FEDERAL REGISTER

VOLUME 35 • NUMBER 173

Friday, September 4, 1970 • Washington, D.C.

Pages 14049–14115

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.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

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.

3 CFR

PROCLAMATION:
3999..... 14053

5 CFR

213..... 14055
PROPOSED RULES:
890..... 14092

7 CFR

52..... 14060
210..... 14061
245..... 14065
724..... 14068
945..... 14072
948..... 14072
981..... 14073
PROPOSED RULES:
929..... 14085
981..... 14085
987..... 14087
1134..... 14087
1136..... 14087

12 CFR

265..... 14074

14 CFR

39..... 14074
61..... 14074
63..... 14074
65..... 14074
67..... 14074
71 (3 documents)..... 14076, 14077
73 (2 documents)..... 14077
97..... 14078
141..... 14074
143..... 14074
PROPOSED RULES:
71 (4 documents)..... 14088, 14089

17 CFR

239..... 14083
274..... 14083

18 CFR

PROPOSED RULES:
141..... 14098
260..... 14098

21 CFR

130..... 14078

32 CFR

902..... 14078

42 CFR

PROPOSED RULES:
81..... 14087

43 CFR

PUBLIC LAND ORDERS:
4582 (modified by PLO 4885)..... 14083
4885..... 14083

47 CFR

0..... 14078
PROPOSED RULES:
67..... 14092
73 (2 documents)..... 14094, 14095
81..... 14096

49 CFR

PROPOSED RULES:
170–180..... 14090
571..... 14091

50 CFR

10..... 14055
28..... 14059
32 (5 documents)..... 14059, 14060

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3999

NATIONAL MACHINE TOOL WEEK

By the President of the United States of America

A Proclamation

Machine tools are the master tools that industry requires in the production of all metal products essential to our daily needs and to our national defense.

A strong machine tool industry improves the productivity of all industries and places a greater quantity of consumer goods within the reach of more people. It is vital to the continuing growth of our economy, and contributes to improving the quality of American life.

Mindful of these facts, the Congress by House Joint Resolution 1194 has requested the President to issue a proclamation designating the period beginning September 20, 1970, and ending September 26, 1970, as National Machine Tool Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period beginning September 20 and ending September 26, 1970, as National Machine Tool Week; and I call upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[F.R. Doc. 70-11838; Filed, Sept. 2, 1970; 4:01 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Assistant to the Secretary for Public Affairs, Office of the Secretary, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (25) is added to paragraph (a) of section 213.3313 as set out below.

§ 213.3313 **Department of Agriculture.**

(a) Office of the Secretary. * * *

(25) One Private Secretary to the Assistant to the Secretary for Public Affairs.

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

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

[F.R. Doc. 70-11827; Filed, Sept. 3, 1970; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8285–8286), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1970–71 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

After analysis of the migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the several State game departments were informed of the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1970–71 seasons on waterfowl, coots, cranes, gallinule, and snipe. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. The amendments to be made to §§ 10.46, 10.53, and 10.54 will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.46, paragraph (a) is amended as follows:

In the table of season dates for common snipe replace the words "See footnote 9" for the State of:

Florida with	"Nov. 14–Jan. 17"
New Jersey with	"Oct. 17–Dec. 19"

2. Section 10.46, paragraph (b) is amended as follows:

In the table of season dates for rails in the Mississippi Flyway replace the words "See footnote 5" for the State of:

Michigan:	
Remainder of State with.	"Oct. 7–Nov. 23"
Tennessee with	"Dec. 4–Jan. 17"
Wisconsin with	"Oct. 3–Nov. 26"

In the table of season dates for common snipe in the Mississippi Flyway replace the words "See footnote 6" for the State of:

Illinois with	"Oct. 17–Dec. 10"
Iowa with	"Oct. 3–Dec. 6"
Michigan:	
Remainder of State with.	"Oct. 7–Nov. 3"
Tennessee with	"Dec. 4–Jan. 17"
Wisconsin with	"Oct. 3–Dec. 6"

3. Section 10.53 is amended to read as follows:

§ 10.53 **Seasons and limits on waterfowl, coots, gallinule, and common snipe (Wilson's).**

* * * * *

(b) *Teal*—(1) *September season.* An open hunting season for teal ducks (blue-winged, green-winged, and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit 4
Possession limit 8
Shooting hours: Sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Alabama	Sept. 22–30.
Arkansas	Sept. 22–30.
Colorado [1]	Sept. 5–13.
Illinois	Sept. 19–27.
Indiana [2]	Sept. 12–20.
Kansas [3]	Sept. 5–13.
Louisiana	Sept. 19–27.
Maine [4]	Sept. 11–19.
Mississippi	Sept. 19–27.
Missouri	Sept. 12–20.
Montana	Sept. 19–27.
Nebraska	Sept. 12–20.
New Mexico	Sept. 19–27.
Ohio	Sept. 18–26.
Oklahoma	Sept. 12–20.
Tennessee	Sept. 19–27.
Texas	Sept. 12–20.

[1] Only in Jackson County and that portion of the State lying east of State Highway 71, U.S. Highway 350, and Interstate Highway 25.

[2] In those counties on e.d.s.t., shooting hours begin at 8 a.m. In all other counties, shooting hours begin at 7 a.m. The Kankakee Fish and Wildlife Area is closed to hunting by State regulations during this teal season.

[3] The entire State except the Marais des Cygnes Waterfowl Management Area in Linn County and the Neosho Waterfowl Management Area in Neosho County.

[4] The season is restricted to the tidal waters of Merrymeeting Bay as defined in State Fish and Game Laws. Each person must have been issued, and carry on his person while hunting, a properly validated teal hunting permit issued by the State.

(2) *Nine-day bonus.* An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified in this table are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit 2
Possession limit 4
Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:

Connecticut	Oct. 17–Oct. 24.
Delaware	Oct. 31–Nov. 8.
Kentucky	Dec. 4–Dec. 12.
Maryland	Nov. 11–Nov. 19.
Michigan	Oct. 7–Oct. 15.
Minnesota	Oct. 3–Oct. 11.
New Hampshire	Oct. 3–Oct. 11.
New York (except Long Island area).	Oct. 5–Oct. 13.
North Carolina	Nov. 18–Nov. 26.
North Dakota	Oct. 3–Oct. 11.
Rhode Island	Nov. 20–Nov. 28.
South Carolina	Dec. 2–Dec. 10.
Vermont	Oct. 10–Oct. 18.
Virginia	Nov. 14–Nov. 21.
West Virginia	Oct. 12–Oct. 20.
Wisconsin	Oct. 3–Oct. 11.

* * * * *

4. Section 10.53, paragraph (c) is amended as follows:

In the table of season dates for gallinule in the Atlantic Flyway replace the words "See footnote 1" for the State of:

Georgia with	"Nov. 7–Jan. 15".
Massachusetts with	"Oct. 17–Oct. 31". "Nov. 22–Jan. 9".
Virginia with	"Nov. 14–Jan. 2".

In the table of season dates for gallinule in the Mississippi Flyway replace the words "See footnote 1" for the State of:

Michigan with	"Oct. 7–Nov. 30".
Minnesota with	"Oct. 3–Nov. 16".
Missouri with	"Oct. 24–Dec. 17".
Tennessee with	"Dec. 4–Jan. 17".
Wisconsin with	"Oct. 3–Nov. 26".

In the table of season dates for gallinule in the Central Flyway replace the words "See footnote 1" for the State of:

Nebraska with	"Closed season".
New Mexico with	"Oct. 24–Jan. 1".

5. Section 10.53, paragraphs (e), (f), (g), and (h) are amended to read as follows:

(e) Atlantic, Mississippi, and Central Flyways:

	Ducks (except mergansers)	Mergansers	Scaup bonus	Coots	Gallinule	Geese	Brant
Daily bag limit	[1] 4	[2] 5	[3] 2	15	15	5	6
Possession limit	[1] 8	[2] 10	[3] 4	30	30	5	6
Shooting hours	One-half hour before sunrise until sunset.						

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:				
Alabama [9 21 28]	Nov. 23–Jan. 16	Nov. 7–Jan. 15	Nov. 14–Jan. 22	
Arkansas [24]	Nov. 27–Jan. 10	Nov. 7–Jan. 15	Nov. 2–Jan. 10	
Colorado [14 15 18]	See § 10.53(g)–Point system		Oct. 31–Jan. 17	
Connecticut [5 6 11 12 19]	Oct. 17–Nov. 7; Dec. 7–Jan. 2	Sept. 1–Nov. 9	Oct. 17–Nov. 21; Nov. 30–Jan. 2	Oct. 17–Nov. 21. Nov. 30–Jan. 2.
Delaware [6 11 19]	Oct. 31–Nov. 28; Dec. 12–Jan. 1	Sept. 1–Nov. 9	Oct. 31–Nov. 28; Dec. 12–Jan. 21	Oct. 31–Nov. 28. Dec. 12–Jan. 21.
Florida	See § 10.53(g)–Point system	Sept. 5–Nov. 13		
Georgia [11]	Dec. 2–Jan. 20	Nov. 7–Jan. 15		Nov. 16–Jan. 24.
Illinois [25 26 27]	See § 10.53(g)–Point system			
Alexander, Jackson, Union, and Williamson Counties.[29]			Nov. 12–Dec. 23	
Remainder of State [28]			Oct. 17–Dec. 10	
Indiana [5 9 21 49 50]	Oct. 24–Dec. 17	Sept. 1–Nov. 9	Oct. 24–Dec. 17; Dec. 26–Jan. 9	
Iowa [20 36]	See § 10.53(g)–Point system		Oct. 3–Dec. 11	
Kansas [5 8 10 15 30]	Oct. 17–Dec. 13; Dec. 20–Dec. 31	Sept. 1–Nov. 9	Oct. 17–Dec. 30	
Kentucky [6 25]	Dec. 4–Jan. 17	Nov. 19–Jan. 15	Nov. 16–Jan. 24	
Louisiana [9 22 24 31]	Nov. 7–Nov. 29; Dec. 12–Jan. 12	Sept. 5–Nov. 13	Nov. 25–Nov. 29; Dec. 12–Feb. 14	
Maine [11 12 19]	Oct. 3–Oct. 24; Nov. 14–Dec. 11		Oct. 3–Dec. 11	Oct. 3–Dec. 11.
Maryland [6 11 12 19]	Nov. 11–Nov. 27; Dec. 1–Jan. 2	Sept. 1–Nov. 9	Nov. 2–Nov. 27; Dec. 1–Jan. 13	Nov. 2–Jan. 9.
Massachusetts [5 11 12 19]	Oct. 17–Oct. 31; Nov. 22–Dec. 26	Oct. 17–Oct. 31; Nov. 22–Jan. 9	Oct. 17–Oct. 31; Nov. 16–Jan. 9	Oct. 17–Oct. 31. Nov. 16–Jan. 9.

See footnotes at end of table.

	Ducks (except mergansers)	Mergansers	Scaup bonus	Coots	Gallinule	Geese	Brant
Daily bag limit	[1] 4	[2] 5	[3] 2	15	15	5	6
Possession limit	[1] 8	[2] 10	[3] 4	30	30	5	6
Shooting hours	One-half hour before sunrise until sunset.						

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:				
Michigan [4 6 9 21 33]	Oct. 7–Nov. 30	Oct. 7–Nov. 30		
Zone 1 and 2			Oct. 1–Nov. 30	
Zone 3			Oct. 7–Nov. 30	
Minnesota [4 6 13 30]	Oct. 3–Nov. 16	Oct. 3–Nov. 16	Oct. 3–Nov. 16	
Mississippi	Nov. 14–Nov. 28; Dec. 19–Jan. 17	Oct. 31–Jan. 8		
North of U.S. Highway 90. [24 32 34 35]			Nov. 14–Nov. 28; Dec. 19–Jan. 17	
South of U.S. Highway 90.			Oct. 24–Nov. 28; Dec. 15–Jan. 17	
Missouri [9 25 26 27 37]	Oct. 24–Dec. 17	Oct. 24–Dec. 17	Oct. 24–Jan. 1	
Montana [14 15 18]	See §10.53(g)–Point system		Oct. 3–Dec. 31	
Nebraska [10 15]	See §10.53(g)–Point system		Oct. 1–Dec. 14	
New Hampshire [5 6 11 12 19]	Oct. 3–Oct. 25; Nov. 21–Dec. 17	Oct. 3–Oct. 25; Nov. 21–Jan. 6	Oct. 3–Oct. 25; Nov. 21–Jan. 6	
New Jersey [19]	See §10.53(g)–Point system	Sept. 1–Nov. 9	Oct. 10–Dec. 18	Oct. 24–Jan. 1.
New Mexico [14 15]	See § 10.53(g)–Point system	Oct. 24–Jan. 1		
Sandoval, Sierra, Socorro, Valencia, and Bernalillo Counties.[16]			Jan. 1–Jan. 17	
Remainder of State.[18]			Oct. 24–Jan. 17	
New York: [19]				
Long Island area.[5 11 12 38]	Nov. 16–Jan. 4	Sept. 14–Nov. 9	Nov. 16–Jan. 24	Nov. 16–Jan. 24.
Lake Champlain area.[4 6 11 39]	Oct. 10–Nov. 28	Sept. 26–Dec. 4	Oct. 10–Dec. 18	Oct. 10–Dec. 18.
Remainder of State.[5 7]	Oct. 5–Nov. 18; Dec. 19–Jan. 2	Sept. 1–Nov. 9	Oct. 5–Dec. 13	Oct. 5–Dec. 13.
North Carolina [6 7 17]	Nov. 18–Jan. 16	Sept. 1–Nov. 9	Nov. 18–Jan. 6	Nov. 18–Jan. 16.
North Dakota [5 6 8 15 40]	Oct. 3–Dec. 11		Oct. 3–Dec. 16	
Ohio		Sept. 1–Nov. 9		
Pymatuning area.[7 19 41 42]	Oct. 10–Dec. 8		Oct. 10–Dec. 11	Oct. 10–Dec. 11.
Remainder of State.[4 9 21]	Oct. 16–Dec. 3; Dec. 28–Jan. 2		Oct. 16–Dec. 18; Dec. 28–Jan. 2	
Oklahoma [10 15]	See § 10.53(g)–Point system	Sept. 1–Nov. 9		
Alfalfa, Bryan, Johnston, and Marshall Counties.			Nov. 14–Dec. 28	
Remainder of State			Oct. 17–Dec. 30	
Pennsylvania [7 19 43]	Oct. 10–Dec. 8	Sept. 1–Nov. 9		
Crawford and Erie Counties.[43]			Oct. 10–Dec. 11	Oct. 10–Dec. 11.
Remainder of State			Oct. 3–Dec. 11	Oct. 3–Dec. 11.
Rhode Island [5 6 11 12 19]	Nov. 20–Jan. 8	Sept. 8–Nov. 16	Nov. 16–Jan. 24	Nov. 16–Jan. 24.
South Carolina [6 11 17]	Dec. 2–Jan. 20	Sept. 12–Nov. 20	Dec. 2–Jan. 20	Dec. 2–Jan. 20.
South Dakota [5 10 15 44]	See § 10.53(g)–Point system		Oct. 3–Dec. 16	
Tennessee [5 21]	Dec. 4–Jan. 17	Dec. 4–Jan. 17	Nov. 16–Jan. 24	
Texas [10 15 45]	See § 10.53(g)–Point system	Sept. 1–Nov. 9	Nov. 4–Jan. 17	
Vermont [4 6 11 19 46]	Oct. 10–Nov. 28	Sept. 26–Dec. 4	Oct. 10–Dec. 18	Oct. 10–Dec. 18.
Virginia [6 11]	Nov. 14–Jan. 2	Nov. 14–Jan. 2		
Back Bay area [17 47]			Nov. 14–Jan. 2	Nov. 14–Jan. 2.
Remainder of State.[19]			Nov. 14–Jan. 22	Nov. 14–Jan. 22.
West Virginia [5 6 11 19]	Oct. 10–Oct. 31; Dec. 19–Jan. 15	Sept. 19–Nov. 27	Oct. 10–Nov. 20; Dec. 19–Jan. 15	Oct. 10–Dec. 18.
Wisconsin [4 6 9 26 48]	Oct. 3–Nov. 26	Oct. 3–Nov. 26	Oct. 3–Dec. 11	
Wyoming [14 15 18]	See § 10.53(g)–Point system		Oct. 3–Oct. 31; Nov. 18–Jan. 17	

[1] In all States the daily bag limit may not include more than 2 wood ducks and 1 canvasback or 1 redhead, and the possession limit may not include more than 4 wood ducks and 1 canvasback or 1 redhead.

