or name as will clearly disclose the artificial nature of the hair.

[Guide 2]

§ 252.3 Disclosure of foreign origin.

(a) *Labeling.* Disclosure of foreign origin of the hair in an industry product should be made by label attached to the product. In the case of animal hair or synthetic hair, the foreign country of origin should be disclosed. In the case of human hair, the foreign country of origin or foreign area of origin should be disclosed. An example of acceptable labeling, assuming the product is made entirely of human hair from "X" country, would be "Human Hair from 'X' country", or, assuming "X" country is European, "Human Hair from Europe".

[1] All of the Commission's general Guides, including its Guides Against Deceptive Pricing, Guides Against Bait Advertising, and Guides Against Deceptive Advertising of Guarantees, are applicable to the practices of this industry. These Guides have been codified under Title 16, Parts 233, 238, and 239, respectively, of the U.S. Code of Federal Regulations.

NOTE 1: A disclosure of the foreign area of origin of the human hair in an industry product may be made with such terms as "European", "Asian", "Oriental", or with such other term or name as will clearly disclose the foreign area of origin.

NOTE 2: If the hair composition of an industry product consists of hair from more than one foreign country or area, then the percentages from each country or area contained therein should be set forth on the label attached to the product. For guidance with respect to the statement of percentages, see Note 2 under § 252.2.

NOTE 3. A disclosure made in accordance with this section should be clear and conspicuous, and labels bearing such disclosure should be attached to the product with sufficient permanency so as to remain thereon until sale to the ultimate purchaser.

(b) *Mail order advertising.* The disclosure of foreign country of origin or foreign area of origin of the hair in an industry product, indicated in the labeling provisions (a) of this section, should also be made in all mail order advertising.

(c) *Other advertising.* A disclosure of foreign country of origin or foreign area of origin of the hair in an industry product need not be made in other advertising unless in the absence of disclosure a purchaser or prospective purchaser may likely be deceived. If such advertising contains any representation, whether affirmative or implied, concerning origin of the product, or any part thereof, then the disclosure indicated in the labeling provision (a) of this section should be made. The following examples are set forth as guidance to advertisers.

Example 1. An industry product made in "X" country of hair from "Y" country should not be advertised as an "X" country wig, or with terms of similar import, unless accompanied by clear and conspicuous disclosure of the foreign country or area of origin of the hair, in accordance with the labeling provision (a) of this section.

Example 2. An industry product made in Europe of non-European hair should not be advertised as "European manufactured", "European processed", "European wig", or with terms of similar import, unless accompanied by clear and conspicuous disclosure of the foreign country or area of origin of the hair, in accordance with the labeling provision (a) of this section.

Example 3. Regardless of country of manufacture, an industry product made of non-European hair should not be advertised with such terms as "European Texture", or with terms of similar import which suggest that the product contains European hair.

Example 4. An industry product manufactured in the United States of imported hair ("X" country) should not be advertised as an "American Wig", or with terms of similar import, unless accompanied by clear and conspicuous disclosure of the foreign country or area of origin of the hair, in accordance with the labeling provision (a) of this section.

[Guide 3]

§ 252.4 Flammability.

An industry product, which is so highly flammable as to be dangerous when worn by individuals, should not be manufactured for sale, offered for sale, sold, or distributed in the United States, or imported into the United States.

NOTE 1: The Commission considers industry products to be subject to the requirements of the Flammable Fabrics Act (15 U.S.C. section 1191, as amended). The flammability standard for industry products is Commercial Standard 191–53 or other subsequently promulgated standard of flammability pertaining to such products which may be established by the Secretary of Commerce pursuant to section 4 of the Act. Copies of the Act and/or the Commercial Standard are available upon request.

NOTE 2: The prohibitions of the Flammable Fabrics Act apply to industry products which fail the flammability standard either before or after washing and/or drycleaning.

[Guide 4]

§ 252.5 Use of terms such as "hair", "natural hair", "real hair", etc., and trade names.

The unqualified term "hair", and the terms "natural hair", "true hair", "genuine hair", "real hair", and terms of similar import, as well as trade names which have the capacity of misleading a purchaser or prospective purchaser into believing that an industry product is made of human hair, should not be used to describe an industry product containing either animal hair or artificial hair.

[Guide 5]

§ 252.6 Disclosure relating to used industry products or parts thereof.

(a) An industry product which has been previously used by a consumer on a trial basis or otherwise, and then returned, should not be offered for sale or resale without clear and conspicuous disclosure of such fact by label attached thereto and in all advertising relating to such product. The label disclosing prior use should be attached to the product with sufficient permanency so as to remain thereon until sale to the ultimate purchaser.

NOTE: Sellers should maintain adequate inventory control records that reflect the disposition of returned merchandise. Maintenance of inventory control records should enable sellers to demonstrate that returned merchandise was not placed in inventory and sold or resold without disclosing the fact of its prior use.

(b) An industry product which contains hair or other components subjected to prior use in another industry product should not be advertised or otherwise offered for sale without clear and conspicuous disclosure of such fact. Disclosure should be made in accordance with provision (a) of this section. [Guide 6]

§ 252.7 Representation as to "Handmade", etc.

An industry product should not be represented as "Handmade", or with terms of similar import, unless the entire process of joining or stitching the hair to the foundation is performed by hand. [Guide 7]

§ 252.8 Representations as to "Custommade", etc.

An industry product should not be described with such terms as "Custommade", "Customized", "Personalized", or with terms of similar import, unless such product is to be (a) designed and structured on the basis of actual personal measurements of the prospective purchaser, and (b) dyed or made of a mixture of precolored hair stock to match a color meeting the personal requirements of such purchaser. [Guide 8]

§ 252.9 Representations as to color.

An industry product should not be described with such terms as "Custom-colored", "Exact match", "personalized color", or with terms of similar import, unless the hair contained therein is to be dyed or made of a mixture of precolored hair stock to match a color meeting the personal requirements of the purchaser. [Guide 9]

§ 252.10 Representations as to style.

An industry product should not be represented in any manner, whether through advertising text, depictions, or otherwise, that may have the capacity to deceive purchasers or prospective purchasers into believing that such product is styled or capable of being styled, or set or capable of being set or reset, in a certain manner, fashion or "hairdo" when such is not the fact. [Guide 10]

§ 252.11 Representations as to "virgin" hair.

An industry product should not be described as containing "virgin" hair, unless the hair contained therein is human hair and has never been bleached, dyed or permanented. [Guide 11]

Effective: November 9, 1970.

Promulgated: August 11, 1970.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–10297; Filed, Aug. 10, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

PART 141d — CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d — CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Combination Drug

The Commissioner of Food and Drugs has evaluated a new animal drug application (55–005V) filed by EVSCO Pharmaceutical Corp., 3345 Royal Avenue,

Oceanside, N.Y. 11572, proposing safe and effective use of a combination drug containing chloramphenicol, prednisolone, tetracaine, and squalane for otic use in dogs and cats. The application is approved.

Since the drug is subject to batch certification under the provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act, this order establishes both antibiotic drug regulations and new animal drug regulations.

Therefore, pursuant to provisions of the act (sec. 512 (i), (n), 82 Stat. 347, 350–51; 21 U.S.C. 360b (i), (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135a, 141d, and 146d are amended by adding a new section to each, as follows:

§ 135a.3 Chloramphenicol-prednisolone-tetracaine-squalane suspension.

(a) *Specifications.* The suspension conforms to the certification requirements in § 146d.319 of this chapter and is subject to the tests and methods of assay prescribed in § 141d.319 of this chapter. Each cubic centimeter of suspension contains 4.2 milligrams of chloramphenicol, 1.7 milligrams of prednisolone, 4.2 milligrams of tetracaine, and 0.21 milliliter of squalane in a petrolatum-mineral oil base.

(b) *Sponsor.* EVSCO Pharmaceutical Corp., 3345 Royal Avenue, Oceanside, N.Y. 11572.

(c) *Conditions of use.* It is used for the treatment of acute otitis externa in dogs and cats. Treat with two or three applications daily or as needed for not more than 7 days. Severe infections should be supplemented by systemic therapy. The drug must not be used in the eyes. Prolonged use in cats may produce blood dyscrasias. Chloramphenicol products must not be used in meat, egg, or milk producing animals. The length of time that residues persist in milk or tissues has not been determined. For use by or on the order of a licensed veterinarian.

§ 141d.319 Chloramphenicol - prednisolone-tetracaine-squalane otic suspension veterinary.

(a) *Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a separatory funnel containing 50 milliliters of petroleum ether. Shake the separatory funnel vigorously to bring about complete mixing of the sample and the petroleum ether. Add 20 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and shake well. Remove the buffer layer and repeat the extraction with three additional 20-milliliter portions of solution 1. Combine the extractives and dilute to an appropriate volume with solution 1. Further dilute in solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(b) *Moisture.* Proceed as directed in § 141.502 of this chapter, using 1 or 2 milliliters of the suspension.

§ 146d.319 Chloramphenicol - prednisolone-tetracaine-squalane otic suspension veterinary.

(a) *Standards of identity, strength, quality, and purity.* This drug is a suspension composed of chloramphenicol, prednisolone, tetracaine, and squalane in a suitable and harmless vehicle. Each milliliter contains 4.2 milligrams of chloramphenicol, 1.7 milligrams of prednisolone, 4.2 milligrams of tetracaine, and 0.21 milliliter of squalane. Its moisture content is not more than 1 percent. Its antibiotic potency is not less than 90 percent and not more than 125 percent of the number of milligrams of chloramphenicol it is represented to contain. The chloramphenicol used conforms to the requirements of § 146d.301(a), except subparagraphs (2), (3), (4), and (5). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the requirements prescribed therefor by such official compendium.

(b) *Packaging.* It shall be packaged in accordance with the requirements of § 148.2 of this chapter.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter, except in lieu of the requirements of § 148.3(a)(1), it shall be labeled in accordance with § 1.106(c) of this chapter.

(d) *Requirements for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting point, and absorptivity.

(ii) The batch for potency and moisture.

(2) Samples required:

(i) The chloramphenicol used in making the batch: 10 containers, each containing approximately 300 milligrams.

(ii) The batch: A minimum of 6 immediate containers.

Data supplied by the manufacturer concerning the subject combination antibiotic drug have been evaluated. Since the conditions prerequisite to providing for certification of the drug have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), (n), 82 Stat. 347, 350–51; 21 U.S.C. 360b(i), (n))

Dated: August 5, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10451; Filed, Aug. 10, 1970; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70–48a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Temporary Departure From Regulation

1. The Commandant, U.S. Coast Guard has considered a proposal to amend 33 CFR 117.1a(c)(2) which will require an immediate notification (instead of the present 24-hour requirement) to the District Commander by the owner or agency controlling a drawbridge whenever the bridge is closed for emergency repairs, vital maintenance or structural damage. This amendment will permit the rapid dissemination of the information by a Notice to Mariners, or by other means, to enhance safety and to minimize disruption to water traffic. This proposal was published by the Commandant in the FEDERAL REGISTER dated April 15, 1970 (35 F.R. 6150).

2. No comments were received and after consideration of all other known factors in this case the proposal is accepted. Accordingly, § 117.1a(c)(2) is revised to read as follows:

§ 117.1a Temporary departures from regulations in this part.

* * * * *

(c) * * *

(2) When a draw is closed for repairs in case of emergency or damage to the structure or for vital maintenance that may not be delayed, the owners of or the agency controlling the drawbridge shall immediately inform the District Commander concerned of the closure, the reasons for the closure, and the expected completion date of the emergency repairs. Normally, the extension of any period of emergency closure to include the accomplishment of routine maintenance or for other nonemergency purposes will not be authorized.

* * * * *

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

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

Dated: August 4, 1970.

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

[F.R. Doc. 70–10413; Filed, Aug. 10, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

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

Subpart 5A–72.1—Procurement of Stores Stock Items

MAXIMUM ORDER LIMITATIONS

Paragraph (d) is added to § 5A–72.105–20 as follows:

§ 5A–72.105–20 Maximum order limitations—requirements and indefinite quantity contracts.

* * * * *

(d) When a maximum order limitation is included in the solicitation pursuant to § 5A–72.105–20(a), it shall be followed by the additional notice to offerors as set forth below:

CONSOLIDATION OF REQUIREMENTS

For the information of offerors, each ordering activity will, in accordance with GSA Bulletin FPMR E–50, whenever feasible, consolidate its requirements so as to take advantage of price savings available through separate procurements of quantities which exceed the maximum order limitation.

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

Effective date. This regulation is effective 30 days after the date shown below.

Dated. July 29, 1970.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 70–10396; Filed, Aug. 10, 1970; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

RETURN OF GSA STOCK ITEMS

This amendment prescribes revised criteria for the return to GSA for credit those items for which no current or future requirements are anticipated.

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents for Part 101–26 is amended to change the heading for Subpart 101–26.3, reserve § 101–26.312, and delete §§ 101–26.312–1 through 101–26.312–6 as follows:

Subpart 101–26.3—Procurement of GSA Stock Items

Sec.
101–26.312 [Reserved]

PART 101–27—INVENTORY MANAGEMENT

The table of contents for Part 101–27 is amended to add the following:

Subpart 101–27.5—Return of GSA Stock Items

Sec.
101–27.500 Scope and applicability of subpart.
101–27.501 Eligibility for return.
101–27.502 Criteria for return.
101–27.503 Allowable credit.
101–27.504 Notice to GSA.
101–27.505 Notice to activity.
101–27.506 Determination of acceptability for credit.
101–27.507 Transportation and other costs.

The heading for Subpart 101–26.3 is revised; §§ 101–26.300, 101–26.301–1(a), 101–26.301–2, and 101–26.311(e) are revised; § 101–26.312 is reserved; and §§ 101–26.312–1 through 101–26.312–6 are deleted as follows:

Subpart 101–26.3—Procurement of GSA Stock Items

§ 101–26.300 Scope of subpart.

This subpart prescribes policy and procedures governing the procurement by agencies of items of supply stocked by GSA, including reporting and obtaining adjustments for overages, shortages, and damages and the issue of used, repaired, and rehabilitated items in serviceable condition.

§ 101–26.301–1 Similar items.

(a) Agencies required to procure exclusively items listed in the GSA Stock Catalog shall utilize such items in lieu of procuring similar items from other sources when the GSA items will adequately serve the required functional purpose.

* * * * *

§ 101–26.301–2 Issue of used, repaired, and rehabilitated items in serviceable condition.

Stock items returned to GSA under the provisions of Subpart 101–27.5 will be reissued to all ordering activities without distinction between new, used, repaired, or rehabilitated items in serviceable condition. Ordering agencies will be billed for these items at the current GSA Stock Catalog selling price.

§ 101–26.311 Frustrated shipments.

* * * * *

(e) Frustrated shipments involving other than GSA stock items will be treated in a manner similar to that prescribed in this § 101–26.311 on a case by case basis.

§ 101–26.312 [Reserved]

Subpart 101–27.2—Management of Shelf-Life Materials

Sections 101–27.209–1 and 101–27.209–2 are revised to read as follows:

§ 101–27.209–1 GSA stock items.

Shelf-life items that meet the criteria for return under the provisions of Subpart 101–27.5 of this part may be offered for return to GSA.

§ 101–27.209–2 Items to be reported as excess.

Shelf-life items which do not meet the criteria in Subpart 101–27.5 of this part, which would, if returned to GSA, adversely affect the GSA nationwide stock position, or which are returned to GSA and are determined unsuitable for issue, will be reported as excess under the provisions of Part 101–43 of this chapter.

Subpart 101–27.5 is added to read as follows:

Subpart 101–27.5—Return of GSA Stock Items

§ 101–27.500 Scope and applicability of subpart.

This subpart sets forth policy and procedures for the return to GSA for credit of items which are in long supply or for which no current or future requirements are anticipated. The provisions of this Subpart 101–27.5 are applicable to all executive agencies. Federal agencies other than executive agencies may participate in this program and are encouraged to do so.

§ 101–27.501 Eligibility for return.

GSA stock items for which no current or future agency requirements are anticipated are eligible for return to GSA for credit. Despite eligibility for return to GSA, consideration should be given to the transportation costs involved as related to the value of the items, and, where excessive, such items shall not be reported to GSA.

§ 101–27.502 Criteria for return.

To be returned to GSA, any item for which there is no current or future requirements anticipated shall be a GSA stock item and meet the following:

(a) The minimum dollar value per line item based on the current GSA Stock Catalog selling price shall be:

(1) $25 for hand tools, FSG 51, and measuring tools, FSG 52;

(2) $300 for:

(i) Household furniture, FSC 7105; office furniture, FSC 7110; cabinets, lockers, bins, and shelving, FSC 7125; miscellaneous furniture and fixtures, FSC 7195;

(ii) Cleaning and polishing compounds and preparations, FSC 7930; and

(iii) Paints, dopes, varnishes, and related products, FSC 8010; preservatives and sealing compounds, FSC 8030; and adhesives, FSC 8040; and

(3) $50 for items in all other Federal supply groups and classes except for subsistence items, FSG 89; tires FSC 2610; standard forms, FSC 7540; and boxes, cartons and crates, FSC 8115, which shall be considered excess and processed in accordance with Part 101–43.

(b) The minimum remaining shelf life of this material shall be 12 months at the time of receipt by GSA.

(c) Not be a terminal or discontinued item.

§ 101–27.503 Allowable credit.

Credit will be granted at the rate of 90 percent of the current GSA Stock Catalog selling price acceptance by GSA for new, used, repaired, or reconditioned material which is serviceable and issuable to all agencies without limitation

or restriction (condition code A). Such credit will be applied against future requisitions for supplies placed upon GSA and will be reflected in billings by GSA.

§ 101–27.504 Notice to GSA.

When an activity elects to offer material to GSA for credit, the activity shall report offers to General Services Administration, National Inventory Control Center (FXIP), Washington, D.C. 20406. Offers may be transmitted by transceiver using the routine identifier GGΦ. Offers shall be submitted on the appropriate 1348-series of forms in accordance with FEDSTRIP/MILSTRIP.

§ 101–27.505 Notice to activity.

Within 20 workdays after the receipt of an offer to return material, the National Inventory Control Center (NICC) will notify the offering activity of the acceptance or rejection of the offer.

(a) For accepted offers the NICC will advise the offering activity of the GSA supply distribution facility to which the material shall be shipped. Prior to shipment of material authorized by GSA for return, activities shall verify the declared condition. (If the offering activity considers that the transportation costs of the material to the GSA supply distribution facility to which the material is to be returned is excessive in relation to the value of the material and withdraws the offer, the NICC shall be notified accordingly.)

(b) If the return of material to GSA is disapproved, the NICC will so advise the activity holding the material. Rejection replies will give the reason for such nonacceptance.

(c) When offers of material that have been authorized by GSA for return are withdrawn, offering activities shall report such cancellation to the Inventory Management Branch/Division in the GSA region that was designated to receive the offered material.

§ 101–27.506 Determination of acceptability for credit.

Returned material will be examined by GSA upon receipt to determine acceptability for credit. Returned material which is unacceptable for credit will be deemed to have been declared excess by the returning activity, and will be disposed of by GSA as excess or surplus in the name of the activity, in accordance with Part 101–43 of this chapter. The returning activity will be officially notified of the disposal action taken by GSA.

§ 101–27.507 Transportation and other costs.

Transportation costs for the movement of material to GSA and handling costs for preparation and shipment shall be paid by the activity shipping the material to GSA.

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

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

Dated: August 4, 1970.

JOHN W. CHAPMAN, JR.,
Acting Administrator of General Services.