[2] In all States the daily bag limit may not include more than 1 hooded merganser, and the possession limit may not include more than 2 hooded mergansers.

[3] When applicable, the scaup bonus is in addition to the bag and possession limits specified elsewhere.

[4] Scaup bonus does not apply during entire duck season. The extra birds may only be taken in:
Michigan from Nov. 1–Nov. 30.
Minnesota from Oct. 31–Nov. 16.
Ohio from Oct. 31–Dec. 3; Dec. 28–Jan. 2.
Vermont from Nov. 1–Nov. 28 (also applies to Lake Champlain area of N.Y.).
Wisconsin from Oct. 24–Nov. 26.

[5] Scaup bonus does not apply to this State.

[6] A blue-winged teal bonus applies for 9 consecutive days. See § 10.53(b)(2) for applicable dates.

[7] The daily bag limit is 3 and the possession limit is 6 ducks, of which not more than 1 daily and 2 in possession may be black ducks.

[8] The daily bag limit is 5 and the possession limit is 10 ducks.

[9] The daily bag limit is 6 and the possession limit is 12 ducks, of which not more than 2 daily and 4 in possession may be mallard ducks.

[10] The daily bag and possession limits may not include more than 2 Canada geese, 1 white-fronted goose, or 1 of each.

[11] The bag limits may not include more than 2 daily and 4 in possession of black ducks.

[12] Notwithstanding the provisions of 50 CFR 10.3, the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and on all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; on those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; and in the State of Maryland on those areas described, delineated, and designated in its hunting regulations as being open to sea duck hunting.

[13] The daily bag limit may not include more than 15 and the possession limit may not include more than 30 coots and gallinules, singly or in the aggregate of these species.

[14] The Central Flyway portion consists of:
Colorado and Wyoming: The area lying east of the Continental Divide.
Montana: The counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all counties east thereof.
New Mexico: The area lying east of the Continental Divide outside the boundaries of the Jicarilla Apache Indian Reservation.

[15] In the Central Flyway States the daily bag and possession limits on geese may not include more than 1 Ross' goose.

[16] The daily bag limit is 1 and the possession limit is 2 geese.

[17] The daily bag limit is 1 and the possession limit is 2 geese (except blue and snow geese on which the season is closed in the Atlantic Flyway).

[18] The daily bag limit is 2 and the possession limit is 4 geese.

[19] The daily bag limit is 3 and the possession limit is 6 geese (except blue and snow geese on which the season is closed in the Atlantic Flyway).

[20] The daily bag and possession limits may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each.

[21] The daily bag and possession limits may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each.

[22] The daily bag and possession limits may not include more than 2 white-fronted geese.

[23] In Russell and Barbour Counties the season is closed on all geese.

[24] In the States of Arkansas and Louisiana and in the Mississippi counties of Issaquena, Sharkey, and Washington, the season is closed on Canada geese, and the daily bag and possession limits may not include more than 2 white-fronted geese.

[25] The daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each; the possession limit may not include more than 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

Notwithstanding the provisions of section 10.10 of this part, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter who took the birds.

[26] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 35,000 birds in each State. In the Swan Lake area of Missouri, the kill of Canada geese will be limited to 15,000 birds.

[27] When the Director, Bureau of Sport Fisheries and Wildlife, has determined the date upon which the quota of Canada geese will have been killed, the season will be closed by the Director by giving public notice thereof through public information media no less than 48 hours in advance of the time and date of closing.

[28] Shooting hours for geese are from sunrise to sunset.

[29] Shooting hours for geese are from sunrise to 3 p.m.

[30] From December 10–30 (dates inclusive) the daily bag and possession limit on Canada geese is reduced to 1.

[31] For the lands and waters of the State of Louisiana lying easterly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana and latitude 31° N., the season dates and bag limits for geese are the same as those of Mississippi.

[32] For the lands and waters of the State of Mississippi lying westerly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana and latitude 31° N., the season dates and bag limits for geese are the same as those of Louisiana.

[33] By special permit issued by the State, an experimental open season on ducks, coots, mergansers, and gallinule is prescribed in the Shiawassee River State Game area in Saginaw County, from October 7 through November 14. The specific aggregate daily bag and possession limits will depend upon the sexes and species taken as determined by a point value assigned to each by the State in its hunting regulations.

[34] Scaup bonus applies only to the area south of U.S. Highway 90.

[35] In Lafayette, Marshall, and Panola Counties the daily bag and possession limits may not include more than 1 Canada Goose.

[36] The open season on Canada geese ends November 26.

[37] In all of Missouri, except the Lower Mississippi, Squaw Creek, and Swan Lake areas, the open season on Canada geese ends December 17.

In the Lower Mississippi area, consisting of that portion of the State lying east of a line running north from the Arkansas border along U.S. Highway 67 to the junction with U.S. Highway 61, the open season on Canada geese is from Dec. 1–Jan. 24; the daily bag limit is 1 and the possession limit is 2 Canada geese.

In Swan Lake area, consisting of those portions of the Missouri counties of Livingston, Carroll, Lafayette, Saline, Howard, Chariton, and Linn, bounded by roads starting at the junction of U.S. Highways 36 and 65 at Chillicothe, thence south along U.S. Highway 65 to the junction with State Highway 240, thence north and east along State Highway 240 to the junction with State Highway 5 at Glasgow, thence north along State Highway 5 to the junction with U.S. Highway 36 north of Marceline, thence west along U.S. Highway 36 to the point of beginning, the season on Canada geese opens on October 24 and closes when the quota has been exhausted or on January 24, whichever comes first.

In the Squaw Creek area, consisting of Atchison and Holt Counties and those portions of Andrew and Nodaway Counties lying west of U.S. Highway 71, the open season on Canada geese is from October 24 through November 22; the daily bag limit is 1 and the possession limit is 2 Canada geese.

[38] The Long Island area consists of all of Nassau and Suffolk Counties and that part of Westchester County south of the Hutchinson River Parkway.

[39] The Lake Champlain area consists of that part of New York lying east of the mainline tracts of the Delaware and Hudson Railroad running south from the Canada border to Whitehall, N.Y., and north of the branch-line tracts of the Delaware and Hudson Railroad running east from Whitehall, N.Y., to the Vermont State line.

[40] In that portion of North Dakota lying west of State Highway 3, the daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each. In that portion of North Dakota lying east of State Highway 3, the daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each. The possession limit in North Dakota may not include more than 2 Canada and white-fronted geese singly or in the aggregate of these species.

[41] Pymatuning Reservoir in Ashtabula County, Ohio, and that area bounded on the south by U.S. Highway 322, on the west by Pymatuning Lake Road, and on the north by County Road 306 known as Woodward Road.

The daily bag limit may not include more than 1 Canada goose, and the possession limits may not include more than 2 Canada geese and 2 wood ducks.

[42] Scaup bonus applies only to the waters of Lake Erie and Presque Isle Bay. The possession limit on ducks may not include more than 2 wood ducks.

[43] In Crawford County the daily bag limit may not include more than 1 Canada goose.

[44] In that portion of South Dakota lying east of U.S. Highway 281 and north of State Highway 34, except those portions of Grant County and Roberts County lying east of U.S. Highway 81 and north of U.S. Highway 12, the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose, and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each. In those counties bordering the Missouri River between the North Dakota line and the Nebraska line, the daily bag and possession limit for 45 consecutive days (October 3–November 16) may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each; and for the remaining 30 days of the season (November 17–December 16) the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.

[45] In that portion of Texas lying east of U.S. Highway 81, the daily bag limit may not include more than 1 Canada goose or 1 white-fronted goose, and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.

[46] In Addison County, the daily bag limit is 2 and the possession limit is 4 geese.

[47] The Back Bay area of Virginia includes that portion of the State east of U.S. Highway 14 and south of U.S. Highway 58.

[48] In *Wisconsin* the daily bag and possession limit in the Horicon Zone (See § 10.53(d)) is 1 Canada goose and 1 white-fronted goose, or 2 white-fronted geese; in the remainder of the State the daily bag limit is 1 Canada and 1 white-fronted goose or 2 white-fronted geese, and the possession limit is 2 Canada geese, or 2 white-fronted geese, or 1 of each.

[49] No person or persons shall take waterfowl in the following areas within the State of Indiana:

a. South from North Judson along State Road 39 to State Road 14 then west along State Road 14 to U.S. Highway 421 then south along U.S. Highway 421 to State Road 14 then west along State Road 14 to State Road 49 then north along State Road 49 for 12.5 miles to the half-section county road 1350 north then east along the half-section county road 1350 north along a line dividing sections 19, 20, 21, 22, 23, and 24, T 32 N., R. 5 W. and extending through sections 19 and 20, T 32 N., R. 4 W. for 8 miles to U.S. Highway 421 then north along U.S. Highway 421 to State Road 10 then east along State Road 10 to North Judson, the point of beginning.

b. South from the junction of State Highway 327 and County Road 400 North along 327 to U.S. Highway 20; then west along U.S. Highway 20 to County Road 1175 East; then north along County Road 1175 East to County Road 150 North; then west along County Road 150 North to County Road 1100 East; then north along County Road 1100 East to County Road 350 North; then east along County Road 350 North to County Road 1175 East; then north along 1175 East to the north line of section 1, Twp. 37 N., R. 11 E.; then following said section line east to and along north line of section 6, Twp. 37 N., R. 12 E. to County Road 400 North; then continuing east along County Road 400 North to point of beginning.

[50] No person shall take geese in the following area within the State of Indiana:

Starting at the junction of State Highway 3 and 120 in Brighton east along Highway 120 to County Road 800 West; then south along County Road 800 West to County Road 150 North; then east along County Road 150 North to town of Flint; then south along County Road 750 West to junction of U.S. Highway 20; then west along U.S. Highway 20 to State Highway 3; then north along Highway 3 to point of beginning.

(f) Pacific Flyway:

	Ducks (except mergansers)	Mergansers	Coots and gallinule	Geese	Brant	Common snipe (Wilson's)
Daily bag limit	6	[1] 5	[2] 25	[3] 6	4	8
Possession limit	12	[1] 10	[2] 25	[3] 6	8	16
Shooting hours	One-half hour before sunrise until sunset.					
CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS						
Seasons in:						
Arizona [7]	Oct. 3–Nov. 11; Nov. 26–Jan. 17			Nov. 26–Jan. 10		Nov. 26–Jan. 17.
California [8]					Nov. 21–Feb. 21	
Tule Lake area	Oct. 10–Jan. 10			Oct. 10–Jan. 10		
Colorado River area [7]	Oct. 3–Nov. 11; Nov. 26–Jan. 17			Nov. 26–Jan. 10		
Northern zone [8 9]	Oct. 17–Jan. 17			Oct. 17–Jan. 17		
Southern zone [8 7 10]	Oct. 10–Nov. 15; Nov. 28–Jan. 17			Oct. 10–Nov. 15; Nov. 28–Jan. 17		
Colorado [4 7]	Oct. 10–Jan. 10			Oct. 24–Dec. 20		Oct. 10–Dec. 13.
Idaho [5 6 11 12 13]	Oct. 10–Jan. 10			Oct. 10–Jan. 10		Oct. 10–Dec. 13.
Montana [4 7 11]	Oct. 10–Jan. 10			Oct. 10–Dec. 6		Oct. 10–Dec. 13.
Nevada						Oct. 3–Dec. 6.
Clark and Lincoln Counties [7 14]	Oct. 3–Nov. 11; Nov. 26–Jan. 17			Nov. 26–Jan. 10		
Remainder of State	Oct. 3–Jan. 3			Oct. 17–Jan. 17		
New Mexico [4 13]	Oct. 17–Jan. 17			Oct. 17–Jan. 17		
Oregon [13 16]	Oct. 10–Jan. 10			Oct. 10–Jan. 10	Nov. 21–Feb. 21	Oct. 10–Dec. 13.
Utah [7]	Oct. 3–Jan. 3			Oct. 24–Dec. 20		Oct. 3–Dec. 6.
Washington [6 13 16]	Oct. 10–Jan. 10			Oct. 10–Jan. 10	Nov. 21–Feb. 21	Oct. 10–Dec. 13.
Wyoming [4 5 7]	Oct. 3–Dec. 31			Oct. 17–Dec. 13		Oct. 3–Dec. 6.

[1] In all States the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[2] Daily bag and possession limits apply singly or in the aggregate of these species.

[3] In all States the daily bag and possession limit may not include more than 1 Ross' goose and 3 geese of the dark species.

[4] Pacific Flyway portion consists of:
Colorado and Wyoming: The area lying west of the Continental Divide.
Montana: The counties of Hill, Chouteau, Cascade, Meagher, and Parks and all counties west thereof.
New Mexico: The area lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation.

[5] The daily bag and possession limit is 7 ducks.

[6] The daily bag limit is 3 and the possession limit is 6 geese.

[7] The daily bag and possession limits may not include more than 2 Canada geese.

[8] The Tule Lake area, Colorado River area, San Pablo Bay area, Northern zone and Southern zone are defined in title 14 § 502 of the California Administrative Code.

[9] In the San Pablo Bay area, the daily bag and possession limit may not include more than 2 canvasback ducks.

[10] In that portion of California Fish and Game District No. 22 not included in the Colorado River area, the daily bag and possession limits may not include more than 1 Canada goose and the season on Canada geese may not extend beyond January 10, 1971.

[11] In the Idaho counties of Clark, Fremont, Madison, and Teton and in the Montana counties of Beaverhead, Gallatin, and Madison the season is closed on blue, snow, and Ross' geese.