[F.R. Doc. 70–10395; Filed, Aug. 10, 1970; 8:45 a.m.]

Chapter 114—Department of the Interior

UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965–1967) and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Subparts 114–43.4 and 114–46.2 are added to chapter 114, title 41 of the Code of Federal Regulations as set forth below.

These new subparts shall become effective on the date of publication in the FEDERAL REGISTER.

LAWRENCE H. DUNN,
Assistant Secretary for Administration.

AUGUST 3, 1970.

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114–43.4—Utilization of Abandoned and Forfeited Personal Property

Sec.
114–43.402 Forfeited or voluntarily abandoned property.
114–43.402–4 Retention by holding agency.

Subpart 114–43.4 — Utilization of Abandoned and Forfeited Personal Property

§ 114–43.402 Forfeited or voluntarily abandoned property.

§ 114–43.402–4 Retention by holding agency.

(a) Forfeited or abandoned limousines and medium sedans may not be retained for use by a bureau or office of the Department of the Interior without the written approval of the Director of Management Operations in each instance. Heavy sedans may not be retained under any circumstances, but shall be reported as provided in FPMR 101–43.402–5.

PART 114–46 — UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114–46.2—Authorization

§ 114–46.202 Restrictions and limitations.

(a) Basic responsibility for compliance with FPMR Part 101–46 rests with Bureaus and Offices. Consistent with Departmental financial management practices, Bureaus and Offices should establish procedures to provide adequate management control and documentation of exchange/sale transactions. The audit operations staff, Office of Survey and Review, will examine selected exchange/sale transactions in the course of regularly scheduled audits of Departmental activities to insure compliance with the Federal and Interior Property Management Regulations.

[F.R. Doc. 70–10398; Filed, Aug. 10, 1970; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Mobile, Ala., Pensacola-Panama City, Fla., and Gulfport, Miss., Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Mobile (Alabama)—Pensacola-Panama City (Florida)—Gulfport (Mississippi) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on June 22, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.68, as set forth below, designating the Mobile (Alabama)—Pensacola-Panama City (Florida)—Gulfport (Mississippi) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.68 Mobile (Alabama)—Pensacola-Panama City (Florida)—Gulfport (Mississippi) Interstate Air Quality Control Region.

The Mobile (Alabama)—Pensacola-Panama City (Florida)—Gulfport (Mississippi) Interstate Air Quality Control Region 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 Alabama:

Baldwin County. Mobile County.
Escambia County.

In the State of Florida:

Bay County.	Jackson County.
Calhoun County.	Okaloosa County.
Escambia County.	Santa Rosa County.
Gulf County.	Walton County.
Holmes County.	Washington County.

In the State of Mississippi:

Hancock County.	Jackson County.
Harrison County.	Pearl River County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1875c-2(a), 1857g(a))

Dated: July 27, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-10307; Filed, Aug. 10, 1970; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Puerto Rico Air Quality Control Region

On June 5, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8748) to amend Part 81 by designating the Puerto Rico Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 12, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.77, as set forth below, designating the Puerto Rico Air Quality Control Region, is adopted effective on publication.

§ 81.77 **Puerto Rico Air Quality Control Region.**

The Puerto Rico Air Quality Control Region 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):

The entire Commonwealth of Puerto Rico:

Puerto Rico and surrounding islands.
Vieques and surrounding islands.
Culebra and surrounding islands.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: July 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-10306; Filed, Aug. 10, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2275]

PART 3810—LANDS AND MINERALS SUBJECT TO LOCATION

Subpart 3811—Lands Subject to Location and Purchase

DEATH VALLEY NATIONAL MONUMENT, CALIFORNIA

On page 7737 of the FEDERAL REGISTER of May 20, 1970, there was published a notice and text of a proposed amendment to Part 3400 of Title 43, Code of Federal Regulations.

The mining laws of the United States were extended to Death Valley National Monument by the Act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447) "subject, however, to the surface use of locations, entries, or patents under general regulations to be prescribed by the Secretary of the Interior."

The purpose of this amendment is to conform the language of the regulations more closely to the language of the Act.

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. No comments or suggestions have been received.

The proposed amendment is hereby adopted without change and is set forth below. The section number is changed from § 3400.1(c)(1) to § 3811.2-2(a) to conform to the reorganization of the chapter as published in the FEDERAL REGISTER on June 13, 1970.

This amendment shall become effective on publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

AUGUST 3, 1970.

Section 3811.2-2(a) is amended to read as follows:

§ 3811.2-2 **Lands subject to location and purchase.**

* * * * *

(a) The mining laws were extended to the Death Valley National Monument, Calif., by the Act of June 13, 1933 (48 Stat. 139; 16 U.S.C. 447). The Act provides that surface use of locations, entries, or patents is subject to general regulations prescribed by the Secretary of the Interior. The regulations governing surface use in Death Valley National Monument are in 36 CFR 7.26.

* * * * *

[F.R. Doc. 70-10401; Filed, Aug. 10, 1970; 8:46 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 70-29b]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Basic Rates on Designated and Undesignated Waters

1. On February 28, 1970, a notice of proposed rule making regarding amendments to the Great Lakes Pilotage Regulations (46 CFR 401) was published in the FEDERAL REGISTER (35 F.R. 3919). That notice included proposed revision of the basic pilotage rates on designated and undesignated waters. A public hearing regarding the proposal was held on March 26, 1970, in Cleveland, Ohio, and interested persons were given an opportunity to participate in the rule making by submitting written data, views, arguments, or comments or by making oral comments. The data, views, arguments, and comments were considered by the Coast Guard. Thereafter a Memorandum of Arrangements fixing basic rates was executed by the Secretary of Transportation of the United States and the Minister of Transport of Canada, to become effective July 7, 1970. On June 26, 1970, an amendment to the Great Lakes Pilotage Regulations (46 CFR 401), based on the Memorandum of Arrangements, was published in the FEDERAL REGISTER (35 F.R. 10434).

2. Subsequent to June 26, 1970, the Secretary of Transportation and the Minister of Transport determined that it was necessary to further amend the basic rates on designated and undesignated waters. This was accomplished by an amendment to the Memorandum of Arrangements, to be effective August 12, 1970. These amendments to the basic rates are within current rates or those in the notice of proposed rule making published in the February 28, 1970, issue of the FEDERAL REGISTER (35 F.R. 3919).

3. This document reflects the amendment to the Memorandum of Arrangements by revising §§ 401.405 and 401.410 of Title 46, Code of Federal Regulations, to include the latest agreed upon rates.

4. Since this amendment concerns a foreign affairs function of the United States, it is exempted from notice and public procedure thereon by 5 U.S.C. 553 and may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

5. Part 401 of Title 46 of the Code of Federal Regulations (46 CFR 401) is amended as follows:

Subpart D—Rates, Charges, and Conditions for Pilotage Services

I. Section 401.405 is revised to read as follows:

§ 401.405 Basic rates on designated waters.

Except as provided under § 401.420 the following basic rates shall be payable for all services and assignments performed by United States and Canadian Registered Pilots in the following areas of the U.S. waters of the Great Lakes described in § 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage:

(a) District 1:

(1) Between Snell Lock and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$332.

(2) Between Snell Lock and Cardinal, Prescott, or Ogdensburg—$166.

(3) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed—$240.

(4) For pilotage commencing or terminating at any point above Snell Lock other than those named in Subparagraphs (1), (2), or (3) of this paragraph, $3.30 per statute mile but with a minimum basic rate of—$75.

(5) For a movage in any harbor—$120.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $10 for each statute mile plus $35 for each lock transited but with a minimum basic rate of $120 and a maximum basic rate for a through trip of $430. When pilots are changed at Lock 7 on a through trip the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7—$215.

(ii) Between Lock 7 and southerly limits—$215.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District—$300.

When pilots are changed at Detroit/Windsor on a through trip the basic rates are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—$150.

(ii) Between Detroit/Windsor and the northerly limits—$150.

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—$190.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—$190.

(5) Between points on Lake Erie west of Southeast Shoal—$125.

(6) Between points on the Detroit River—$125.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District—$190.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—$150.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario—$370.

(2) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—$310.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich.—$140.

(4) For a movage in any harbor—$125.

II. Section 401.410 is revised to read as follows:

§ 401.410 Basic rates on undesignated waters.

(a) Except as provided under §401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a registered pilot on board in the undesignated waters shall be:

In Lake Ontario	$60
In Lake Erie	$65
In Lakes Huron and Michigan	$60
In Lake Superior	$65

for each 6-hour period or part thereof that the pilot is on board, plus $60 for each time the pilot performs the docking or undocking of the ship.

(b) When a registered pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the basic rates referred to in paragraph (a) of this section are not payable unless:

(1) The ship is required by law to have a registered pilot on board in those waters; or

(2) Services are performed by the pilot in those waters at the request of the master.

(Sec. 4 and sec. 5, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 937, 46 U.S.C. 216b, 216c, 49 U.S.C. 1655(a)(4); 49 CFR 1.46(a) (35 F.R. 4959))

Effective date. These amendments shall be effective on August 12, 1970.

Dated: August 7, 1970.

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

[F.R. Doc. 70-10514; Filed, Aug. 10, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Havasu National Wildlife Refuge, Ariz.

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

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

ARIZONA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of bighorn sheep on the Havasu National Wildlife Refuge, Ariz., is permitted from December 5 through December 20, 1970, inclusive, but only in the Arizona portion designated as open to hunting. This open area, comprising 18,600 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of bighorn sheep subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of an occupied dwelling or concession operation. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 20, 1970.

BLAYNE D. GRAVES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

JULY 27, 1970.

[F.R. Doc. 70-10399; Filed, Aug. 10, 1970; 8:46 a.m.]