[12] In Bear Lake, Bonneville, Caribou, Clark, Fremont, Jefferson, Madison, Teton, Bingham, Power, Bannock, Oneida, and Franklin Counties, the daily bag and possession limit may not include more than 2 Canada geese.

[13] In the Columbia Basin area of Idaho (counties of Ada, Bannock, Benewah, Bingham, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, and Washington), and in the Columbia Basin area of Oregon (counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco), and in the Columbia Basin area of Washington (all that portion of the State lying east of the summit of the Cascade Mountains), the open season for taking ducks, coots, and gallinule is October 10–January 24. In these areas, the daily bag limit is 7 and the possession limit is 14 ducks. The shooting hours are from one-half hour before sunrise until one-half hour after sunset.

[14] In Lincoln County the goose season dates and bag limits are the same as those for the remainder of Arizona.

[15] The daily bag and possession limit is 2 geese, except that there is no open season on geese north of U.S. Highway 66.

[16] In the Washington counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas, and in the Oregon counties of Morrow, Wasco, Sherman, Gilliam, and Umatilla, the open season for geese is October 10–January 24, and the bag limits are the same as in their respective States.

(g) Point system—ducks, mergansers, and coots: The States listed in this paragraph have chosen point system bag limits for the season dates indicated.

The point values for species and sexes taken are as follows:

90 points	20 points	10 points	0 points
Hen mallard.	Drake mallard.	Sea duck.[3]	Coot.[5]
Black duck.	Green-winged teal.[1]	Coot.[4]	
Mottled duck.[1]	Hen pintail.	All other sexes and species of ducks and mergansers.	
Wood duck.	Ringneck duck.		
Redhead duck.	Mottled duck.[2]		
Canvasback duck.			
Hooded merganser.			
New Mexican duck.[2]			

[1] Florida and New Jersey only.

[2] Colorado, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming only.

[3] New Jersey only. During any part of the regular sea duck open season (September 25–January 10) which falls outside the point system season, the regular sea duck limit of 7 daily and 14 in possession will apply.

[4] San Luis Valley from October 1–18 only.

[5] No point value but conventional bag limits of 15 daily and 30 in possession apply.

The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days.

Shooting hours under the point system are from sunrise to sunset.[1]

Seasons in:	
Colorado: [2]	
San Luis Valley [3]	Oct. 1–Jan. 18.
Remainder of State	Oct. 17–Jan. 14.
Florida	Nov. 26–Jan. 20.
Illinois	Oct. 17–Dec. 10.
Iowa	Oct. 3–Nov. 26.
Montana [2]	Oct. 3–Dec. 31.
Nebraska:	
East of U.S. Highway 83.	Oct. 10–Dec. 18.
West of U.S. Highway 83.	Oct. 10–Jan. 7.
New Jersey	Oct. 17–Oct. 24. Nov. 19–Jan. 9.
New Mexico [2]	Oct. 24–Jan. 17.
Oklahoma	Oct. 17–Nov. 29. Dec. 12–Jan. 6.
South Dakota:	
High Plains counties.[4]	Oct. 3–Dec. 11.
Remainder of State	Dec. 26–Jan. 14. Oct. 3–Dec. 11.
Texas	Nov. 4–Jan. 12.
Wyoming [2]	Oct. 3–Oct. 31. Nov. 18–Jan. 17.

[1] Florida shooting hours are from one-half hour before sunrise until sunset.

[2] Central Flyway portion of the State.

[3] The counties of Alamosa, Conejos, Costilla, and Rio Grande, and those portions of Saguache, Hinsdale, and Mineral Counties lying east of the Continental Divide. Each person must have been issued and carry on his person while hunting, a properly validated special permit issued by the Colorado Game, Fish and Parks Department. From Oct. 19 through Jan. 14 the regulations are the same as for the remainder of Colorado.

[4] The counties of Butte, Lawrence, Custer, and Fall River, that part of Pennington County lying west of the Cheyenne River, and that part of Meade County lying west of the Cheyenne and south of the Belle Fourche Rivers.

(h) Special Scaup Season: A special open hunting season for scaup is prescribed according to the following table in those designated, delineated, and restricted areas described in the hunting regulations of the following States. The daily bag limit is 5 and the possession limit is 10. Shooting hours are one-half hour before sunrise to sunset daily.

Seasons in:	
Connecticut	Jan. 15–Jan. 30.
Florida	Jan. 21–Jan. 31.
Massachusetts	Dec. 28–Jan. 12.
Long Island, N.Y.	Jan. 9–Jan. 24.
New Hampshire	Dec. 18–Jan. 2.
Oklahoma [1]	Nov. 30–Dec. 11.
Rhode Island	Jan. 9–Jan. 24.
West Virginia	Nov. 21–Dec. 6.

[1] Shooting hours are from sunrise to sunset.

6. Section 10.53, paragraphs (i) and (j) are deleted.

7. Section 10.54 is amended to read as follows:

§ 10.54 Seasons and limits on little brown cranes and whistling swans.

(a) Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of 3 and a possession limit of 6, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(1) In the Central Flyway portion of Colorado, excluding the San Luis Valley area, season dates are October 3, through November 1, 1970.

(2) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas lying west of a line running north from the International Toll Bridge in Del Rio, along U.S. Highway 277 to U.S. Highway 87 at San Angelo, along U.S. Highway 87 to U.S. Highway 287 at Amarillo, and along U.S. Highway 287 to the Oklahoma State line, season dates are October 31, 1970, through January 10, 1971.

(3) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma State line

See footnotes at end of table.

along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma State line, season dates are December 5, 1970, through January 10, 1971.

(4) In the North Dakota counties of Kidder, Stutsman, McLean, Sheridan, and Burleigh; and in part of South Dakota described as follows: From the North Dakota State line, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota State line, season dates are November 14 through December 13, 1970.

(b) Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(1) The season must run concurrently with the season for ducks,

(2) In Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in the county of Teton,

(3) In Nevada, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in the county of Churchill,

(4) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan, and

(5) Permit forms and correspondingly numbered metal locking seals furnished by the Bureau must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1970–71 whistling swan permit. When a whistling swan has been killed by a hunter, he must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

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

AUGUST 28, 1970.

[F.R. Doc. 70–11566; Filed, Sept. 3, 1970; 8:45 a.m.]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Santa Ana National Wildlife Refuge, Tex.

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

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

TEXAS

SANTA ANA NATIONAL WILDLIFE REFUGE

Retrieving zones of approximately 100 yards in width are established along the exterior refuge boundary, as designated by signs. These retrieving zones are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. A hunter may enter these retrieving zones to retrieve dead or crippled doves which he has legally killed or crippled by hunting outside the boundary but which have fallen within the designated retrieving zones. The use of dogs and the possession of firearms or weapons inside the exterior boundary of the refuge and in the authorized retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 13, 1970.

W. O. NELSON, Jr.,
Acting Regional Director, Albuquerque, N. Mex.

AUGUST 28, 1970.

[F.R. Doc. 70–11698; Filed, Sept. 3, 1970; 8:46 a.m.]

PART 32—HUNTING

Big Lake and Wapanocca National Wildlife Refuges, Ark.

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on the Big Lake and Wapanocca National Wildlife Refuges, Ark.

General Conditions. Hunting shall be in accordance with applicable State regulations. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

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

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Squirrels and raccoons may be hunted during the prescribed State seasons and in accordance with the following special conditions:

(1) Hunting of raccoons is permitted only from sunset to midnight.

(2) Dogs are permitted during the raccoon hunt but are prohibited during the squirrel hunt.

(3) Fires and cutting of trees are not permitted.

(4) No boats permitted during raccoon hunt.

(5) Shotguns or rifles not larger than .22 caliber may be used to hunt raccoons and squirrels.

(6) Persons are prohibited from possessing while on the refuge, either on their person or in their vehicles, game for which there is not an open season on the refuge.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Squirrels, bobcats, rabbits, and raccoons may be hunted in accordance with the following special conditions:

(1) Squirrels, bobcats, and rabbits may be hunted October 1 through October 19, 1970.

(2) Raccoons may be hunted November 20 through December 5, 1970.

(3) Dogs are permitted during the raccoon hunts and are prohibited during the other hunts.

(4) Raccoon hunting permitted only from sunset until midnight. Boats prohibited.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

(6) Shotguns and .22 caliber rifles are permitted.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective to June 30, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1970.

[F.R. Doc. 70–11700; Filed, Sept. 3, 1970; 8:46 a.m.]

PART 32—HUNTING

Catahoula National Wildlife Refuge, La.

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 refuge areas.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Catahoula National Wildlife Refuge is permitted on the timbered portions of the refuge. Hunting shall be in accordance with State regulations governing the hunting of squirrels and raccoons except that the season extends from October 3 through 18, 1970. Hunters may enter the area 30 minutes prior to legal shooting time (30 minutes before sunrise) and must be out of the refuge 30 minutes after legal shooting hours (30 minutes after sunset).

The provision 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 October 18, 1970.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1970.

[F.R. Doc. 70-11701; Filed, Sept. 3, 1970; 8:46 a.m.]

PART 32—HUNTING

De Soto National Wildlife Refuge, Iowa

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.

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters 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 State regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, September 26, 1970 to November 26, 1970, both dates inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1970.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

AUGUST 27, 1970.

[F.R. Doc. 70-11745; Filed, Sept. 3, 1970; 8:49 a.m.]

PART 32—HUNTING

Carolina Sandhills National Wildlife Refuge, S.C.

The following 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 CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of the Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from refuge headquarters, McBee, S.C., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: October 26–31, 1970 and November 5–7, 1970.

(2) Hunters may not enter hunting area prior to 5 a.m., e.s.t. and must leave by 6:30 p.m., e.s.t.

(3) Weapons: Same as allowed for deer hunting on State Game Management Areas. Pistols are not permitted.

(4) Only male deer with visible antlers may be taken. Illegal to shoot or pursue white (albino) deer.

(5) Deer drives permitted only on designated areas.

(6) Each hunter must sign a register at refuge headquarters or at the Lake Bee Recreation Area each day before he hunts.

(7) Individuals under 18 years of age must be accompanied by a responsible adult.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 7, 1970.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1970.

[F.R. Doc. 70-11702; Filed, Sept. 3, 1970; 8:46 a.m.]

PART 32—HUNTING

Tennessee National Wildlife Refuge, Tenn.

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.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn. is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres for bow hunting only, and 3,300 acres for gun and bow hunting are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the Refuge extends from October 3 through October 10, 1970.

(2) The open season for gun hunting of deer on the Refuge is December 23, 24, 26, and 27, 1970.

(3) The bag limit is one deer of either sex per hunter.

(4) The use of dogs is not permitted.

(5) Camping on the area is not permitted.

(6) Bobcats, gray foxes, woodchucks, and crows may be taken.

(7) Driving of deer is prohibited.

(8) Hunters may enter public hunting area at sunrise and must be out of area by 1 hour after sunset.

(9) Bow hunters desiring to hunt Britton Ford Peninsula opening day will be required to possess a refuge permit. Permits will be issued to the first 300 written requests marked "Archery Deer Hunt" and submitted to the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, and received postmarked on or after August 5, 1970. Permits will be free and transferable. Only one permit will be furnished each of the first 300 requests. No permit is required to bow hunt the other archery areas and no permit is required on any area open for bow hunting after opening day, during the archery hunt.

(10) Hunters must check in and out of the designated checking station.

(11) Hunters desiring to hunt deer in the area open to gun hunting will require a refuge permit. Hunters under 18 years of age must be accompanied by an adult. Applications may be secured from the refuge office, Bureau of Sport Fisheries and Wildlife, Box 849, Paris, Tenn. 38242, during the period August 1 through September 11, 1970.

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 1, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1970.

[F.R. Doc. 70-11703; Filed, Sept. 3, 1970; 8:46 a.m.]

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—Regulations Governing Inspection and Certification

ISSUANCE OF CERTIFICATES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables and related products. Such inspection and certification is voluntary and is made available only upon the request of financially interested parties and upon payment of a fee to cover the cost of the service.

Statement of Considerations leading to Amendment of Regulations Governing the Inspection of Processed Products. The regulations now require that each official certificate issued to be signed by the inspector who performed the inspection. However, another employee of the Inspection Service is authorized under these regulations to affix the inspector's name to an inspection certificate only when given power of attorney by the inspector, and provided the certificate is prepared in accordance with the inspector's findings.

The amendment (relating solely to agency practice and personnel) will in addition allow persons acting in a supervisory capacity to sign and issue the official certificate, provided it is properly prepared. This would provide for prompt issuance of certificates where no power of attorney has been given and the inspector is absent or located some distance away from the office where the official certificate is prepared.

The amendment further provides that whenever a certificate issued is signed by a person given power of attorney by the inspector, that person's signature must appear along with the name of the inspector.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624), § 52.2 *Terms defined* and § 52.18(a) *Issuance of certificates* of the subpart—Regulations governing Inspection and Certification of Processed Fruits and vegetables and Related Products, are hereby each amended respectively as follows:

A. Section 52.2 *Terms defined* is amended by inserting immediately following the paragraph captioned *Inspector*, the following:

Inspector in Charge. "Inspector in Charge" means any inspector designated in a plant or field office laboratory as the inspector in charge of the inspection work when authorized by the Administrator to act in that capacity.

B. Paragraph (a) of § 52.18 *Issuance of certificates* is amended to read as follows:

(a) The person signing and issuing the certificate shall be one of the following:

(1) The inspector who performed the inspection.

(2) Another employee of the Inspection Service who has been given power of attorney by the inspector who performed the inspection and authorized by the Administrator to affix the inspector's signature to an inspection certificate.

(3) An inspector designated as the "inspector in charge," when the certificate represents composite inspection of several persons.

In all cases the inspection certificate shall be prepared in accordance with the facts set forth in the official memoranda made by the inspector or inspectors in connection with the inspection. Whenever a certificate is signed by a person under a power of attorney the certificate should so indicate. The signature of the holder of the power shall appear under the name of the inspector who personally inspected the product, and whenever a certificate issued is signed by an inspector in charge that title must appear in connection with the signature.

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

Dated August 31, 1970, to become effective upon date of publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-11759; Filed, Sept. 3, 1970; 8:50 a.m.]

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Miscellaneous Amendments

On July 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 11510) a notice of proposed rule making to amend the regulations governing the National School Lunch Program (35 F.R. 753, as amended, 35 F.R. 3900) for the purpose of incorporating applicable requirements of Public Law 91-248, approved May 14, 1970. Interested persons were given 20 days in which to submit comments, suggestions or objections regarding the proposed regulations.

Numerous communications were received. The comments, suggestions, and objections made in such communications have been considered and a number of changes from the proposed regulations have been made.

In order that the amendments to the regulations may become effective as soon as possible, in view of the beginning of the 1970-71 school year, they are hereby issued without an analysis of the comments, suggestions and objections received. Such an analysis will be issued and published at an early date.

Regulations are hereby amended to make changes in the operation of the general cash-for-food assistance and the special cash assistance phases of the National School Lunch Act, as amended (42 U.S.C. 1751-1760), particularly as they relate to the service of free and reduced price lunches, and to prescribe regulations for schools receiving only donated commodities.