PART 32—HUNTING

Havasu National Wildlife Refuge, Arizona and California

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,150 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—Quail, October 1, 1970 through January 31, 1971, inclusive; cottontail and jackrabbits, September 1, 1970 through January 31, 1971, inclusive. California—Quail, October 31, 1970 through January 31, 1971, inclusive; cottontail and jackrabbits, September 1, 1970 through January 31, 1971, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail, and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than three shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

BLAYNE D. GRAVES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

AUGUST 4, 1970.

[F.R. Doc. 70-10400; Filed, Aug. 10, 1970; 8:46 a.m.]

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted from November 28, 1970 through December 6, 1970, only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1970.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak. 57273.

AUGUST 4, 1970.

[F.R. Doc. 70-10438; Filed, Aug. 10, 1970; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making and Opportunity for Public Hearing

Appendix B, Designated Ports and Exceptions Thereto as published in 35 F.R. 8497 on June 2, 1970, is proposed to be amended by designating Seattle, Wash., as a port of entry for fish and wildlife.

As amended, 50 CFR 17, Appendix B, paragraph 1 reads as follows:

1. *Designated ports.* The following ports are designated as ports of entry for all fish and wildlife, except shellfish and fishery products imported for commercial purposes which may enter through any Customs district or port:

New York, N.Y.	Los Angeles, Calif.
Miami, Fla.	New Orleans, La.
Chicago, Ill.	Seattle, Wash.
San Francisco, Calif.	

A hearing will be held in Seattle, Wash., on August 31, 1970. The location of the hearing is 2725 Montlake Boulevard East, in the Main auditorium of the Bureau of Commercial Fisheries. It will begin at 9 a.m. Members of the interested public are invited to submit comments, suggestions, or objections orally or in writing. Interested persons may also submit written comments, suggestions, or objections, with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of the notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 6, 1970.

[F.R. Doc. 70-10404; Filed, Aug. 10, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Sioux Falls Interstate Air Quality Control Region; Notice of 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 Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa—Minnesota—South Dakota) as set forth in the following new § 81.85 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 Iowa, Minnesota, and South Dakota 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., August 20, 1970, in the Minnehaha Circuit Courtroom, Minnehaha County Courthouse, 415 North Dakota Street, Sioux Falls, S. Dak. 57102.

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 expedite 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 § 81.85 is proposed to be added to read as follows:

§ 81.85 Metropolitan Sioux Falls Interstate Air Quality Control Region.

The Metropolitan Sioux Falls Interstate Air Quality Control Region (Iowa—Minnesota—South Dakota) 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 Iowa:
Lyon County.
In the State of Minnesota:
Rock County.
In the State of South Dakota:
Lincoln County. Minnehaha County.
McCook County. Turner County.

(Secs. 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: August 6, 1970.

RAYMOND SMITH,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-10424; Filed, Aug. 10, 1970; 8:47 a.m.]

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Sioux City Interstate Air Quality Control Region; Notice of 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 Metropolitan Sioux City Interstate Air Quality Control Region (Iowa—Nebraska—South Dakota) as set forth in the following new § 81.86 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 Iowa, Nebraska, and South Dakota 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 2 p.m., August 20, 1970, in the Minnehaha Circuit Courtroom, Minnehaha County Courthouse, 415 North Dakota Street, Sioux Falls, N. Dak. 57102.

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 expedite 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 § 81.86 is proposed to be added to read as follows:

§ 81.86 Metropolitan Sioux City Interstate Air Quality Control Region.

The Metropolitan Sioux City Interstate Air Quality Control Region (Iowa—Nebraska—South Dakota) 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 Iowa:
Plymouth County. Woodbury County.
Sioux County.

In the State of Nebraska:
Dakota County.

In the State of South Dakota:
Union County.

(Secs. 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: August 6, 1970.

RAYMOND SMITH,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70–10425; Filed, Aug. 10, 1970; 8:47 a.m.]

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

INPATIENT ROUTINE NURSING SALARY COST DIFFERENTIAL

Correction

In F.R. Doc. 70–9979 appearing at page 12346 in the issue for Saturday, August 1, 1970, the following changes should be made:

1. Section 405.404(b) should read as follows:

(b) The first alternative is to apply the beneficiaries' share of total charges, on a departmental basis, to total costs for the respective departments, taking into account, to the extent pertinent, for inpatient routine services provided after June 30, 1969, an inpatient routine nursing salary cost differential. Use of this department-by-department method will involve determination, by cost-finding methods, of the total costs for each of the institution's departments that are revenue-producing; i.e., departments providing services to patients for which charges are made.

2. In the equation following § 405.430 (b) (8) the dash between the words "cost" and "Average" should be a minus sign.

3. The word "received" in the fourth line of § 405.430(c) (1) should read "receive".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70–93]

DRAWBRIDGE OPERATION REGULATIONS

Indian River (Atlantic Intracoastal Waterway), Fla.

1. The Commandant, U.S. Coast Guard is considering a request by the John F. Kennedy Space Center (NASA) to revise the special operation regulations for its bridge across the Indian River (Atlantic Intracoastal Waterway) between Addison Point and Merritt Island. Present regulations governing this bridge are set forth in 33 CFR 117.436 and permit closed periods from 6:45 a.m. to 7:45 a.m. and 4:15 p.m. to 5:45 p.m., Monday through Friday. The proposed regulations would extend the closed period in the morning from 7:45 a.m. to 8 a.m. or 15 minutes longer. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2) and 49 CFR 1.46(c)(5)).

2. Accordingly, it is proposed to revise 33 CFR 117.436 to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.

(a) The draws of bridges at Titusville, Eau Gallie, and Melbourne shall be opened promptly on signal except from 6:45 a.m. to 7:45 a.m. and from 4:15 p.m. to 5:45 p.m. Monday through Friday the draws may remain closed to regular navigation.

(b) The draw of the National Aeronautics and Space Administration bridge at Addison Point shall be opened promptly on signal except from 6:45 a.m. to 8 a.m. and from 4:15 p.m. to 5:45 p.m. Monday through Friday the draw may remain closed to regular navigation.

(c) Public vessels of the United States, tow boats with tows and vessels in an emergency situation shall be passed during the closed periods upon sounding four blasts of a whistle, horn, or similar device.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can easily be read at any time, a copy of the regulations in this section.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before September 11, 1970. All submissions should be made in writing to the Commander, Seventh Coast Guard District, 51 Southwest First Avenue, Miami, Fla. 33130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Seventh Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: August 4, 1970.

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

[F.R. Doc. 70–10414; Filed, Aug. 10, 1970; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 416]

ADVERTISING OF ECONOMIC POISONS

Notice of Opportunity To Submit Data, Views and Arguments Regarding a Second Revision of the Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 et seq., having previously initiated proceedings to promulgate a trade regulation rule concerning advertising of economic poisons, received written comments and information, conducted public hearings on April 3, 1969, and considered the record thereby produced, now provides opportunity for interested persons to submit data, views, and arguments regarding

the following as the second revision of a proposed rule on the subject:

Sec.
416.1 The rule.
416.2 Definitions.

AUTHORITY: The provisions of this Part 416 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 416.1 The rule.

In connection with the sale, offering for sale or distribution of any economic poison in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5 of the Federal Trade Commission Act, to:

(a) Disseminate any advertising which contains any representation with respect to the use of said product as an economic poison which contradicts, negates, detracts from, or is inconsistent with any statement, warning, or directions for use, in the labeling of any such product. Examples of advertising which would be prohibited by this rule include, but are not limited to, representations that:

(1) The product is safer, less toxic, or less hazardous than indicated in the labeling, or

(2) Less care or fewer precautions are necessary in the preparations for use, or in the use of the product than indicated in the labeling, or

(3) The possible consequences of usage such as drift, residue, soil retention, water pollution, damage to desirable trees or other desirable plants, etc., would be less extensive or of less deleterious degree than indicated in the labeling, or

(4) The effectiveness, or range of uses or applications exceed or are greater than indicated in the labeling.

(b) Fail to clearly and conspicuously display in all product advertising for economic poisons the following warning statement:

"WARNING: THIS PRODUCT CAN BE INJURIOUS TO HEALTH; READ THE ENTIRE LABEL CAREFULLY AND USE ONLY AS DIRECTED."

§ 416.2 Definitions.

For purposes of this part,

(a) "Economic Poison" means "economic poison" as that term is defined in the Federal Insecticide, Fungicide and Rodenticide Act (65 Stat. 163, 7 U.S.C. 135–135k), to wit: "Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture shall declare to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant";

(b) "Advertising" includes radio and television commercials and other oral or visual representations, newspaper and magazine advertisements, flyers, brochures, sales manuals, technical literature, data sheets, and all other printed, written, graphic or other material used for promoting the sale or use of economic poisons, but not including the "labeling" of such products as defined herein.

(c) "Labeling" means all labels, and other written, printed, or graphic matter accepted for registration of the economic poison pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act.

Where a finally adopted Trade Regulation Rule is relevant to any issue involved in any adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given opportunity for a fair hearing on the applicability of the rule to the particular case.

Interested persons, including consumers and other members of the public, are hereby invited to file written data, views, and arguments concerning the second revision of the proposed rule, addressed to: Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, on or before October 13, 1970. Such persons are urged to express approval or disapproval or to recommend further modification, and to make statements as full as they wish. When practicable, 20 copies should be submitted of all statements exceeding two pages.

Statements submitted as provided above will be available for examination during regular business hours in the Commission's first floor office of Legal and Public Records. All such statements will be considered by the Commission before final action is taken in this matter.

Issued: August 11, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-10358; Filed, Aug. 10, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 71-5]

UNITED STATES STEEL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that United States Steel Corp. (Petitioner) has filed a petition to modify the application of section 308(b) of the Act with respect to its Concord Mine located at Bessemer, Ala. Section 308(b) of the Act provides:

High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended under ground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length, and upon his finding that such exception does not pose a hazard to the miners. Within 100 feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

Petitioner proposes that said mine be excepted from the application of the requirements of section 308(b) of the Act, on the ground, inter alia, that compliance with this section will result in a diminution of the safety protection of the miners.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

AUGUST 4, 1970.

[F.R. Doc. 70-10397; Filed, Aug. 10, 1970; 8:45 a.m.]

Office of the Secretary

LORAN A. EISELE

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 July 7, 1970.

Dated: July 7, 1970.

LORAN A. EISELE.

[F.R. Doc. 70-10428; Filed, Aug. 10, 1970; 8:47 a.m.]

B. M. GUTHRIE

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 7, 1970.

Dated: July 7, 1970.

B. M. GUTHRIE.

[F.R. Doc. 70-10429; Filed, Aug. 10, 1970; 8:47 a.m.]

B. C. HULSEY

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 2, 1970.

Dated: July 2, 1970.

B. C. HULSEY.

[F.R. Doc. 70-10430; Filed, Aug. 10, 1970; 8:48 a.m.]

ANDREW PAT JONES

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1970.

Dated: July 8, 1970.

ANDREW PAT JONES.

[F.R. Doc. 70-10431; Filed, Aug. 10, 1970; 8:48 a.m.]

GEORGE V. KENNEDY

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1970.

Dated: July 13, 1970.

GEORGE V. KENNEDY.

[F.R. Doc. 70-10432; Filed, Aug. 10, 1970; 8:48 a.m.]

CARLOS O. LOVE

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1970.

Dated: July 7, 1970.

CARLOS O. LOVE.

[F.R. Doc. 70-10433; Filed, Aug. 10, 1970; 8:48 a.m.]

JOHN P. MADGETT

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 8, 1970.

Dated: July 8, 1970.

JOHN P. MADGETT.

[F.R. Doc. 70-10434; Filed, Aug. 10, 1970; 8:48 a.m.]

SAMUEL RIGGS SHEPPERD

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) No change.
(2) All State Enterprise Mutual Fund.
(3) No change.
(4) No change.

This statement is made as of July 20, 1970.

Dated: July 21, 1970.

RIGGS SHEPPERD.

[F.R. Doc. 70-10435; Filed, Aug. 10, 1970; 8:48 a.m.]

WILLIARD B. SIMONDS

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 July 23, 1970.

Dated: July 23, 1970.

W. B. SIMONDS.

[F.R. Doc. 70-10436; Filed, Aug. 10, 1970; 8:48 a.m.]

CHARLES N. WHITMIRE

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) No change.
(2) Additions: Dart Ind., Rorer Amchem. Deletions: J. C. Penney.
(3) No change.
(4) No change.

This statement is made as of July 7, 1970.

Dated: July 7, 1970.

CHARLES N. WHITMIRE.

[F.R. Doc. 70-10437; Filed, Aug. 10, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CHICAGO ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision. Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons. Subsection 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the subsection is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 602.5(e) further provides: "* * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 69-00381-33-56550. Applicant: The University of Chicago, 1025 East 57th Street, Chicago, Ill. 60637. Article: Frozen stress oven. Date of denial without prejudice to resubmission: March 3, 1969.

Docket No. 69-00382-75-68495. Applicant: Texas A. & M. University, Cyclotron Institute, College Station, Tex. 77843. Article: Rotary pump and vapor booster pump. Date of denial without prejudice to resubmission: August 25, 1969.

Docket No. 69-00394-33-46500. Applicant: University of Massachusetts/Boston, 100 Arlington Street, Boston, Mass. 02116. Article: LKB 8800 Ultratome III ultramicrotome. Date of denial without prejudice to resubmission: June 16, 1969.

Docket No. 69-00401-33-46500. Applicant: University of California, School of Medicine, Davis, Calif. 95616. Article: Reichert ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: January 14, 1970.

Docket No. 69-00412-33-05300. Applicant: University of Colorado, Boulder, Colo. 80302. Article: Two heating baths, Model BRI-140. Date of denial without prejudice to resubmission: September 5, 1969.

Docket No. 69–00415–01–76595. Applicant: Harvard University, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Medium quartz spectrograph. Date of denial without prejudice to resubmission: March 6, 1969.

Docket No. 69–00422–33–79400. Applicant: Veterans Administration Hospital, Lexington, Ky. 40507. Article: Syringes, metal and spare barrels. Date of denial without prejudice to resubmission: September 8, 1969.

Docket No. 69–00468–33–46040. Applicant: Veterans Administration Hospital, 50 Irving Street NW., Washington, D.C. 20422. Article: Electron microscope, Model AEI EM6B. Date of denial without prejudice to resubmission: March 28, 1969.

Docket No. 69–00469–33–78095. Applicant: University of Miami, Post Office Box 8184, Coral Gables, Fla. 33124. Article: Fluorescence spectrophotometer, Model MPF–2A. Date of denial without prejudice to resubmission: September 18, 1969.

Docket No. 69–00584–56–83700. Applicant: U.S. Department of Commerce, Environmental Science Services Administration, Coast and Geodetic Survey, 60001 Executive Boulevard, Rockville, Md. 20852. Article: Deep-sea reversing thermometers. Date of denial without prejudice to resubmission: May 29, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–10349; Filed, Aug. 10, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–4]

NAVAL RESEARCH LABORATORY

Order Authorizing Dismantling of Facility

By application dated June 17, 1970, the Naval Research Laboratory (NRL), Washington, D.C., requested authorization to dismantle its nuclear research reactor.

The reactor has been shut down and it has been deactivated by removing all the fuel from the core.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantling and disposal will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that NRL may proceed with the dismantling of the deactivated reactor covered by the Facility License No. R–5, as amended, in accordance with its application of June 17, 1970, and the decommissioning plan submitted therewith.

After the completion of the dismantling and decontamination of the facility, the submission of a report describing the condition of the remaining structure and an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R–5.

Date of issuance: July 29, 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70–10415; Filed, Aug. 10, 1970; 8:47 a.m.]

[Docket No. PRM–30–48]

UNITED STATES RADIUM CORP.

Notice of Filing of Petition

Notice is hereby given that the United States Radium Corp., 1259 Route 46, Parsippany, N.J., by letter dated July 28, 1970, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulations, 10 CFR Parts 31 and 32.

The petitioner requests that the Commission amend Parts 31 and 32 to increase the maximum quantity of tritium specified in § 31.7(a) of Part 31 and § 32.53(c) of Part 32, which pertain to luminous safety devices for use in aircraft, from 10 curies to 22 curies per device.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 6th day of August 1970.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 70–10447; Filed, Aug. 10, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22435]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, INC.

Notice of Prehearing Conference Regarding Agreement of Merger

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 2, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Requests for information and evidence, statements of proposed issues, proposed procedural dates, and any motions should be filed with the Examiner and with interested parties by the Bureau of Operating Rights on or before August 24, 1970, and by other parties on or before August 28, 1970.

Dated at Washington, D.C., August 6, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–10449; Filed, Aug. 10, 1970; 8:49 a.m.]

[Docket No. 22385]

THOS. COOK & SON, INC.

Notice of Prehearing Conference

Thos. Cook & Son, Ltd. (Great Britain), doing business as Thos. Cook & Son, Inc. (U.S.).

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 9, 1970, at 10 a.m. e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Louis W. Sornson.

Dated at Washington, D.C., August 6, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–10450; Filed, Aug. 10, 1970; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

UTAH CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of the Utah Capital Corp. (UTAH), 2510 South State Street, Salt Lake City, Utah 84115, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 11/11–0010.

Utah was licensed on December 29, 1961, the paid-in capital and paid-in surplus from all sources totaled $152,500. The proposed transfer of control is subject to and contingent upon the approval of State and Federal regulatory agencies and SBA.

The proposed new officers and directors are as follows:

Thomas F. Christensen, President and Director, Route 2, Box 37, Shelley, Idaho 83274.

Ray G. Whiting, Director, 985 Westchester, Idaho Falls, Idaho 83401.

Dale L. Christensen, Director, Firth, Idaho 83236.

Richard W. Harper, Director, 449 Essex Street, Lynnfield, Mass. 01904.

The new officers and directors will own 98.25 percent of Utah's common stock. The new operating area will be Utah and Idaho.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

JULY 29, 1970.

[F.R. Doc. 70-10402; Filed, Aug. 10, 1970; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 271]

CANADIAN STANDARD BROADCAST STATIONS

Notification of List

Correction

In F.R. Doc. 70-9978, appearing on page 12365 in the issue of Saturday, August 1, 1970, the table should read as set forth below:

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
(New)	Calgary, Alberta, N. 50°54'-21'', W. 114°12'36''.	*1440 kHz* 10	DA-1	U	III				7.1.71.
CHEF (PO: 1450 kHz, 1 kwD/0.25 kwN, ND—Change in nighttime operation only from that shown on List No. 257).	Granby, Province of Quebec N. 45°19'03'', W. 72°41'43'' Day, N. 45°22'40'', W. 72°-42'45'' Night.	*1450 kHz* 10D/0.25N	DA-D ND-N-182	U	IV	*165*	120	*271*	7.1.71.

FEDERAL POWER COMMISSION

[Docket No. RI71-62]

NI-GAS SUPPLY, INC.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

Correction

In F.R. Doc. 70-9954, appearing on page 12372 in the issue of Saturday, August 1, 1970, the table should read as set forth below:

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-62	NI-Gas Supply, Inc., Post Office Box 190, Aurora, Ill. 60507.	2	2	Natural Gas Pipeline Co. of America, Elk City Area, Beckham Co., Okla., Other area.	$55,000	6-25-70	7-26-70	11-26-70	[1] 15.0	[1] 21.0	
	do	3	3	do	92,000	6-25-70	7-26-70	11-26-70	[1] 15.0	[1] 21.0	

[1] Pressure base is 14.65 p.s.i.a.

[2] Subject to a downward and upward B.t.u. adjustment.

[Docket No. CP70-209]

CAPROCK PIPELINE CO.