1. The table of contents for Part 210, Chapter II, of Title 7 of the Code of Federal Regulations (35 F.R. 753) is revised to read as follows:

2. The authority citation for Part 210 is revised to read as follows:

AUTHORITY: The provisions of this Part 210 issued under secs. 2-12, 60 Stat. 230, as amended; sec. 10, 80 Stat. 889, as amended; 84 Stat. 270; 42 U.S.C. 1751-1760, 1779.

§ 210.1 [Amended]

3. In § 210.1, paragraph (c) is amended by deleting the phrase "special cash-for-food assistance" each time it appears in the paragraph and substituting in lieu thereof the phrase "special cash assistance". Paragraph (c) also is amended by adding the following sentence at the end thereof: "It also announces the policies and prescribes the regulations for commodity only schools."

4. In § 210.2, new paragraphs (c-1), (e-1), (h-1), and (i-1) are added; paragraphs (m) and (n) are revised; and new paragraphs (n-1) and (q-1) are added.

§ 210.2 Definitions.

* * * * *

(c-1) "Commodity only school" means a school which does not participate in the National School Lunch Program under this part, but which receives commodities donated under Part 250 of this chapter for a nonprofit lunch program.

* * * * *

(e-1) "Distributing agency" means a State, Federal, or private agency which enters into an agreement with the Department for the distribution of commodities pursuant to Part 250 of this chapter.

* * * * *

(h-1) "Free lunch" means a lunch for which neither the child nor any member of his family pays or is required to work in the school or in the school's lunch program.

* * * * *

(i-1) "National School Lunch Program" means the program under which general cash-for-food assistance and special cash assistance are made available to schools pursuant to this part.

* * * * *

(m) "Participation rate" means a number equal to the number of lunches meeting the minimum requirements prescribed for a Type A lunch in § 210.10 of this part served in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated, by schools participating in the Program as determined by the Secretary.

(n) "Program" means the National School Lunch Program.

(n-1) "Reduced price lunch" means a lunch which meets all of the following criteria: (1) The price shall be less than

the full price of the lunch; (2) the price shall be 20 cents or lower; and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the school's lunch program.

* * * * *

(q–1) "Service institution" means a private, nonprofit institution or a public institution, such as a child day-care center, settlement house, or recreation center, which provides day care, or other child care where children are not maintained in residence, for children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers. The term "service institution" includes a private, nonprofit institution or a public institution that develops a special summer program providing for children from such areas, food service similar to that available to children under the National School Lunch or School Breakfast programs during the school year, and includes a private, nonprofit institution or public institution providing day care services for handicapped children.

* * * * *

5. In § 210.4, paragraphs (d) and (e) are revised and paragraphs (f) and (g) are revoked.

§ 210.4 Apportionment of funds to States.

* * * * *

(d) Any Federal funds made available for special cash assistance for any fiscal year shall be apportioned among the States in accordance with section 11 of the act. Three percent of any such funds shall be apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa. The apportionment to each of these States shall be in an amount which bears the same ratio to the total of such funds as the number of children aged 3 to 17, inclusive, in such State bears to the total number of such children in all such States. Any such funds so apportioned to any of such States which cannot be used for special cash assistance shall be further apportioned, on the same basis as the initial apportionment, to any such States which justify the need for additional funds on the basis of operating experience. The remaining amount of such special cash assistance funds for any fiscal year shall be apportioned among the States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged 3 to 17, inclusive, in households with incomes less than $4,000 per annum bears to the total number of such children in all such States. Any such funds so apportioned to any of such States which cannot be used for special cash assistance shall be further apportioned, on the same basis as the initial apportionment, to any of such States which justify need for additional funds on the basis of operating experience.

(e) A share of the special cash assistance funds apportioned to any State shall be withheld by FNS for the nonprofit private schools of that State if the State agency does not administer the program with respect to such schools. The funds so withheld by FNS shall be an amount which bears the same ratio to the special cash assistance funds apportioned to the State as the number of free and reduced-price lunches served in accordance with § 210.10 in the fiscal year beginning 2 years immediately prior to the fiscal year for which funds are appropriated, by all nonprofit private schools participating in the program in the State, bears to the number of free and reduced-price lunches so served during the year by all schools participating in the program in the State.

(f) [Revoked]

(g) [Revoked]

6. A new § 210.4a is added to read as follows:

§ 210.4a State Plan of Child Nutrition Operations.

(a) Not later than January 1 of each fiscal year, each State agency shall submit to FNS for approval a State plan of child nutrition operations for the following fiscal year. Approval of the plan by FNS shall be a prerequisite to the payment of cash assistance funds to the State agency under the act or the Child Nutrition Act of 1966, as amended, or to the donation by the Department of any commodities under part 250 of this chapter for use in schools and service institutions.

(b) A State plan of child nutrition operations, as a minimum, shall include the following information: (1) the number of schools not participating in the program, together with the average daily attendance in such schools; (2) an estimate of the number of schools needing, but not participating in, the school breakfast program under part 220 of this chapter, together with the average daily attendance in such schools; (3) an estimate of the number of service institutions needing a special food service program for children under part 225 of this chapter, on a year-round basis and on a summer basis only, together with an estimate of potential participation; (4) estimated funds, other than Federal funds, available to and under the control of the State agency for use in financing the programs under the act and the Child Nutrition Act of 1966, as amended; and (5) the detailed action program the State agency proposes to undertake to use the Federal funds provided under this act and the Child Nutrition Act of 1966, as amended, and other funds available to and under the control of the State agency to: (i) furnish a free or reduced-price lunch to every needy child; (ii) extend the program to every school within the State, giving priority to schools in areas with a high concentration of needy children; and (iii) extend the benefits of the school breakfast program and the special food service program for children to children in need of such benefits.

(c) Each State plan of child nutrition operations submitted for approval after the initial plan shall report accomplishments achieved under the plan for the prior fiscal year and shall set forth the progress being made under the plan for the then current fiscal year.

(d) The State agency may submit for approval a revised plan of child nutrition operations, or amendments to its approved plan, at any time.

(e) State agencies may require school food authorities to submit for their approval similar plans for child nutrition operations for the schools under the jurisdiction of such school-food authorities.

7. In § 210.5, paragraph (b) is revised; paragraph (c) is revoked; and paragraph (d) is revised.

§ 210.5 Payments to States.

* * * * *

(b) The special cash assistance funds apportioned to any State for any fiscal year shall be made available in accordance with the method set forth in this section for general cash-for-food assistance funds and, to the extent practicable, shall be in accordance with the same schedules.

(c) [Revoked]

(d) The State agency shall release to FNS any Federal funds made available to it under the Program which are unobligated at the end of each fiscal year. Any such funds shall remain available to FNS for the purpose of the Program until expended. Release of funds by the State agency shall be made as soon as practicable but in any event not later than 30 days following demand by FNSRO and shall be reflected by a related adjustment in the State agency's letter of credit.

8. A new § 210.5a is added to read as follows:

§ 210.5a Transfer of funds.

A State agency may request FNS to approve the transfer of funds apportioned to it for any fiscal year under the Act and the Child Nutrition Act of 1966, as amended, among the programs authorized under such acts. Such request shall be accompanied by a justification showing how such transfers will better accomplish the purposes of such acts. Except for the fiscal year 1971, such justification shall also state how the requested transfer will better carry out the action program proposed in the State's plan of child nutrition operations for the applicable fiscal year. If the transfer is approved by FNS, related apportionments of funds and letters of credit shall be amended by FNS accordingly.

§ 210.6 [Amended]

9. In § 210.6, new paragraphs (b–1) and (b–2) are added and paragraph (d) is amended.

(b–1) For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the Program) appropriated or specifically utilized for Program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement required of a State in subsection (a) of this section; for each of the two succeeding fiscal years, at least

6 per centum of such matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of such matching requirement; and for each fiscal year thereafter, at least 10 per centum of such matching requirement.

(b–2) The State revenues made available pursuant to the preceding subsection shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of funds apportioned to the State for the same year under sections 4 and 11 of the Act and sections 4 and 5 of the Child Nutrition Act of 1966, as amended. The expenditure of such State revenues to finance the cost (other than salaries and administrative expenses at the State, as distinguished from local, level) of the intrastate distribution to schools in the Program of commodities donated under Part 250 of this chapter shall be considered to be in compliance with the provisions of this paragraph.

In paragraph (d), after the word "match" insert the phrase "in accordance with the requirements of this section".

§ 210.7 [Amended]

10. In § 210.7, paragraph (a) is amended by inserting after the phrase "cash-for-food assistance" the phrase "and special cash assistance".

11. In § 210.7, paragraph (b) is amended by deleting the phrase "automotive equipment" and substituting in lieu thereof the phrase "passenger automobiles".

§ 210.8 [Amended]

12. In § 210.8, paragraph (a) is amended by adding the following sentence to the end thereof: "The school food authority shall also submit for approval, either with the application or at the request of the State agency, or FNSRO where applicable, a free and reduced price policy statement in accordance with Part 245 of this chapter."

13. In § 210.8, paragraph (c)(2) is amended to read as follows:

(2) Schools shall be selected for participation in the special cash assistance phase of the Program on the basis of the need of such schools for assistance in the serving of free or reduced price lunches to children unable to pay the full price of the lunch.

14. In § 210.8, paragraph (e)(1) is amended by inserting the following phrase before the semicolon at the end thereof: "and on any competitive food service set forth in § 210.15b of this part."

15. In § 210.8, paragraph (e)(5) is amended by deleting the phrase "local school authorities" and inserting in lieu thereof the phrase "the school food authority", and by adding the following phrase before the semicolon at the end thereof: "in accordance with the free and reduced price policy statement approved under Part 245 of this chapter;".

16. In § 210.8, subparagraph (e)(6) is amended by adding the following phrase before the semicolon at the end thereof: "in accordance with such approved free and reduced price policy statement".

17. In § 210.8, subdivision (e)(13)(i)(*b*) is revised to read as follows: "Daily number of lunches served free and the daily number of lunches served at reduced prices, to children meeting the school's approved eligibility standards for such lunches;".

18. In § 210.8, a new subdivision (e)(13)(i)(*d*) is added to read as follows: "(*d*) Estimates, as of October 1 and March 1 of each year, of the number of children in the school who are eligible for free and reduced price lunches under the school's approved eligibility standards for such lunches. The data used to make each such estimate shall be maintained as part of the records to be maintained by school food authorities."

19. In § 210.8, a new subdivision (e)(13)(v) is added to read as follows: "(v) *Applications from families*. The individual applications for free and reduced price lunches submitted by families."

20. In § 210.8, subparagraph (e)(15) is amended by inserting a period after the phrase "(7 CFR 15)" and deleting the remainder of the sentence.

21. § 210.9 is revised to read as follows:

§ 210.9 Free and reduced price lunches.

The determination of children to whom free and reduced price lunches are to be served because of inability to pay the full price thereof, and the serving of the lunches to such children shall be effected in accordance with Part 245 of this Chapter.

22. § 210.11 is revised to read as follows:

§ 210.11 Reimbursement payments.

(a) Reimbursement shall be made only in connection with lunches meeting the requirements of § 210.10. General cash-for-food assistance shall be used to reimburse schools in connection with the cost of obtaining food. Special cash assistance funds may be used to reimburse schools in connection with the cost of operating a nonprofit lunch program in such schools, including the cost of obtaining, preparing and serving food.

(b) The maximum rate of reimbursement to be paid from general cash-for-food assistance shall be 12 cents for a Type A lunch and 2 cents for a Type C lunch. In assigning rates of reimbursement for the particular lunch type, the State agency, or FNSRO where applicable, shall assign the same rate of reimbursement for the lunches sold in the school to children at the full price and for lunches provided to children free or at a reduced price. Any variation between schools in the assigned rates for the particular type lunch shall reflect the relative needs of such schools as determined by the State agency or FNSRO where applicable.

(c) Any school participating in the Program may be reimbursed from special cash assistance funds for Type A lunches served free or at a reduced price to children meeting the school's approved eligibility standard for such lunches. Except as provided in paragraph (d) of this section, the maximum rate of reimbursement to be paid from special cash assistance shall be 30 cents for each such Type A lunch. In assigning such rates of reimbursement for Type A lunches, the State agency, or FNSRO where applicable, shall base the rate assigned to a school on the school's need for special cash assistance in meeting the need for free and reduced price Type A lunches in such school.

(d) If a school is financially unable to meet its need for free and reduced price lunches with a maximum 30-cent rate of reimbursement from special cash assistance funds, the school may apply to the State agency, or FNSRO where applicable, for a higher rate of reimbursement from such funds. If the State agency, or FNSRO where applicable, determines that such additional assistance is necessary, first it shall provide general cash-for-food assistance at the maximum rate of 12 cents for all lunches served in the school, maximize assistance from State funds available for Program purposes, and insure that donated commodities are being utilized to the full extent practicable. After these actions, it may then assign a rate of reimbursement from special cash assistance funds which is in excess of 30 cents for the Type A lunches served free or at a reduced price to children meeting the school's approved eligibility standards for such lunches and, which, together with the income available from other sources, including general cash-for-food assistance, will finance up to 100 percent of the cost of operating the school's nonprofit lunch program: *Provided, however*, That the total reimbursement from general cash-for-food assistance funds and special cash assistance shall not exceed 60 cents (12 cents from general cash-for-food assistance and 48 cents from special cash assistance) for each Type A lunch served free or at a reduced price to children meeting the school's approved eligibility standards for such lunches.

(e) Assigned rates of reimbursement from general cash-for-food assistance and special cash assistance can be changed at any time by the State agency, or FNSRO where applicable. Notice of any change shall be given to the school-food authority.

(f) The last claim of each fiscal year for general cash-for-food assistance submitted by school-food authorities for a school may be paid at a rate in excess of the assigned rate for that school or in excess of the maximum rate of 12 cents: *Provided, however*, That the total reimbursement to a school for general cash-for-food assistance during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of lunches served to children during the fiscal year times 12 cents; or (2) the cost of obtaining food for the school's nonprofit lunch program during the fiscal year.

(g) The last claim of each fiscal year for special cash assistance submitted by school food authorities for a school which had an assigned rate of 30 cents or less prior to the submission of the last claim may be paid at a rate in excess of the assigned rate or in excess of 30 cents: *Provided, however*, That the total special cash assistance reimbursement during the fiscal year to such a school shall not exceed the lesser of (1) the number of

free and reduced price lunches served to children meeting the school's approved eligibility standard for such lunches during the fiscal year times 30 cents; or (2) an amount which equals the cost of operating the school's nonprofit lunch program during the fiscal year minus the amount of general cash-for-food assistance reimbursement earned for the fiscal year. The last claim of each fiscal year for special cash assistance submitted by school food authorities for a school which had an assigned rate of reimbursement above 30 cents prior to the submission of the last claim may be paid at a rate in excess of the assigned rate or in excess of 48 cents: *Provided, however,* That the total special cash assistance reimbursement during the fiscal year to such a school shall not exceed the lesser of (1) the number of free and reduced price lunches served to children meeting the school's approved eligibility standard for such lunches during the fiscal year times 48 cents; or (2) the cost of operating the school's nonprofit lunch program during the fiscal year, minus the amount of general cash-for-food assistance reimbursement earned for the fiscal year.

23. § 210.13 is revised as follows:

§ 210.13 Reimbursement procedure.

(a) To be entitled to reimbursement under this part, each school food authority shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement, as set forth in paragraph (b) of this section, and other information concerning the operation of its nonprofit lunch program as set forth in paragraphs (c) and (d) of this section.

(b) The Claim for Reimbursement shall be filed with the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered by such claim. As a minimum, the Claim for Reimbursement shall include the following information: (1) The month and year for which claim is made; (2) the name and address of the school food authority and of each school in which the Program was operated, and the following information with respect to each such school: (i) average daily attendance; (ii) the number of days that lunches were served; (iii) the total number of lunches sold to children at the full price; (iv) the total number of reduced price lunches served to children meeting the school's approved eligibility standards for such lunches; (v) the total number of free lunches served to children meeting the school's approved eligibility standards for such lunches; (vi) the amount of general cash-for-food assistance claimed; and (vii) the amount of special cash assistance claimed. In submitting a Claim for Reimbursement, each school food authority shall certify that the claim is true and correct; that records are available to support the claim; and that payment has not yet been received for the lunches included in such claim. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined with the claim of the month immediately following the beginning month, or preceding the ending month, but a claim combining the ending month of 1 fiscal year with the beginning month of the next fiscal year shall not be submitted.

(c) The Claim for Reimbursement covering operations for the months of October and March of each fiscal year shall be accompanied by an estimate of the number of children in each school that are eligible for free or reduced price lunches under the school's approved eligibility standards for such lunches.

(d) The Claim for Reimbursement covering operations for the month of December of each fiscal year shall be accompanied by the following information for each school included in such claim for the 6-month period, July–December, of such fiscal year: (1) Income (receipts) from children's payments; (2) income (receipts) from reimbursement; (3) all other income (receipts); (4) expenditures representing the cost of obtaining food; (5) all other expenditures; and (6) the value of donated goods and services, excluding the value of commodities donated under Part 250 of this chapter. The Claim for Reimbursement covering the final month of operations for each fiscal year shall be accompanied by the same information on income and expenditures for each school included in such claim for the period between January 1 and the end of the final month of operations for each fiscal year. State agencies, or FNSRO where applicable, may collect the information required in this paragraph more frequently than semiannually.

24. In § 210.14, new paragraphs (a–1), (a–2), (a–3), and (d–1) are added; paragraph (g) is revised; and a new paragraph (i) is added.

§ 210.14 Special responsibilities of State agencies.

* * * * *

(a–1) *Accounting procedures for schools.* Each State agency shall establish a system of accounting under which school food authorities shall report the information required in § 210.13(d) and the system established shall be such as to permit determination of the operating balances available to school food authorities.

(a–2) *Payment of claims.* A State agency may make full or partial reimbursement on a Claim for Reimbursement without prior administrative approval of the correctness of the claim but shall make any adjustments in such payment as are necessary following the administrative approval of such claim.

(a–3) *Extending agreements with school food authorities.* An agreement with a school food authority shall not be extended into the subsequent fiscal year until all the Claims for Reimbursement and the information required under § 210.13 (c) and (d) for the current fiscal year have been submitted by such authority.

* * * * *

(d–1) The State agency, from time to time, shall assess the needs of Program schools and commodity only schools for commodities donated under Part 250 of this chapter, other than section 6 commodities, and shall notify the State distributing agency of the need of such schools for such commodity assistance and shall recommend variations in rates of distribution to meet variations in need.

* * * * *

(g) *Records and reports.* (1) Each State agency shall maintain current records on operations for schools in the Program and for commodity only schools and shall submit monthly reports to FNS on such operations on a form prescribed by FNS, which shall summarize the information submitted by the school food authorities in their Claims for Reimbursement. Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain.

(2) The monthly report required in subparagraph (1) of this paragraph shall contain for Program schools the following information: (i) the month and year being reported, (ii) the number of schools participating in the Program, (iii) the number of schools included in the report, (iv) the average number of days lunches were served, (v) the average daily attendance, (vi) the average daily participation, (vii) the total number of lunches sold to children at regular prices, (viii) the total number of reduced price lunches served to children meeting the school's approved eligibility standards, (ix) the total number of free lunches served to children meeting the school's approved eligibility standards, and (x) the amount of general cash-for-food assistance claimed and the amount of special cash assistance claimed. This report shall be submitted by each State agency by the 20th day of the month following the month covered by such report.

(3) The monthly reports covering operations for October and March of each year submitted in accordance with subparagraph (1) of this paragraph shall be accompanied by an estimate of the total number of children in the State who are eligible for a free or reduced price lunch, compiled from the estimates submitted by school food authorities with their Claims for Reimbursement covering operations for October and March of each year.

(4) For all the schools under its jurisdiction, the State agency shall submit, within 90 days after the end of each fiscal year, a summary report of the data obtained under §§ 210.13(d) and 210.15a(d).

* * * * *

(i) For commodity only schools the monthly report of the State agency required in paragraph (g)(1) of this section shall contain the following information on a form provided by FNS:

(1) The month and year being reported;

(2) The number of schools receiving commodities;

(3) The average number of days that lunches were served;

(4) The total number of lunches served which met the lunch type requirements of § 210.15a(b);

(5) The total number of reduced price lunches served to the children meeting the school's approved eligibility standards for such lunches; and

(6) The total number of free meals served to the children meeting the school's approved eligibility standards for such lunches.

The report shall be submitted by each State agency by the 20th day of the month following the month covered by such report.

25. A new § 210.15a is added to read as follows:

§ 210.15a Commodity only schools.

(a) Administration of this part in commodity only schools shall be in the same manner as set forth in § 210.3, and State agencies shall have the same responsibilities for commodity only schools as those for program schools.

(b) The school-food authority of a commodity-only school desiring to receive commodities donated under part 250 of this chapter shall enter into agreement with the State agency, or FNSRO where applicable. The agreements with commodity-only schools shall include the provisions set forth in § 210.8(e) except for subparagraphs (3), (4), (7), (8), (13)(ii)(b), (13)(iii) and (13)(iv). In lieu of the provisions of § 210.10, the agreements with commodity-only schools shall require such schools to serve well-balanced nutritious lunches, priced as a unit, that contain, as a minimum, food components from the four basic food groups as defined in the Department's Daily Food Guide (Leaflet No. 424 USDA).

(c) Commodity-only schools shall report each month to the State agency, or FNSRO where applicable, the following items:

(1) The month and year being reported;

(2) The name and address of the school-food authority and of each school under its jurisdiction that receives commodities, and the following information with respect to each such school:

(i) The number of days that lunches were served;

(ii) The total number of lunches served which met the lunch-type requirements of this subsection;

(iii) The total number of reduced-price lunches served the children meeting the school's approved eligibility standards for such lunches;

(iv) The total number of free lunches served to children meeting the school's approved eligibility standards for such lunches. Such reports shall be submitted by the 10th day of the month following the month covered by the report.

(d) The State agency, or FNSRO where applicable, shall require the submission by the school-food authorities of commodity-only schools of the following information for each such school under their jurisdiction for the 6-month period, July–December, of each fiscal year: (1) Income (receipts) from children's payments; (2) all other income (receipts); (3) expenditures representing the cost of obtaining food; (4) all other expenditures; and (5) the value of donated goods and services, excluding the value of commodities donated under part 250 of this chapter. The same information on income and expenditures shall be submitted by the school-food authorities for the period between January 1 and the end of the final month of operations for each fiscal year. State agencies, or FNS RO where applicable, may collect the information required in this paragraph more frequently than semiannually.

26. A new § 210.15b is added to read as follows:

§ 210.15b Competitive food services.

(a) The sale of extra food items at the same time and place as the nonprofit lunch program is in operation in the school shall be restricted to those items recognized as making a contribution to, or permitted by the school to be served as part of, a type A lunch or a lunch meeting the requirements prescribed in § 210.15a(b) for commodity-only schools, and income from the sale of such food items shall be deposited to the account of the nonprofit lunch program.

(b) Food services operated for profit in the school, separate and apart from the nonprofit lunch program, shall not operate at such time or place as will constitute competition with the nonprofit lunch program.

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

Dated: August 31, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70–11732; Filed, Sept. 3, 1970; 8:48 a.m.]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES

On July 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 11513) a notice of proposed rule making to revise the regulations on determining eligibility for free and reduced price meals (notice dated Oct. 18, 1968, 33 F.R. 15674) as to school lunch programs, for the purpose of incorporating applicable requirements of Public Law 91–248, approved May 14, 1970. Interested persons were given 20 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Numerous communications were received. The comments, suggestions, and objections made in such communications have been considered and a number of changes from the proposed regulations have been made.

In order that the revisions of the regulations may become effective as soon as possible, in view of the beginning of the 1970–71 school year, they are hereby issued wihout an analysis of the comments, suggestions and objections received. Such an analysis will be issued and published at an early date.

The regulations with respect to determining eligibility for free and reduced-price meals, presently applicable to the national school lunch program, school breakfast program, and the special food service program for children (notice, dated Oct. 18, 1968, 33 F.R. 15674), are revised herewith for nonprofit lunch programs in schools.

Sec.

AUTHORITY: The provisions of this Part 245 are issued under sections 2–12, 60 Stat. 230, as amended; sec. 10, 80 Stat. 889, as amended; 84 Stat. 207; 42 U.S.C. 1751–60, 1779.

§ 245.1 General purpose and scope.

Section 9 of the National School Lunch Act, as amended, requires that schools participating in the national school lunch program (7 CFR Part 210), and other schools utilizing commodities donated by the Department under section 32 of the act of August 24, 1935, as amended, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agricultural Act of 1965, as amended, shall (a) serve lunches free or at a reduced price to children who are determined by local school authorities to be unable to pay the full price of the lunches; (b) follow specified minimum criteria in making such determinations under a publicly announced plan; and (c) make no physical segregation of, or other discrimination against, any child because of his inability to pay the full price of the lunch. Section 9 also requires that, by January 1, 1971, any child who is a member of a family which has an annual income not above the applicable family size income level set forth in income poverty guidelines prescribed by the Secretary shall be served lunches free or at reduced price. It further provides that, in providing lunches free or at reduced price, school-food authorities shall give first priority to providing free meals to the neediest children. This part sets forth the responsibilities of State educational agencies, the Food and Nutrition Service regional offices, and school-food authorities with respect to the determination of eligibility of children for free and reduced-price lunches, the serving of free and reduced-price lunches to children, and assuring that there is no physical segregation of, or other discrimination against, children because of their inability to pay the full price for lunches.

The requirements of this part with respect to the amount charged for reduced-price lunches and to minimum eligibility criteria for free and reduced-price lunches shall not apply to any nonprofit private school which participates in the national school lunch program under an agreement with a Food and Nutrition Service regional office until it has been determined by such office that sufficient funds from sources other than children's payments are available to enable such school to meet such requirements.

§ 245.2 Definitions.

(a) "Commodity only school" means a school which does not participate in the national school lunch program under part 210 of this chapter, but which receives donated commodities under part 250 of this chapter for a nonprofit lunch program.

(b) "Family" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit.

(c) "FNSRO where applicable" means the Food and Nutrition Service regional office when that agency administers the program under part 210 of this chapter with respect to nonprofit private schools.

(d) "Free lunch" means a lunch for which neither the child nor any member of his family pays or is required to work in the school or in the school's lunch program.

(e) "Income poverty guidelines" means the family size annual income levels prescribed by the Secretary for use by school-food authorities as the minimum annual family size income levels for establishing eligibility for free and reduced-price lunches.

(f) "Lunch" means a type A lunch, or lunch served in a commodity-only school, as each is prescribed in part 210 of this chapter.

(g) "Reduced price lunch" means a lunch which meets all of the following criteria: (1) The price shall be less than the full price of the lunch; (2) the price shall be 20 cents or lower; and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the school's lunch program.

(h) "Service institution" shall have the meaning ascribed to it in part 225 of this chapter.

(i) "School", "school food authority", and other terms and abbreviations used in this part shall have the meanings ascribed to them in part 210 of this chapter.

§ 245.3 Eligibility standards for free and reduced price lunches.

(a) Each school food authority shall serve lunches free or at a reduced price to all children whom it determines, in accordance with the requirements of this part, are unable to pay the full price of the lunch. The criteria used by the school food authority in making such determinations shall be included in standards of eligibility which shall be approved by the State agency, or FNSRO where applicable, as part of the policy statement required under § 245.10, and shall be publicly announced in accordance with the provisions of § 245.5. Such standards shall specify the specific criteria to be used, respectively, for free lunches and for reduced price lunches; they shall be applicable to all schools under the jurisdiction of the school food authority; and they shall provide that all children from a family meeting the eligibility standards and attending any school under the jurisdiction of the school food authority shall be provided the same benefits.

(b) The criteria included in the standards of eligibility and used by school food authorities in determining those children who are unable to pay the full price of the lunch, as a minimum, shall include: (1) The level of family income, including welfare grants; (2) the number of individuals in the family; and (3) the number of children in the family attending school or service institutions. On and after January 1, 1971, the family size income criteria included in such standards and used by the school food authority shall be such that any child who is a member of a family which has an annual income not above the applicable family size income level set forth in the income poverty guidelines prescribed by the Secretary shall be served lunches free or at a reduced price. Any criteria included by a school food authority in addition to the minimum criteria specified in this section shall relate to providing free or reduced price lunches to children who would not be eligible for such lunches under such minimum criteria. In no event shall any such additional criteria operate or be applied so as to deny free or reduced price lunches to children who qualify for such lunches under the minimum eligibility criteria required by this section. Each school food authority shall by express provision permit any family which does not meet the eligibility criteria established by the school food authority to apply for a free or reduced price lunch for its children, stating the reasons why, even though it does not meet such eligibility criteria, such family believes that its children are unable to pay the full price of the lunch. If the school food authority determines, on the basis of such application, or on the basis of such application and such additional information as may be presented, that the children of such family are unable to pay the full price of the lunch, a free or reduced price lunch shall be made available to such children.

§ 245.4 Priority for the neediest children.

In providing free or reduced price lunches to children meeting the eligibility standards for such lunches, school food authorities shall give first priority to providing free lunches to the neediest children in the schools under their jurisdiction.

§ 245.5 Public announcement of the eligibility standards.

Each school food authority of a school participating in the Program or of a commodity only school shall publicly announce the standards for determining the eligibility of children for free and reduced price lunches in such school. The public announcement of such standards, as a minimum, shall include the following actions:

(a) A letter or notice shall be distributed, on or about the beginning of each school year, to the parents of children in attendance at the school. Such letter or notice shall contain complete information on (1) the eligibility standards, including all criteria, with respect to free lunches and with respect to reduced price lunches, respectively; (2) how a family may make application for a free or reduced price lunch for its children; and (3) how a family may appeal the decision of the school food authority with respect to such application under the hearing procedure set forth in § 245.7. The letter or notice shall be accompanied by a copy of the application form required under § 245.6. When a child enrolls in school after the beginning of the school year, the letter or notice shall then be distributed to his parents.