Notice of Amendment to Application

AUGUST 4, 1970.

Take notice that on July 28, 1970, Caprock Pipeline Co. (applicant), Post Office Box 511, Amarillo, Tex. 79105, filed an amendment to its application in Docket No. CP70-209. Said amendment is on file with the Commission and open to public inspection.

By its original application filed March 6, 1970, in this docket, applicant requested a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of certain facilities in Moore County, Tex., and requested permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon by sale to its parent company, Pioneer Natural Gas Co. (Pioneer), certain existing facilities in Potter County, Tex. On June 15, 1970, the Commission issued an order in this docket authorizing the construction and operation of the facilities as proposed and held in abeyance consideration of applicant's abandonment proposal pending the filing of an amendment within 45 days of the June 15, 1970, order. The Commission directed that said amendment was to propose the sale of the facilities to be abandoned: (1) to applicant's parent, Pioneer, at net book value; or (2) to a nonaffiliated third party at market value (charging the loss, if any, to Account 182, Extraordinary Property Losses); or (3) in part to its parent at net book value and in part to a nonaffiliated third party at market value (again charging the loss, if any, to Account 182).

In the subject amendment, applicant proposes to sell the pipeline, metering facilities and real property to its parent, Pioneer, for $70,172, the net book value thereof at June 30, 1970. Applicant proposes to sell the compressor facilities to a nonaffiliated third party for $127,900 and to charge the claimed resulting loss of $127,642 to Account 182, Extraordinary Property Losses. Applicant states that the amount charged to Account 182

would be amortized over the period from June 1, 1970, to July 1, 1974, as originally proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10391; Filed, Aug. 10, 1970; 8:45 a.m.]

[Docket No. RI69-272]

CLARK & COWDEN PRODUCTION CO., ET AL.

Order Reinstating Respondent and Clarifying Refund Obligations

JULY 31, 1970.

By order issued June 26, 1970, in Docket No. G-2640 et al., the Commission amended the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. G-13454 by authorizing Petroleum Corporation of Texas (Operator) et al., to continue the sale of natural gas in interstate commerce to El Paso Natural Gas Co. theretofore authorized in said docket to be made pursuant to Clark & Cowden Production Co. (Operator) et al., FPC Gas Rate Schedule No. 2. The rate under Clark & Cowden's FPC Gas Rate Schedule No. 2 on the effective date of the assignment to Petroleum Corporation of Texas was in effect subject to refund in Docket No. RI69-272. In the form required by § 157.24(a) of the regulations under the Natural Gas Act, which accompanied the certificate application, Petroleum Corporation of Texas indicated that it intended to assume the total refund obligation from the time that the increased rate was made effective subject to refund. Accordingly, concurrently with the amendment of the certificate order, Petroleum Corporation of Texas was substituted in lieu of Clark & Cowden as respondent in the proceeding pending in Docket No. RI69-272 and required to file an agreement and undertaking to assure the refunds of all amounts collected by Clark & Cowden and itself in excess of the amounts determined to be just and reasonable in said proceeding.

By letter of June 30, 1970, Petroleum Corporation of Texas transmitted to the Commission a copy of an agreement between Clark & Cowden and itself to the effect that Clark & Cowden intends to remain responsible for refunds of amounts collected prior to September 1, 1969, pursuant to its FPC Gas Rate Schedule No. 2 and that Petroleum Corporation of Texas intends to be responsible for refunds of only those amounts collected by itself from September 1, 1969, pursuant to its FPC Gas Rate Schedule No. 35. Prior to the date of the amendment of the certificate order and substitution of Petroleum Corporation of Texas as respondent, Petroleum Corporation of Texas had filed a general undertaking to assure the refunds of amounts collected by it in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order substituting Petroleum Corporation of Texas (Operator) et al., in lieu of Clark & Cowden Production Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI69-272 should be amended as hereinafter ordered.

The Commission orders:

(A) Clark & Cowden Production Co. (Operator) et al., is reinstated as a party respondent in the proceeding pending in Docket No. RI69-272 and shall be responsible for refunds of amounts collected prior to September 1, 1969, pursuant to its FPC Gas Rate Schedule No. 2 in excess of the amount determined to be just and reasonable in said proceeding.

(B) In lieu of the refund obligation imposed by the order issued June 26, 1970, in Docket No. G-2640 et al., Petroleum Corporation of Texas (Operator) et al., shall be responsible for refunds of only those amounts collected by itself pursuant to its FPC Gas Rate Schedule No. 35 on or after September 1, 1969, in excess of the amount determined to be just and reasonable in Docket No. RI69-272. Such refunds shall be assured by the general undertaking of Petroleum Corporation of Texas on file with the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10392; Filed, Aug. 10, 1970; 8:45 a.m.]

[Docket No. CP70-163]

MICHIGAN WISCONSIN PIPE LINE CO.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity and Order Granting Petition To Intervene

AUGUST 4, 1970.

On December 31, 1969, Michigan Wisconsin Pipe Line Co. (applicant) filed in Docket No. CP0-163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and, commencing November 1, 1970, an increased transportation service for Texas Gas Transmission Corp. (Texas Gas) and United Fuel Gas Co. (United Fuel), all as more fully set forth in the application in this proceeding.

Applicant is presently authorized to transport 90,000 Mcf of natural gas per day for Texas Gas and 75,000 Mcf per day for United Fuel from offshore Louisiana areas and delivered at Calumet, La. Applicant also is authorized to transport onshore 45,000 Mcf of gas per day for Texas Gas between Calumet and Eunice, La.[1]

Due to newly acquired reserves and the further development of offshore acreage dedicated to Texas Gas and United Fuel additional gas is now available. Accordingly, applicant proposes herein to provide the following additional transportation services:

OFFSHORE TRANSPORTATION SERVICE [1]

Transportation for	Point of receipt	Contract demands Mcf/Day	
		Presently effective	Proposed
Texas Gas	South Marsh Island Block 10.	15,000	18,000
Do	Eugene Island Block 250.	75,000	140,000
United Fuel	do	75,000	[2] 140,000
	Total	165,000	298,000
ONSHORE TRANSPORTATION SERVICE			
Texas Gas	Calumet	45,000	100,000

[1] The producers involved are Texaco, Inc., Texas Gas Exploration Co., Consolidated Gas Supply Corp., Union Oil Company of California, Pan American Petroleum Corp., The Preston Oil Co., and Forest Oil Corp. Each of the foregoing have received authorization to sell to Texas Gas and United Fuel the additional gas to be transported by applicant.

[2] Of this volume the presently authorized 75,000 Mcf daily is on a short-term basis and the herein proposed increase of 65,000 Mcf daily is for a long-term commitment of 20 years.

Applicant has entered into amendatory agreements with United Fuel and Texas Gas, dated December 17 and 19, 1969, respectively, providing for the proposed increased service.

In order to render the proposed service, applicant will install one 7,500-horsepower compressor unit and one 750-horsepower unit at its Calumet Compressor Station and one 10,000-horsepower compressor unit at its St. Martinville Compressor Station. The installation at the St. Martinville Station will replace six portable 1,100-horsepower units. These latter units will be utilized, as needed, along applicant's system.

The estimated cost of applicant's project, exclusive of Commission filing fees, is $5,615,270, which cost will be financed from borrowings from banks under lines of credit, together with retained earnings and other internally generated funds.

[1] Applicant also provides two other transportation services for Texas Gas. One involves 15,000 Mcf daily from the Eugene Island Block 259 and the other involves 3,000 Mcf per day onshore from Avalon, La., to Eunice. These two services will not be affected by this order.

On January 22, 1970, Texas Gas filed a petition to intervene in this proceeding. Texas Gas supports the subject application and does not request a formal hearing thereon.

After due notice by publication in the FEDERAL REGISTER on January 15, 1970 (35 F.R. 556), no other petition to intervene, notice of intervention or protest to the granting of the application has been filed.

At a hearing held on July 30, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicant, Michigan Wisconsin Pipe Line Co., a Delaware corporation having its principal place of business in Detroit, Mich., is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of November 30, 1946, in Docket No. G–669 (5 FPC 953).

(2) The facilities hereinbefore described, as more fully described in the application in this proceeding, are to be used in the transportation and delivery of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof and the proposed transportation and delivery of natural gas by applicant are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities and the proposed transportation and delivery of natural gas by applicant are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) Public convenience and necessity require that the certificate issued hereinafter and the rights granted thereunder be conditioned upon applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (b), (c) (1), (3), (4), (e), (f), and (g) of § 157.20 of such regulations.

(6) Participation in this proceeding by Texas Gas may be in the public interest.

The Commission orders:

(A) A certificate of public convenience and necessity is issued authorizing applicant, Michigan Wisconsin Pipe Line Co., to construct and operate the proposed facilities and to transport and deliver natural gas as hereinabove described, all as more fully described in the application in this proceeding, upon the terms and conditions of this order.

(B) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c) (1), (3), (4), (e), (f), and (g) of § 157.20 of such regulations.

(C) The proposed facilities authorized shall be constructed and placed in actual operation and the transportation and delivery of natural gas authorized in paragraph (A) above shall commence, as provided by paragraph (b) of § 157.20 of the Commission's regulations, within 6 months from the date this order issues.

(D) Texas Gas Transmission Corp. is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene: *And provided further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–10393; Filed Aug. 10, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–1991]

INNOVATIVE FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 5, 1970.

Notice is hereby given that Innovative Fund, Inc. (Applicant), Brentwood Square, 11661 San Vicente Boulevard, Los Angeles, Calif. 90049, a Delaware corporation registered as a management open-end nondiversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that subsequent to registering under the Act on December 31, 1969, the board of directors determined not to proceed with a proposed public offering of Applicant's securities because of the unfavorable conditions of the securities market. Applicant's registration statement under the Securities Act of 1933 was withdrawn on July 23, 1970.