(b) A public release, containing the same information supplied to parents, shall be made available to the informational media in the area from which the school draws its attendance, on or about the beginning of each school year.

(c) Copies of the public release shall be made available upon request to any interested party. Any subsequent changes in a school's eligibility standards during the school year which are approved by the State agency, or FNSRO where applicable, shall be publicly announced in the same manner as the original standards were announced.

§ 245.6 Applications for free and reduced price lunches.

(a) Each school food authority of a school participating in the Program or of a commodity only school shall provide supplies of a form for use by families in making application for free or reduced price lunches for their children. The application shall be clear and simple in design and the information requested thereon shall be limited to that required to demonstrate that the family does, or does not, meet the criteria in the eligibility standards for free or reduced price lunches, respectively, issued by the school food authority. The information requested in the application with respect to the annual income of the family shall be limited to the type or types of such income, such as salary, wages, or commissions from employment; earnings from self-employment, including farming; welfare payments; payments from social security, pensions, retirement, or annuities; and other cash income; and the amount of income for the family in total or by type. The application shall include a statement immediately above the space for signature that the person signing the application certifies that all the information furnished in the application is true and correct to the best of his knowledge and belief. The application shall be signed by an adult member of the family. The application form shall contain clear instructions with respect to the submission of the completed

application to the official or officials designated by the school food authority to make eligibility determinations on its behalf. A family shall be permitted to file an application at any time during the school year.

(b) When the information furnished by a family in its application indicates that the family meets the eligibility standards for either a free or reduced-price lunch, the children from such a family shall be provided the free or reduced-price lunch to which such information indicates they are entitled. If a child transfers from one school to another school under the jurisdiction of the same school-food authority, his eligibility for a free or reduced-price lunch, if previously established, shall be transferred to, and honored by, the receiving school. If the school-food authority subsequently wishes to challenge the correctness of the information contained in an application, it shall do so under the hearing procedure established under § 245.7. During the pendency of any such challenge, the children of the family shall continue to receive the free or reduced-price lunch to which they are entitled based on the information contained in the application.

(c) In providing free or reduced-price lunches to eligible children, the school-food authority need not require the submission of an application if alternative methods will expedite eligibility determinations. The school-food authority may determine that the children, or certain categories of children, automatically meet the school's eligibility standards. In such latter event, it shall include information to this effect in the letter or notice to parents, distributed in accordance with § 245.5, and advise parents of such children that an application is not required.

(d) Any family whose children have been provided with a reduced-price lunch shall have an opportunity to make application for a less expensive reduced-price lunch, or a free lunch, setting forth the reasons why it is unable to pay for the reduced-price lunch offered to its children under the eligibility standards. Any family which does not meet the eligibility criteria established by the school-food authority for a free or reduced-price lunch shall have an opportunity, as provided in paragraph (b) of § 245.3, to make application for a free or reduced-price lunch, stating the reason why, even though it does not meet such eligibility criteria, it believes that its children are unable to pay the full price of the lunch.

§ 245.7 Hearing procedure for families and school food authorities.

(a) Each school food authority of a school participating in the Program or of a commodity only school shall establish a hearing procedure under which a family can appeal from a decision made by the school food authority with respect to an application the family has made for free or reduced price lunches for its children. Such hearing procedure shall provide:

(1) A simple, publicly announced method for a family to make an oral or written request for a hearing;

(2) An opportunity for the family to be assisted or represented by an attorney or other person in presenting its appeal;

(3) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;

(4) That the hearing shall be held with reasonable promptness and convenience to the family and that adequate notice shall be given to the family as to the time and place of the hearing;

(5) An opportunity for the family to present oral or documentary evidence and arguments supporting its position without undue interference;

(6) An opportunity for the family to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses:

(7) That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal;

(8) That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

(9) That the family and any designated representative shall be notified in writing of the decision of the hearing official;

(10) That a written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and

(11) That such written record of each hearing shall be preserved for a period of 3 years and shall be available for examination by the family or its representative at any reasonable time and place during such period.

(b) The hearing procedure prescribed under paragraph (a) of this section shall be followed when a school food authority challenges the continued eligibility of any child for a free or reduced price lunch. During the pendency of the challenge, the child shall continue to receive the free or reduced price lunch to which he is entitled under the eligibility standards announced by the school food authority based upon the information supplied in the application made by the family.

§ 245.8 Nondiscrimination practices for children eligible to receive free and reduced price lunches.

The school food authorities of schools participating in the Program or of commodity only schools shall take such actions as are necessary to assure that the names of children eligible to receive free or reduced price lunches shall not be published, posted, or announced in any manner and to assure that there shall be no overt identification of any such children by the use of special tokens or tickets, or by any other means. Children eligible for a free or reduced price lunch shall not be required to work for their lunch, use a separate lunchroom, go through a separate serving line, enter the lunchroom through a separate entrance, eat lunch at a different time, or eat a different lunch from the lunch sold to children paying the full price of such a lunch.

§ 245.9 Exemption for certain nonprofit private schools.

The requirements of this part with respect to the amount charged for reduced price lunches and with respect to the minimum eligibility criteria for free or reduced price lunches shall not apply to any nonprofit private school participating in the Program under an agreement with FNSRO until FNSRO has determined and notified the school food authority of such school that sufficient funds are available from sources other than children's payments to finance the cost of meeting such requirements. The school food authority of any such nonprofit private school shall provide to FNSRO information, in such form and by such date as FNSRO shall request, which will be sufficient, together with other information available, for a determination to be made with respect to whether sufficient funds from sources other than children's payments are available to enable such school to meet the requirements of this part with respect to the amount charged for reduced price lunches and with respect to minimum eligibility criteria for free and reduced price lunches.

§ 245.10 Action by school food authorities.

(a) Each school food authority of a school desiring to participate in the Program or to become a commodity only school shall submit for approval to the State agency, or FNSRO where applicable, a free and reduced price policy statement. Such policy statement, as a minimum, shall contain the following:

(1) The official or officials designated by the school food authority to make eligibility determinations on its behalf for free and reduced price lunches;

(2) The complete family size, income and other criteria which comprise the eligibility standards for free and reduced price lunches, respectively;

(3) The specific procedures the school-food authority will use in accepting applications from families for free and reduced-price lunches and any alternative methods it intends to use in making eligibility determinations in accordance with § 245.6(c).

(4) A description of the method or methods to be used to collect payments from those children paying the full price of the lunch, or a reduced price, which will protect the anonymity of the children receiving a free or reduced-price lunch, and

(5) An assurance that the school will abide by the hearing procedure set forth in § 245.7 and the nondiscrimination practices set forth in § 245.8.

(b) The policy statement submitted by each school-food authority shall be accompanied by a copy of the application

form to be used by the school and of the proposed letter or notice to parents.

§ 245.11 Action by State agencies and FNSRO.

(a) State agencies, and FNSRO where applicable, shall issue such instructions as are necessary to assure that school-food authorities are fully informed of the provisions of this part and of the requirements for the filing and approval of free and reduced-price policy statements. Any State agency, or FNSRO where applicable, may require that school-food authorities under its jurisdiction establish the maximum price of a reduced-price lunch at a level below 20 cents or establish criteria for determining eligibility for free or reduced-price lunches containing family size income levels above those in the income poverty guidelines prescribed by the Secretary. Any such requirements made by FNSRO with respect to nonprofit private schools shall be developed by FNSRO after consultation with the State agency. Except to the extent that variations are justified by varying economic conditions within the State, any such requirements shall be applied uniformly to all school-food authorities under the jurisdiction of the State agency or FNSRO, respectively, subject to the exemption with respect to nonprofit private schools in § 245.9.

(b) State agencies, and FNSRO where applicable, shall review the policy statements submitted by school-food authorities for compliance with the provisions of this part and inform the school-food authorities of any necessary changes or amendments required in any policy statement to bring such statement into compliance. They shall notify school-food authorities in writing of approval of their policy statements and shall direct them to distribute promptly the public announcements required under the provisions of § 245.5.

(c) State agencies, and FNSRO where applicable, shall instruct school-food authorities that they may not alter or amend the eligibility standards set forth in an approved policy statement without advance approval of the State agency, or FNSRO where applicable.

(d) As promptly as possible after the Secretary's determination and announcement of the income poverty guidelines for each fiscal year, State agencies, or FNSRO where applicable, shall notify school-food authorities in writing of any amendment to their free and reduced-price policy statement necessary to bring the family size income criteria into conformance with such income poverty guidelines.

(e) Except as provided in § 245.12, the State agency, or FNSRO where applicable, shall neither disburse any funds, nor authorize the distribution of commodities donated by the Department, to any school unless it has an approved free and reduced-price policy statement on file with the State agency, or FNSRO where applicable.

(f) State agencies, or FNSRO where applicable, shall review and evaluate the performance of school-food authorities and of schools under the provisions of this part during the course of administrative reviews of nonprofit lunch programs and by other means. They shall instruct school-food authorities of any deficiencies found and any corrective actions required.

§ 245.12 Effective date.

(a) For the fiscal year beginning July 1, 1970, the school-food authorities of schools participating in the program or of commodity-only schools shall submit a free and reduced-price policy statement for approval to the State agency, or FNSRO where applicable, not later than the end of the first calendar month after the month in which it began the service of any lunch for which reimbursement is claimed or in which commodities donated by the Department were utilized: *Provided*, That schools serving such lunches between July 1, 1970, and September 1, 1970, for the purposes of this subsection, shall be deemed to have begun the service of such lunches on September 1, 1970. If the free and reduced-price policy statement submitted by any school-food authority to the State agency, or FNSRO when applicable, is determined to be out of compliance with the provision of this part, such school-food authority shall be required to submit a policy statement that does meet the provisions of this part within 30 calendar days. In no event, shall any school-food authority be reimbursed for any lunches served after December 31, 1970, nor shall any commodities donated by the Department be used in any school's nonprofit lunch program after such date, unless the school's free and reduced-price policy statement has been approved by the State agency, or FNSRO where applicable.

(b) Other provisions of this part shall be effective upon publication.

Dated: August 31, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-11733; Filed, Sept. 3, 1970; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment, Department of Agriculture)

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 724 — BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart — Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to make certain amendments to the regulations (33 F.R. 15521, as amended) in this subpart for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties and the records and reports incident thereto for burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), cigar filler and binder (types 42, 43, 44, 53, 54, and 55), and Maryland tobacco.

There was published a notice of proposed rule making to issue an amendment to these regulations (35 F.R. 7738). Interested persons were given 15 days after publication of such notice in which to submit written data, views, and recommendations with respect to the proposed regulations. The data, views, and recommendations which were submitted pursuant to said notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended.

The proposals set forth in the notice were adopted. In addition, the following changes are also adopted:

(1) Provisions for applying the erroneous notice of allotment rule have been broadened.

(2) Revision in provisions for lease and transfer of allotments under Public Law 91–284 (approved June 19, 1970).

Briefly, the amendments provide the following:

(a) Section 724.66: Paragraph (b) is amended to authorize Kansas City Data Processing Center to print data on MQ–24, Notice of Allotment, as heretofore and to also print on the form the county office addresses, crop year, and date of mailing. County committeeman's signature would not be used. Provision has been made to display for public inspection a printout of allotment data rather than MQ–24. In paragraph (d) there is added a provision that the erroneous notice of allotment rule would also be applicable if the farm operator prior to planting the tobacco materially changes his position to enable him to produce the crop.

(b) Section 724.68: Includes new provisions for lease and transfer of allotments under Public Law 91–284. Approval of leases and transfers is reserved for the county committee only.

(c) Section 724.81: Provides for issuing in certification counties a marketing card eligible for price support if there is excess acreage above the farm allotment but within a specified tolerance and the acreage is not disposed of. In such instances the marketing card would also bear the converted rate of penalty for the farm.

(d) Sections 724.86, 724.91, 724.96, and 724.99: Changed as required due to elimination of sale memos from MQ–76, within quota card for dark air-cured, fire-cured, and Virginia sun-cured.

(e) Section 724.87(a): Clarifies that dealers are to enter nonauction sales data on burley cards.

(f) Section 724.89: Includes penalty rates applicable to marketings of 1970 crop excess tobacco.

(g) Section 724.91: Provides that if a dealer mixes different kinds of tobacco and has excess resales he will pay penalty at the highest rate for kinds included.

(h) Section 724.95(a): Provides that false acreage certifications in certification counties (defined in Part 718) shall subject the farm to a reduction in the allotment and provides procedure for determining the amount of reduction.

(i) Section 724.99: Clarifies that dealers having transactions after April 1, usual final reporting date, are also to make weekly reports.

(j) Section 724.109: Record retention time expanded from 2 to 3 years.

1. Section 724.66 (b) and (d) are amended to read as follows:

§ 724.66 Approval of allotments and marketing quotas and notice of farm acreage allotments.

* * * * *

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, or a printout summary of such data, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

* * * * *

(d) If the county committee determines with the approval of the State executive director that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) has planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 724.55 shall be followed.

2. Section 724.68 (a), (b), (c), and (f) are amended to read as follows:

§ 724.68 Lease and transfer of tobacco acreage allotments.

(a) (1) For 1968 through 1970 crops of cigar-binder (types 51 and 52) or Maryland tobacco subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment for cigar-binder (types 51 and 52) or Maryland tobacco is established for the current year may lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. (2) For the 1971 and subsequent crops of cigar-filler and binder (types 42, 43, 44, and 53) and cigar-binder (types 51 and 52) or Maryland tobacco subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment for cigar-filler and binder (types 42, 43, 44, and 53) and cigar-binder (types 51 and 52) or Maryland tobacco is established for the current year may lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. (3) The allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) (1) Any lease for 1968 through 1970 shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree. (2) Any lease for the 1971 and subsequent crops shall be made for such term of years not to exceed 5 and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) The lease and transfer of any allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1 of the current year. In addition, the lease and transfer of an allotment shall be effective if the State executive director finds that a lease was timely agreed upon and the terms of the lease are reduced to writing and filed no later than July 31 of the current year. The approval herein required by the county committee shall not be redelegated.

* * * * *

(f) (1) For 1968 through 1970 crops of cigar-binder (types 51 and 52) or Maryland tobacco, the total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and acreage leased and transferred to it after any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm. (2) For the 1971 and subsequent crops of cigar-filler and binder (types 42, 43, 44 and 53), cigar-binder (types 51 and 52), or Maryland tobacco, the total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and acreage leased and transferred to it after any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm except in the case of cigar-filler (types 42, 43 and 44) transfers, the acreage shall be limited to the smaller of 10 acres or 50 percent of the acreage of cropland in the farm.

3. Section 724.81 (c) and (d) are amended to read as follows:

§ 724.81 Issuance of producer marketing cards.

* * * * *

(c) *Issuance of within quota and excess cards, except burley tobacco producer cards.*—(1) *Within quota marketing card.* (i) A within quota marketing card MQ–76 (eligible for price support), shall be issued for each kind of tobacco for which there is no excess tobacco available for marketing, or the percent excess is zero, except that an excess marketing card MQ–77, showing zero penalty, shall be issued if at the time of the issuance of the marketing card: (*a*) There is excess tobacco of another kind of tobacco which was produced on the same farm in the same current year; (*b*) (1) in noncertification counties, all excess tobacco and (2) in certification counties (defined in Part 718) all excess tobacco above the tolerance (larger of 0.03 acre or 5 percent of the farm allotment but not to exceed 1 acre), has been disposed of in accordance with § 724.80, and in compliance with the time of notification provisions of and in the manner prescribed in Part 718 of this chapter, but not before harvest, unless the county committee determines that the producer's failure to dispose of his excess tobacco prior to harvest was because of conditions beyond his control; or (*c*) any kind of tobacco produced on land owned by the Federal Government is within the allotment for the farm, but in violation of a lease restricting the production of tobacco.

(ii) A within quota marketing card (MQ–76) shall be issued to identify tobacco grown for experimental purposes only by a publicly owned experiment station.

(iii) In certification counties, if the farmer has excess tobacco within the tolerance (larger of 0.03 acre or 5 percent of the farm allotment but not to exceed 1 acre) an MQ–77 shall be issued and stamped or marked "Eligible for Price Support". Such card shall bear the converted rate of penalty.

(2) *Excess marketing card.* An excess marketing card, MQ–77 (ineligible for price support except an MQ–77 issued under subparagraph (1)(iii) of this paragraph), showing the converted rate of penalty shall be issued for each kind of tobacco for which there is excess tobacco available for marketing and the percent excess exceeds zero percent. The percent excess and the converted rate of penalty shall be determined in accordance with § 724.82, except that an excess marketing card showing the full rate of penalty shall be issued:

(i) For each kind of tobacco for which no farm acreage allotment was established, or for which an allotment was established and later cancelled, or,

(ii) For each kind of tobacco for which the farm operator or another producer on the farm prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(d) *Issuance of producer burley cards.* (1) A Form MQ–76 (burley) shall be issued:

(i) (*a*) In noncertification counties, if there is no excess tobacco available for marketing, or the percent excess is zero and (*b*) in certification counties (defined in Part 718 of this chapter), if the excess tobacco is not greater than that authorized by the tolerance (larger of 0.03 acre or 5 percent of the farm allotment but not to exceed 1 acre). Cards issued under this subdivision (*b*) shall be eligible for price support and bear the converted penalty rate.

(ii) To identify tobacco grown for experimental purposes only by a public owned experiment station.

(2) Except for the price support eligibility card issued under paragraph (d)(1)(i)(b), a Form MQ–76 (burley) bearing the notation "No Price Support" shall be issued:

(i) Showing zero penalty, if at the time of the issuance of the marketing card: (*a*) There is excess tobacco of another kind of tobacco which was produced on the same farm in the same current year; or (*b*) all excess burley tobacco has been disposed of in accordance with § 724.80, and in compliance with the time of notification provisions of and in the manner prescribed in Part 718 of this chapter, but not before harvest unless the county committee determines the producer's failure to dispose of his excess tobacco prior to harvest was because of conditions beyond his control; or (*c*) any burley tobacco was produced on land owned by the Federal Government is within the allotment for the farm, but in violation of a lease restricting the production of tobacco.

(ii) Showing the converted rate of penalty, if the percent excess exceeds zero percent.

(iii) Showing the full rate of penalty if: (*a*) No burley farm acreage allotment was established or a burley allotment was established and later canceled, or (*b*) the farm operator or another producer on the farm prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on the farm.

The percent excess and the converted rate of penalty shall be determined in accordance with § 724.82.

4. In § 724.86, paragraphs (a), (b), (c), and (d) are amended to read as follows:

§ 724.86 Identification of marketings, excluding burley tobacco and cigar tobacco.

(a) *MQ–76 within quota card and MQ–77 excess marketing card.* Subject to paragraph (b) of this section, each marketing of tobacco from a farm shall be identified by the marketing card issued for the farm, either an MQ–76 or MQ–77 (including sale memo). In addition, each nonauction sale except sales through a hogshead warehouse, shall (i) for within quota farms be indicated by a check mark on the inside of MQ–76, and (ii) for excess farms for which an MQ–77 is issued be identified by an executed bill of nonauction sale, and such bills of nonauction sale shall be delivered to a marketing recorder or other person who is authorized to issue sale memos.

(b) *Suspended sales and sales without marketing cards.* Any suspended sale, which is not identified by an MQ–76 or MQ–77 (including a sale memo) on or before the last warehouse sale day of the marketing season, or within 4 weeks after the date of marketing, whichever comes first, shall be identified by MQ–82, Sale Without Marketing Card, as a marketing of excess tobacco. Form MQ–82 shall be executed only by a marketing recorder or other representative of the State executive director.

(c) *Other persons authorized to execute MQ–76 or MQ–77 (including sale memos).* (1) A warehouseman or a hogshead warehouseman, who has been authorized during the current marketing year on MQ–78, Tobacco Warehouse Organization, may record the sale on MQ–76 and issue a sale memo from an MQ–77 to identify a sale by a farmer if a marketing recorder is not available at the warehouse when the marketing card is presented.

(2) In the case of Maryland tobacco, a tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who has been authorized on MQ–78 Tobacco to prepare marketing cards (including sale memos from MQ–77), may issue the form covering a purchase of such tobacco. For nonauction sales the bill of nonauction sale must have been executed from excess cards.

(3) Any warehouseman, hogshead warehouseman, or dealer, who engages in the business of acquiring scrap tobacco from farmers, and who has been authorized on MQ–78, may for each purchase of scrap tobacco execute an MQ–76 or MQ–77 (including a sale memo if the bill of nonauction sale has been executed).

(d) *Verification of sales processed during absence of marketing recorder.* Any person authorized on MQ–78 to act as a marketing recorder shall promptly present to a marketing recorder for verification, each warehouse bill (floor sheet) processed and identified by an MQ–76 or MQ–77 (including any sale memos) executed by him in the absence of a marketing recorder.

5. Section 724.87(a) is amended to read as follows:

§ 724.87 Identification of burley tobacco marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of burley tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show pounds sold and date of sale. Also, each producer sale at auction shall be recorded on Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer purchaser shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

6. Section 724.89 is amended by adding paragraph (e) to read as follows:

§ 724.89 Rate of penalty.

* * * * *

(e)(1) *1969–70 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1969–70 marketing year was:

AVERAGE MARKET PRICE

Kinds of tobacco:	*Cents per pound*
Burley	69.6
Fire-Cured (Type 21)	53.1
Fire-Cured (Types 22–24)	48.1
Dark Air-Cured	40.3
Virginia Sun-Cured	52.8
Cigar-Filler and Binder (Types 42–44 and 53–55)	39.8
Cigar-Binder (Types 51 and 52)	58.2

(2) *1970–71 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1970–71 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco:	*Cents per pound*
Burley	52
Fire-Cured (Type 21)	40
Fire-Cured (Types 22–24)	36
Dark Air-Cured	30
Virginia Sun-Cured	40
Cigar-Filler and Binder (Types 42–44 and 53–55)	30
Cigar-Binder (Types 51 and 52)	(1)

[1] Quotas terminated for 1970 crop.

7. In § 724.91 subparagraphs (a)(1) and (b)(2) are amended and paragraph (k) is added to read as follows:

§ 724.91 Penalties considered to be due from warehousemen, hogshead warehousemen, dealers, buyers and others excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a)(1) *Auction sale without identification by MQ–76 or MQ–77 (including memo of sale) (not applicable to burley).* Any warehouse sale of tobacco by a producer which is not identified by a valid marketing card, either MQ–76 or MQ–77 (including sale memo) on or before the last warehouse sale day of the marketing season, or within 4 weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

* * * * *

(b)(2) *Nonauction sale (not applicable to burley tobacco).* Any nonauction sale of tobacco, except cigar tobacco and sales by producers of Maryland tobacco sold through the hogshead market, which (i) is not identified by an MQ–76 or MQ–77 (including a valid bill of nonauction sale); (ii) as to excess tobacco, is not also identified by a valid sale memo, and recorded on MQ–79, Dealer's Record, not later than the end of the calendar week in which the tobacco was purchased; or (iii) if purchased prior to the opening of the local auction market for the current year, is not identified by an MQ–76 or MQ–77 (including a valid sale memo) and recorded on MQ–79 not later than the end of the calendar week which includes the first day of the local auction markets, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

* * * * *

(k) *Dealer's tobacco—Excess resale rule for mixed reporting of data.* If during any marketing year a warehouseman or a dealer has transactions in more than one kind of tobacco and his reports of marketings result in excess resales, penalty on such excess resales shall be due from such dealer at the highest rate of penalty applicable to any kind of tobacco reported or due to be reported under these regulations.

8. Section 724.95(a) is amended to read as follows:

§ 724.95 Producer's records and reports.

(a) Report of tobacco acreage. (1) The farm operator or any producer on the farm shall execute and file a report with the county ASCS office or a representative of the county office or a representative of the county committee on Form ASCS–578, Record of Measurement Service, or Report of Acreage, showing all fields of tobacco on the farm in the current year. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm, and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(2) If a farm operator in a certification county (as defined in Part 718 of this chapter) files a certification of tobacco acreage on the farm and, after a farm visit and measurement of the acreage, it is determined by the county committee (with approval of the State committee) that the certification was false (either significantly under certification or significantly over certification by more than a tolerance of the larger of 0.03 acre or 5 percent of the farm allotment (not to exceed 1 acre)) in what amounts to a scheme or device to defeat the purpose of the program, the allotment next established for the farm shall be reduced.

(3) If the conditions in subdivision (i) and (ii) of this paragraph (a) are not applicable, the next established allotment shall be reduced on the basis of pounds computed as follows: The acreage falsely certified (difference between certified and measured acreage) shall, for the year of the violation, be multiplied by the farm's actual yield. Such method of determining the amount of allotment reduction also is provided for in paragraph (i) of this section.

9. In § 724.96, subparagraph (b)(3), paragraphs (c), (d), and paragraphs (g) (10), (11), and (12) are amended to read as follows:

§ 724.96 Warehouseman's records and reports, except burley tobacco.

* * * * *

(b)(3) *Marketing card cover.* The serial number of the warehouse bill (floor sheet) shall be recorded on the inside of the marketing card by the market recorder or warehouseman for each sale of tobacco by a producer.

(c) *Sale memo and bill of nonauction sale.* A record of sales (i) on MQ–76 and (ii) on MQ–77 or MQ–82, Sale Without Marketing Card (including sale memo from MQ–77 or MQ–82), shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through a warehouse and each nonauction sale of tobacco purchased by or for the warehouseman, including scrap tobacco obtained as result of providing curing space or stripping space for farmers. Each MQ–76 and MQ–77 (including sale memo) shall be executed as follows:

(1) *Auction sale.* An auction sale identified by MQ–76 shall show in the spaces provided therefor, the bill (floor sheet) number, checkmark to show the sale was by auction, a checkmark to show nonauction for purchases identified "NA" on the warehouse bill (floor sheet), pounds sold, name and address of warehouse, and date of sale. In addition, each sale memo issued from MQ–77 to cover an auction sale shall show on the first page thereof in all of the spaces provided therefor, the warehouse bill number, pounds sold, amount of penalty due, name and address of warehouse, and date of sale.

(2) *Nonauction sale to a warehouseman who does not prepare a warehouse bill (floor sheet).* An MQ–76 used to cover a nonauction sale of tobacco to a warehouseman who does not prepare a warehouse bill (floor sheet) to cover the sale shall show, the bill (floor sheet) number, checkmark to show sale was by nonauction, pounds sold, name and address of the warehouse, and date of sale. When an MQ–77 is required to be used under this subparagraph a sale memo shall show on the reverse side the pounds sold and the amount of penalty due. The signature of the producer shall be obtained in the space provided on MQ–77.

(3) *Nonauction sale to a warehouseman who prepares a warehouse bill (floor sheet).* (i) Where a warehouseman purchases all the delivery of a producer's tobacco at a nonauction sale and prepares a warehouse bill (floor sheet) to cover the purchase, on MQ–76 there shall be shown the bill (floor sheet) number, checkmark to show nonauction purchases, pounds sold, name and address of warehouse, and date of sale. When an MQ–77 is required to be used under this subparagraph (3), the reverse side of a sale memo shall be completed as specified in subdivision (2) of this subparagraph and in addition, on the first page of a sale memo from MQ–77 the number of pounds purchased shall be shown in the spaces provided therefor, the amount of penalty due on a sale memo from MQ–77, name and address of warehouse, and date of sale. The signature of the producer shall be obtained in the space provided on MQ–77.

(ii) Where a warehouseman purchases at nonauction sale part of a delivery of tobacco by a producer and the remainder of the tobacco is sold at auction: The Record of Sales in MQ–76 shall be completed to show the warehouse bill (floor sheet) number, checkmark under both auction and nonauction, and the total number of pounds covered by the entire delivery under "Lbs. Sold", the name and address of the warehouse and date of sale, and the first sale memo from an MQ–77 shall be completed to show the warehouse bill(s) (floor sheet) number in the space provided therefor, the total number of pounds covered by the entire delivery under "Lbs. Sold," the amount of penalty due, name and address of the warehouse, and date of sale. The reverse side of a sale memo from MQ–77 shall show the number of pounds sold at nonauction sale in the space provided therefor.

(d) *Suspended sale record.* Any warehouse bills covering first marketing of farm tobacco which have not been identified by valid MQ–76 or MQ–77 at the end of the sale day shall be presented to a market recorder who shall stamp such bills "Suspended" and write thereon the serial number of the suspended sale, and record the bills on MQ–80, Daily Auction

Warehouse Report: *Provided*, That if a market recorder is not available, the auction warehouseman may stamp such bills "Suspended" and deliver them to a market recorder when one is available.

* * * * *

(g) *Daily report of auction warehouse business.*

* * * * *

(10) As to the information required to be entered on MQ–80, Daily Auction Warehouse Report, by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) For each sale identified by an MQ–76 or MQ–77 (including sale memo) or MQ–82, Sale Without Marketing Card, the pounds sold; (ii) for each sale suspended, the warehouse bill(s) number and pounds sold; and (iii) for each sale cleared from suspension, the MQ–76 number or for MQ–77 or MQ–82 the sale memo number, and the date of clearance.

(11) Where a producer rejects the sale of a basket or a lot of tobacco, the warehouseman shall not change (i) the applicable entry on MQ–76 or for MQ–77 the sale memo, and (ii) the MQ–80 on which is reported the sale, if such tobacco has been billed out and the bills have been presented to the buyer.

(12) In balancing first sales (represented by marketing recorder's total) with computed first sales (bill-out total minus resales as reported by the warehouseman) the State executive director is authorized to approve reports with variance not to exceed one-half of 1 percent of such pounds.

10. In § 724.99, paragraph (c)(1) is amended and paragraph (g) is added to read as follows:

§ 724.99 Dealer's record and reports, excluding cigar tobacco buyers.