Applicant also represents that its outstanding securities are beneficially owned by not more than 19 persons.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 25, 1970, at 5:30 p.m., 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 (airmail 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, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[F.R. Doc. 70–10421; Filed, Aug. 10, 1970; 8:47 a.m.]

[812–2707]

LIFE INSURANCE COMPANY OF NORTH AMERICA AND LIFE INSURANCE COMPANY OF NORTH AMERICA SEPARATE ACCOUNT A

Notice of Application for Exemption

AUGUST 5, 1970.

Notice is hereby given that Life Insurance Company of North America (INA), a stock life insurance company

organized under the laws of the State of Pennsylvania, and Life Insurance Company of North America Separate Account A (Separate Account) 1600 Arch Street, Philadelphia, Pa. 19101, a unit investment trust registered under the Investment Company Act of 1940 (Act), (hereinafter called Applicants), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from certain provisions of sections 11(a), 11(c), 12(d)(1), 22(d), and 27(a)(4) of the Act, as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

INA established Separate Account on June 18, 1968, pursuant to the laws of Pennsylvania, as a facility through which it sets aside and invests assets attributable to variable annuity contracts issued by INA to certain persons who qualify for tax deferred benefits under sections 401, 403(a), and 403(b) of the Internal Revenue Code of 1954, as amended (Code). Under Pennsylvania law, the income, gains and losses of Separate Account are credited to or charged against the amounts allocated to it in accordance with the contracts, without regard to any other income, gains or losses of INA or arising out of any other business INA may conduct.

Net purchase payments under contracts now issued by Applicants are allocated to one of two divisions of Separate Account and are invested in shares of either NEA Mutual Fund, Inc. (NEA) or Horace Mann Fund, Inc. (H.M.F.), both of which are open-end, diversified management investment companies registered under the Act. Applicants state that they have never issued any contracts under which payments have been invested in H.M.F. and no longer offer such contracts for sale, and will shortly cease offering contracts under which the payments are invested in NEA.

Applicants propose to offer group and certain individual variable annuity contracts to persons who qualify for tax deferred treatment pursuant to sections 401, 403(a), and 403(b) of the Code. Applicants will also offer variable annuity contracts to persons who may not qualify for similar tax treatment.

In connection with the proposed offering, Applicants will allocate net purchase payments to Separate Account and invest such amounts, at the election of the contract owner, in the shares of one of the following four diversified, open-end management investment companies each of which is registered under the Act: Decatur Income Fund, Inc.; National Investors Corp.; The Side Fund, Inc.; or Oppenheimer Fund, Inc. (collectively called fund or funds). In the event the shares of any fund become unavailable or if in the opinion of INA the investment policies or other policies of such fund are no longer compatible with the objectives of the variable annuity contracts offered by applicants, INA may, with the prior approval by a majority of the votes cast by persons having a voting interest in the affected fund and the prior approval of the Securities and Exchange Commission, substitute such fund with another.

Applicants propose to offer to group contract owners or participants under such contracts the right to have accumulated fund shares redeemed and the proceeds together with subsequent net investment payments used to purchase the shares of another underlying fund of Separate Account. Such change will be permitted during the contract accumulation period at 5-year intervals, such time to be determined from any previous election. The same substitution rights will also be offered at retirement date without regard to the 5-year limitation.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants represent that the right to substitute the shares of one underlying fund for another will permit the contract owner or participant to choose a fund having different investment objectives from those of the fund which was previously selected, such objectives being more suitable to the participant's retirement needs than the other.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), in pertinent part, provides in substance that it shall be unlawful for any registered investment company (Separate Account) to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase, own more than 3 percent (or 5 percent depending upon funds investment policy) of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

Separate Account, which does not own at least 25 percent of the outstanding voting stock of Funds, may acquire more than 3 percent of the outstanding voting stock of Funds with the proceeds of payments on periodic payment plan certificates which are not issued pursuant to the terms of a trust indenture. Applicants state that an exemption from section 12(d)(1) is appropriate because the purchase of fund shares with such payments will be substantially identical in all respects relevant to section 12(d) to the purchase of securities with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus.

With the exception of single premium immediate annuity contracts, purchasers of variable contracts issued by Applicants may allocate a part of their net purchase payments to INA to provide for a fixed annuity. Such purchasers have the right, at the time of retirement, to have amounts accumulated by INA for such fixed annuity applied to provide for variable payments. The Applicants state that the sales expense described in the prospectus will already have been paid in connection with the purchase of the fixed annuity and it is not proposed to make any additional sales charge. An exemption is accordingly requested to permit the elimination of any requirement of a sales load with respect to the right to transfer amounts allocated to provide a fixed annuity to provide for variable annuity payments.

Group variable contracts issued by Applicants provide that if at the end of a contract year, amounts deducted by Applicants for expenses exceed the cost of such items, INA at its discretion may apply a credit under such contract in the subsequent year. Such credit, if applied, will be in the form of a reduction of each gross payment under the applicable contract or an addition of annuity units or accumulation units as applicable. Any such adjustment and credit does not lend itself to a determination or specific allocation as between sales expense and administrative and other expense, nor is it possible to determine in advance the amount of such adjustments. Applicants request an exemption from the provisions of section 22(d) to permit such adjustments and credits without any deduction for sales and administrative expenses, since any applicable expenses would already have been made against the payments giving rise to such surplus.

Section 27(a)(4), in pertinent part, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20 or any subsequent payment is less than $10. Applicants state Rule 27a–3 provides an exemption from section 27(a)(4) in order to permit payroll deductions of uniform amounts in connection with variable annuity contracts issued in connection with plans meeting the requirements of sections 401, 403(a),

and 403(b) of the Code. The group variable contracts offered by Applicants may be sold in connection with retirement plans which do not qualify for tax deferred treatment under the Code. Accordingly, Applicants request exemption from section 27(a)(4) to the extent necessary to permit the first payment on behalf of a plan participant under a group variable contract issued in connection with a nontax deferred plan to be in an amount not less than $10. Applicants state the exemption from section 27(a)(4) is consistent with the intent and purposes of such section and the exemptions recognized and granted in Rule 27a–3.

Section 6(c) provides that the Commission, by order upon application, may 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 and the rules promulgated thereunder, if and to the extent 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 August 25, 1970, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants 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, by the Division of Corporate Regulation (pursuant to delegated authority).

ROSALIE F. SCHNEIDER,
Recording Secretary.

[F.R. Doc. 70–10422; Filed, Aug. 10, 1970; 8:47 a.m.]

ROLEN DIVERSIFIED INVESTORS, INC.

Order Permanently Suspending Exemption

AUGUST 4, 1970.

I. Rolen Diversified Investors, Inc. (Rolen), Post Office Box 556, Linden, Calif. 95236 was incorporated in Nevada on June 27, 1963. It has been engaged principally in the development of an audio transducer and the management of real estate. Rolen filed a notification under Regulation A with the San Francisco Regional Office on July 19, 1967, for the purpose of obtaining an exemption from registration as required by the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 2, 1970, temporarily suspended the Regulation A exemption of Rolen, stating that on the basis of information reported to it by its staff, it had reasonable cause to believe that:

A. The terms and conditions of Regulation A were not complied with in that since October 18, 1968, Rolen had filed no report required to be filed as provided in Rule 260.

B. The terms and conditions of Regulation A were not complied with in that Rolen had failed to amend its offering circular dated January 29, 1968, as amended June 12, 1968, to reflect the following material events occurring since the date of said amendment:

1. The institution on December 2, 1968, of an action in the Superior Court of the State of California for San Joaquin County for the recovery of $50,000, in which Issuer and its principals are charged with fraud.

2. The institution on December 3, 1968, of an action in the same court of a class action on behalf of Issuer against Issuer's president and controlling stockholder, Ida M. Leonardini, for recovery of $123,969 allegedly owed to the company and for $500,000 damages.

3. The institution of a voluntary proceeding under chapter XI of the Bankruptcy Act by Issuer on June 11, 1969.

III. The Commission received on July 13, 1970, a request from Mrs. Ida M. Leonardini, president of Rolen, that the Commission enter an order of permanent suspension. The Commission finds that it is in the public interest and for the protection of investors that Rolen's exemption under Regulation A be permanently suspended, therefore:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the Regulation A exemption of Rolen Diversified Investors, Inc., be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[F.R. Doc. 70–10423; Filed, Aug. 10, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 6, 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. 42022—*Fresh meats and packinghouse products to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A–2631), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, as described in the application, from Fairmont and Mankato, Minn., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 68 to Western Trunk Line Committee, agent, tariff ICC A–4660.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10439; Filed, Aug. 10, 1970; 8:48 a.m.]

[Notice 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 6, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111729 (Sub-No. 299 TA) (Correction), filed July 9, 1970, published in the FEDERAL REGISTER issue of July 29, 1970, and republished in part as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). NOTE: The purpose of this partial republication is to show the correct spelling of the origin point as Danvers, Mass., in lieu of Davers, Mass. As shown erroneously in previous publication. The rest of the application remains as published.

No. MC 116073 (Sub-No. 129 TA), filed July 29, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, from Nampa, Idaho, to points in Washington, Oregon, Idaho, California, Nevada, Utah, Montana, Wyoming, and Colorado, for 180 days. Supporting shipper: Fleetwood Homes of Idaho, Inc., 112 Industrial Road, Nampa, Idaho 83651. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 116077 (Sub-No. 301 TA), filed July 29, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, ZIP 77023, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent hydrofluoric acid*, in bulk, in tank vehicles, from Gore, Okla., to Baton Rouge, La., for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Allied Chemical Corp., (Raymond T. Martin, Distribution Analyst), 40 Rector Street, New York, N.Y. 10006. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 118612 (Sub-No. 7 TA), filed July 29, 1970. Applicant: COLUMBIA TRUCKING CO., INC., 3333 Sheffield Avenue, Hammond, Ind. 46320. Applicant's representative: Harold E. Marks, 208 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude coal tar*, in tank trucks, from Bethlehem Steel, Burns Harbor, Ind., to Cicero, Ill., for 150 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 128273 (Sub-No. 74 TA), filed July 29, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, 121 Humbolt Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from the plantsite of Kal Kan Foods, Inc., Vernon, Calif., to points in Missouri, Kansas, Iowa, Illinois, Nebraska, and Minnesota, for 180 days. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon (Los Angeles), Calif. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 129162 (Sub-No. 10 TA), filed July 29, 1970. Applicant: SCHILLI TRANSPORTATION, INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbonitrate*, in containers, from Madisonville, Ky., to points in Saline County, Ill., and points in Martin and Warrick Counties, Ind., for 180 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 06470. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 133229 (Sub-No. 29 TA), filed July 29, 1970. Applicant: COATS FREIGHTWAYS, INC., South Highway 92, Post Office Box 415, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix I to report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 from the plantsite and storage facilities of Swift & Co. at Grand Island, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 150 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134723 TA (Correction), filed June 24, 1970, published in the FEDERAL REGISTER issue of July 9, 1970, and republished as corrected, this issue. Applicant: MAULFAIR TRUCKING COMPANY, INC., 36 Union Place, North Arlington, N.J. 07032. Applicant's representative: William Jacobs, 181 River Avenue, Nutley, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ladies hair accessories and materials*, used in their manufacture, from Kearny, N.J., to points in Fairfield, Hartford, and New Haven Counties, Conn., New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., for 180 days. NOTE: The purpose of this republication is to broaden the scope of the authority sought. Supporting shipper: H. Goodman & Sons, Inc., 969 Newark Turnpike, Kearny, N.J. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134745 (Sub-No. 1 TA), filed July 29, 1970. Applicant: E. N. AND C. C. CURTIS, doing business as CURTIS BROTHERS TRUCKING COMPANY, Route 6, Box 221E, Falmouth, Va. 22401. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, wooden stakes and props, sawdust, and shavings*, from Fredericksburg, Va., to points in Maryland, points in Pennsylvania and those in New Jersey in and south of Camden and Burlington Counties, N.J., for 150 days. Supporting shipper: J. E. Norfleet, Post Office Box 743, Fredericksburg, Va. 22401. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 134799 TA, filed July 29, 1970. Applicant: TOTO BROS., INC., 930 Old Bridge Turnpike, Old Bridge, N.J. 08857. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump type vehicles, in bulk, from the plantsites of Lo Bran, Inc., in East Brunswick and South River, N.J., to Staten Island, N.Y., for 150 days. Supporting shipper: Lobran, Inc., 930 Old Bridge Turnpike, Old Bridge, N.J. 08857. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 134788 TA, filed July 27, 1970. Applicant: NORTH PENN BUS LINES, INC., 140 North Ridge Avenue, Ambler, Pa. 19002. Applicant's representative: Paul A. Krause (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express* in the same motor vehicle with passengers, between points in Cheltenham and Springfield Townships (Montgomery County), Pa., and New York, N.Y., from Cheltenham and Springfield Townships over U.S. Highway 309 to Fort Washington, Pa., thence over the Pennsylvania Turnpike to Willow Grove, Pa., thence over the Pennsylvania and New Jersey Turnpikes to New Jersey Highway 3, thence New Jersey Highway 3 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, N.Y., and return over the same route serving the intermediate points of Fort Washington, and Willow Grove, Pa., and Newark, N.J. Restriction: No service can be rendered between Newark, N.J., and New York, N.Y., for 180

days. Supported by: There are approximately 51 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10440; Filed, Aug. 10, 1970; 8:48 a.m.]

[Notice 570]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72296. By order of August 4, 1970, the Motor Carrier Board approved the transfer to Nealon Trucking, Inc., Binghamton, N.Y., of certificate No. MC-105178 issued April 2, 1946, to N. R. Corbisello, Binghamton, N.Y., authorizing the transportation of: Contractors' excavation and construction equipment, requiring special equipment, between Binghamton, N.Y., and 50 miles thereof, and points in New Jersey, New York, and Pennsylvania, in a radial movement. Richard H. Pille, 724 Security Mutual Building, Binghamton, N.Y. 13901; attorney for applicants.

No. MC-FC-72301. By order of August 4, 1970, the Motor Carrier Board approved the transfer to Harry H. Kemp doing business as Harry H. Kemp Enterprises, Oskaloosa, Iowa, of Certificate No. MC-133507 (Sub-No. 2) issued to Jerry D. Van Zomeren, Oskaloosa, Iowa, authorizing the transportation of: Cheese scraps and lime, from Fond du Lac, Wis., and Quincy, Ill., to Oskaloosa, Iowa. Stephen Robinson, 2212 39th Street, Des Moines, Iowa 50310; attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10441; Filed, Aug. 10, 1970; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR

Page

EXECUTIVE ORDERS:
2513 (revoked in part by PLO 4882) 12657
11248 (amended by EO 11550) 12315
11550 12315

5 CFR

213 12341, 12387, 12531, 12644
550 12387

7 CFR

26 12321
58 12639
225 12391
701 12639
718 12640
855 12529
876 12640
908 12529
910 12322, 12642
921 12643
923 12392
927 12705
931 12392, 12643
947 12455
958 12529
980 12530
993 12323
1421 12393, 12706
1427 12707
1434 12597
1443 12455
1602 12597
PROPOSED RULES:
362 12478
711 12404
919 12478
925 12478
932 12345
958 12544

7 CFR—Continued

Page

PROPOSED RULES—Continued
989 12544
991 12660
1030 12545
1061 12613

9 CFR

76 12388, 12460, 12644, 12707

10 CFR

2 12649
PROPOSED RULES:
30 12412
40 12412
70 12412
170 12412

12 CFR

329 12460
526 12388
605 12461

13 CFR

122 12529

14 CFR

15 12708
39 12325, 12326, 12531, 12532, 12649, 12650
61 12708
65 12326
71 12327, 12328, 12533, 12650
73 12328
97 12328, 12598
121 12708
171 12709
225 12651
245 12388

14 CFR—Continued

Page

298 12534
378 12651
PROPOSED RULES:
36 12555
71 12348, 12349, 12556-12558
121 12479

15 CFR

377 12389

16 CFR

252 12718
501 12461
PROPOSED RULES:
416 12727
428 12671

17 CFR

240 12390

18 CFR

154 12329
PROPOSED RULES:
101 12668
141 12668
154 12559
201 12668
260 12668

19 CFR

4 12391

20 CFR

405 12330
602 12393
PROPOSED RULES:
405 12346, 12545, 12660, 12727

21 CFR

Page

19 ... 12461
121 ... 12332, 12390, 12598
130 ... 12652
135a ... 12719
135d ... 12332
135e ... 12332
135g ... 12332, 12333
141d ... 12719
146c ... 12653
146d ... 12719
148m ... 12654
148n ... 12653
320 ... 12461

PROPOSED RULES:

3 ... 12411, 12479
135 ... 12479
144 ... 12479

22 CFR

201 ... 12611

24 CFR

1914 ... 12599, 12600
1915 ... 12601, 12602

26 CFR

Ch. II ... 12462

PROPOSED RULES:

1 ... 12342, 12343, 12400, 12467, 12477, 12544, 12612
31 ... 12343
301 ... 12343

29 CFR

1607 ... 12333

PROPOSED RULES:

103 ... 12614

30 CFR

300 ... 12336
302 ... 12337

32 CFR

132 ... 12654
870 ... 12534
882 ... 12395
1499 ... 12338

33 CFR

23 ... 12541
92 ... 12395
117 ... 12396, 12720

33 CFR—Continued

Page

PROPOSED RULES:

117 ... 12554, 12727

36 CFR

2 ... 12542
5 ... 12542
9 ... 12542

39 CFR

113 ... 12462

41 CFR

Ch. 2 ... 12542
4–3 ... 12602
4–7 ... 12604
4–12 ... 12338
4–16 ... 12607
5A–2 ... 12607
5A–72 ... 12721
8–2 ... 12340
8–6 ... 12340
9–51 ... 12396
12B–3 ... 12654
12B–75 ... 12654
101–19 ... 12542, 12608
101–26 ... 12721
101–27 ... 12721
101–38 ... 12609
114–43 ... 12722
114–46 ... 12722

42 CFR

81 ... 12722, 12723

PROPOSED RULES:

81 ... 12660, 12726

43 CFR

3810 ... 12723

PUBLIC LAND ORDERS:

1756 (revoked by PLO 4881) ... 12657
2198 (see PLO 4882) ... 12657
2199 (modified and extended in part by PLO 4870) ... 12655
2379 (modified and extended in part by PLO 4870) ... 12655
3258 (see PLO 4875) ... 12656
4582 (see PLO 4881) ... 12657
4870 ... 12655
4871 ... 12655
4872 ... 12655
4873 ... 12655
4874 ... 12655
4875 ... 12656
4876 ... 12656

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

4877 ... 12656
4878 ... 12656
4879 ... 12657
4880 ... 12657
4881 ... 12657
4882 ... 12657

45 CFR

175 ... 12543
901 ... 12516
903 ... 12517
904 ... 12521
905 ... 12522
907 ... 12523
908 ... 12524

PROPOSED RULES:

250 ... 12346

46 CFR

401 ... 12723
531 ... 12399

47 CFR

21 ... 12462
73 ... 12658
87 ... 12397
89 ... 12397
91 ... 12397
93 ... 12398

PROPOSED RULES:

73 ... 12481, 12483, 12661

49 CFR

71 ... 12317
171 ... 12609
173 ... 12610
178 ... 12610
235 ... 12463
236 ... 12465

PROPOSED RULES:

1048 ... 12483

50 CFR

2 ... 12658
11 ... 12658
14 ... 12391
16 ... 12658
32 ... 12465, 12466, 12543, 12611, 12724, 12725

PROPOSED RULES:

17 ... 12726