* * * * *

(c) *Nonauction sale (country purchase) to a dealer—(1) Fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco.* Each purchase of tobacco by a dealer from a producer other than through an auction sale or hogshead warehouse sale, including farm scrap tobacco obtained from grading tobacco for farmers or as a result of furnishing farmers curing space or stripping space, shall be identified by an MQ–76 or MQ–77 (including a sale memo from the marketing card) issued for the farm on which the tobacco was produced. The producer's signature shall be obtained on the bill of nonauction sale on the reverse side of a sale memo from a form MQ–77. Any sale of producer's tobacco which is not identified by a marketing card (form MQ–76 or form MQ–77) shall be identified by a form MQ–82 executed by a marketing recorder or other representative of the State executive director. The dealer shall record or have a marketing recorder record each purchase of nonauction tobacco made by him on form MQ–79, Dealer's Record.

* * * * *

(g) *Delayed reports.* Notwithstanding the provision of paragraph (f), any dealer having tobacco transactions after April 1 shall make reports on MQ–79 at the end of each week as provided in subparagraph (d)(2).

11. Section 724.109 is amended to read as follows:

§ 724.109 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained by him for 3 years after the end of the marketing year. Records shall be kept for such longer period of time as may be requested in writing by the State executive director or the Director.

(Secs. 313, 314, 316, 318, 375, 52 Stat. 47, as amended, 48, as amended, 80 Stat. 120, as amended, 52 Stat. 66, as amended, 84 Stat. 314; 7 U.S.C. 1313, 1314, 1314d, 1316, 1375)

Effective date: Thirty days after the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on August 27, 1970.

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

[F.R. Doc. 70–71756; Filed, Sept. 3, 1970; 8:50 a.m.]

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

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), was published in the FEDERAL REGISTER August 18, 1970 (35 F.R. 13135).

This marketing order program regulates the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 945.223 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1971, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $33,000.00.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be twenty-six hundredths of one cent ($0.0026) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period: *Provided*, That potatoes for canning, freezing, and "other processing" as defined in the recent amendment to the act (Public Law 91–196) shall be exempt.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1971, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of the said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1970, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

Dated: August 31, 1970.

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

[F.R. Doc. 70–11730; Filed, Sept. 3, 1970; 8:48 a.m.]

[Area No. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments and Import Requirements for Red Skinned Round Type Potatoes

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Area No. 2 (San Luis Valley, Colo.), was published in the FEDERAL REGISTER August 21, 1970 (35 F.R. 13370). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. None was filed.

Statement of consideration. The notice was based on the recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said amended marketing agreement and order, and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1970 crop in Area No. 2 and of the marketing prospects for this season.

The grade, size, and maturity requirements provided herein are necessary to prevent potatoes that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

Findings. After consideration of all relevant matter presented, including that in the aforesaid notice, based upon the recommendations of the Area No. 2 Committee, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1970 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) similar regulations have been in effect during previous marketing seasons for potatoes produced in Area No. 2, and a similar regulation has been issued under the State order for intrastate shipments, so producers and handlers are aware of the provisions of this regulation, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.364 Limitation of shipments.

During the period September 7, 1970, through June 30, 1971, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1970, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(b) *Maturity (skinning) requirements.*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments.* (1) The grade, size, maturity, and inspection requirements of paragraphs (a), (b), and (f) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (f) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a certificate of privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exemption shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Definitions.* The terms "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to § 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period September 7, 1970, through June 30, 1971, shall meet the grade, size, and quality requirements specified in paragraph (a)(1) of this section, and during the period September 7, 1970, through October 31, 1970 shall meet the minimum maturity requirement of paragraph (b) of this section, namely not more than "moderately skinned."

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

Dated: August 31, 1970, to become effective September 7, 1970.

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

[F.R. Doc. 70–11731; Filed, Sept. 3, 1970; 8:48 a.m.]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable, Reserve, and Export Percentages for 1970–71 Crop Year

Notice was published in the August 18, 1970, issue of the FEDERAL REGISTER (35 F.R. 13135) regarding a proposal to establish salable, reserve, and export percentages applicable to California almonds for the 1970–71 crop year beginning July 1, 1970. The percentages are based on the unanimous recommendation of the Almond Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 35 F.R. 11372), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish salable, reserve, and export percentages as hereinafter set

forth will tend to effectuate the declared policy of the act.

Therefore, the salable, reserve, and export percentages for almonds received by handlers for their own accounts during the 1970–71 crop year are established as follows:

§ 981.220 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1970.

The salable, reserve, and export percentages during the crop year beginning July 1, 1970, shall be 55, 45, and 100 percent, respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable, reserve, and export percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1970, and the percentages established herein will automatically apply to all such almonds beginning with such date.

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

Dated: August 31, 1970.

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

[F.R. Doc. 70–11757; Filed, Sept. 3, 1970; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Consent to Certain Investments by Edge Corporations

1. Effective immediately, subparagraph (2) of § 265.1a(a) is amended to read as follows:

§ 265.1a Specific functions delegated to Board members.

(a) Any Board member designated by the Chairman is authorized under sections 25 and 25(a) of the Federal Reserve Act and Parts 211 and 213 of this chapter (Regulations K and M):

* * * * *

(2) To grant specific consent to the acquisition, either directly or indirectly, by a member bank or an Edge or Agreement corporation of stock of (i) a company chartered under the laws of a foreign country or (ii) a company chartered under the laws of a State of the United States that is organized and operated for the purpose of financing exports from the United States: *Provided*, That such acquisition does not result, either directly or indirectly, in the acquisition by such bank or corporation of effective control of any such company (other than a company performing nominee, fiduciary, or other banking services incidental to the activities of a foreign branch or affiliate of such bank or corporation); and to approve any such acquisition that may exceed the limitations in section 25(a) of the Federal Reserve Act based on such a corporation's capital and surplus.

* * * * *

2a. The purpose of this amendment is to delegate to a member of the Board authority to grant specific consent to certain stock acquisitions by Edge corporations.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rules contained herein are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Board of Governors, August 25, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 70–11688; Filed, Sept. 3, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70–EA–71; Amdt. 39–1075]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller 1100 Helicopters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations to issue an airworthiness directive applicable to Fairchild Hiller 1100 series helicopters.

In three instances vertical struts of transmissions on Fairchild Hiller 1100 series helicopters have failed due to cracking. In each instance, the cracking and resultant failure has been caused by improper flash welding of the strut mounts. Since this condition is likely to exist or develop in transmission struts of like type design, an airworthiness directive is being issued to require inspection of these struts on all similar type aircraft.

Further, since a condition exists which requires expeditious issuance of this amendment, notice and public procedure herein are impractical and it may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

FAIRCHILD HILLER HELICOPTERS. Applies to 1100 series helicopters certificated in all categories.

Compliance required within the next 25 flight hours of the effective date of this A/D unless already accomplished.

To prevent failure of transmission vertical struts and mounts:

(1) Strip epoxy paint from weld areas of transmission vertical struts and mounts P/N 24–28030–1 and –2 with commercial paint stripper.

(2) With dye penetrant inspect weld areas for cracks.

(3) Replace any cracked part prior to further flight.

(4) Refinish stripped areas with two coats of zinc chromate.

(5) Repeat above procedure at each succeeding 100 flight hours.

This amendment is effective September 15, 1970.

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

Issued in Jamaica, N.Y., on August 24, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70–11707; Filed, Sept. 3, 1970; 8:46 a.m.]

[Docket No. 10536; Amdts. 61–51; 63–12; 65–16; 67–8; 141–9; and 143–3]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 67—MEDICAL STANDARDS AND CERTIFICATION

PART 141—PILOT SCHOOLS

PART 143—GROUND INSTRUCTORS

Changes in References to Agency Regulations, Position Title, and Certain Addresses

The purpose of these amendments to Parts 61, 63, 65, 67, 141, and 143 of the Federal Aviation Regulations is to reflect in Parts 65 and 141 appropriate references to Part 430 of the Regulations of the National Transportation Safety Board; reflect in Part 67 an organizational change in the title of the FAA Assistant Administrator to FAA Regional Director; and update several references in the Regulations to the addresses to which applications for replacement of lost or destroyed certificates and certain other communications with the FAA are sent. These amendments also correct an inadvertent error made in a recent amendment to Part 65. On April 1, 1967, the aviation safety functions of the Civil Aeronautics Board, under titles VI and VII of the Federal Aviation Act of 1958, were transferred to the National Transportation Safety Board (49 U.S.C. 1651 et seq.). Thereafter the Board issued Part

430 of its Regulations pertaining to aircraft accidents, incidents, overdue aircraft, and safety investigations, effective November 10, 1969 (34 F.R. 15749). These amendments accordingly change the references in Parts 65 and 141 to Part 430 of the Regulations of the National Transportation Safety Board instead of to Part 320 of the Regulations of the Civil Aeronautics Board.

The organizational title of FAA Assistant Administrator has been changed to FAA Regional Director, and this change is reflected in the amendments to Part 67.

The addition of "Department of Transportation" and box numbers and zip codes to addresses found in Parts 61, 63, 65, 67, and 143 serve to clarify and modernize mailing addresses to which applications for lost or destroyed certificates and certain other communications with the FAA are sent.

In Notice 70–12 (35 F.R. 4862) it was proposed that an air traffic control operator should not be authorized to issue air traffic control clearances for IFR flight without authorization from the appropriate air route traffic control center. In issuing Amendment 65–15 pursuant thereto (35 F.R. 12326) it was stated that a tower may be under the jurisdiction of some facility other than an air route traffic control center, and that therefore the general phrase of reference "facility exercising IFR control" would be used. However, in the amended § 65.45(b) the phrase "air traffic control" was inadvertently used instead of "IFR control." These amendments correct that inadvertence by replacing "air traffic control" with "IFR control."

Notice and public procedure hereon are not required since these amendments merely reflect changes of law and procedures as well as the correction of an inadvertent clerical error, and they may therefore be made effective in less than 30 days.

In consideration of the foregoing, Parts 61, 63, 65, 67, 141, and 143 of the Federal Aviation Regulations are amended, effective September 4, 1970, as follows:

1. By amending the first sentence of paragraph (b) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125. * * *

* * * * *

2. By amending paragraph (c) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

* * * * *

(c) An application for a replacement of a lost or destroyed medical certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Civil Aeromedical Institute, Aeromedical Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, accompanied by a check or money order for $2.00.

* * * * *

3. By amending § 61.51 to read as follows:

§ 61.51 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a pilot or instructor certificate shall notify the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, in writing, of his new address.

4. By amending the first sentence of paragraph (b) of § 63.16 to read as follows:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125. * * *

* * * * *

5. By amending paragraph (c) of § 63.16 to read as follows:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(c) An application for a replacement of a lost or destroyed medical certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Civil Aeromedical Institute, Aeromedical Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, accompanied by a check or money order for $2.00.

* * * * *

6. By amending § 63.21 to read as follows:

§ 63.21 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, in writing, of his new address.

7. By amending the first sentence of paragraph (b) of § 65.16 to read as follows:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125. * * *

* * * * *

8. By amending paragraph (c) of § 65.16 to read as follows:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(c) An application for a replacement of a lost or destroyed medical certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Civil Aeromedical Institute, Aeromedical Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, accompanied by a check or money order for $2.00.

* * * * *

9. By amending § 65.21 to read as follows:

§ 65.21 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a certificate issued under this part shall notify the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, in writing, of his new address.

10. By amending the second sentence of paragraph (b) of § 65.45 (amended in 35 F.R. 12326) to read as follows:

§ 65.45 Performance of duties.

* * * * *

(b) * * * However, he may not issue an air traffic clearance for IFR flight without authorization from the appropriate facility exercising IFR control at that location.

* * * * *

11. By amending the first item of the table in paragraph (b) of appendix A of part 65 to read as follows:

APPENDIX A

AIRCRAFT DISPATCHER COURSES

* * * * *

(b) *Format of the training outline and course requirements.*

* * * * *

Subject:	*Classroom hours*
Federal Aviation Regulations Subpart C of part 65 of this chapter. Parts 25, 91, 103, and 121 of this chapter. Part 430 of the Regulations of the National Transportation Safety Board, "Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations", on sale at the Government Printing Office.	15

* * * * *

12. By amending the second sentence of paragraph (a) of § 67.23 to read as follows:

§ 67.23 Medical examinations: who may give.

* * * * *

(a) * * * Any interested person may obtain a list of these aviation medical examiners, in any area, from the FAA Regional Director of the region in which the area is located.

* * * * *

13. By amending the second sentence of paragraph (b) of § 67.23 to read as follows:

§ 67.23 Medical examinations: who may give.

* * * * *

(b) * * * Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Regional Director of the region in which the area is located.

* * * * *

14. By amending paragraph (c) of § 67.29 to read as follows:

§ 67.29 Medical certificates by senior flight surgeons of armed forces.

* * * * *

(c) Any interested person may obtain a list of the military posts, stations, and facilities at which a senior flight surgeon has been designated as an aviation medical examiner, from the Surgeon General of the armed force concerned or from the Chief, Aeromedical Certification Branch, AC–130, Department of Transportation, Federal Aviation Administration, Civil Aeromedical Institute, Post Office Box 25082, Oklahoma City, Okla. 73125.

* * * * *

15. By amending subdivision (i) of subparagraph (b) (4) of Appendix B to Part 141 to read as follows:

APPENDIX B

FLIGHT TRAINING—COMMERCIAL FLYING SCHOOLS

* * * * *

(b) *Phase II—Navigational and critical situations.*

* * * * *

(4) *Cross-country flying and radio navigation (20 hours).*

(i) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of FAA facilities and compliance with Part 91 of this chapter and Part 430 of the Regulations of the National Transportation Safety Board, "Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations", on sale at the Government Printing Office.

* * * * *

16. By amending the first sentence in paragraph (b) of § 143.8 to read as follows:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125. * * *

* * * * *

17. By amending § 143.23 to read as follows:

§ 143.23 Change of address.

Within 30 days after any change in his permanent mailing address, the holder of a ground instructor certificate shall notify the Department of Transportation, Federal Aviation Administration, Airman Certification Branch, Post Office Box 25082, Oklahoma City, Okla. 73125, in writing, of his new address.

(Secs. 313(a), 602, 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1422, 1428. Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 27, 1970.

K. M. SMITH,
Acting Administrator.

[F.R. Doc. 70–11706; Filed, Sept. 3, 1970; 8:46 a.m.]

[Airspace Docket No. 70–SO–50]

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

Alteration of Control Zones and Transition Area

On July 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11515), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Orlando, Fla. (Herndon Municipal Airport and McCoy AFB), control zones and the Orlando, Fla., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 28° 17'30" N., long. 81°26'15" W.) for Kissimmee Municipal Airport was obtained from Coast and Geodetic Survey. Additionally, a revision to Special Instrument Approach Procedure ILS RWY 36L requires the designation of a transition area extension predicated on McCoy ILS localizer south course 6 miles in width and extending to 9.5 miles south of McCoy Outer Marker (an additional 2½ square miles of controlled airspace). It is necessary to alter the transition area description to reflect these changes. Since these amendments are editorial and minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Orlando, Fla. (Herndon Municipal Airport and McCoy AFB) control zones are amended to read:

ORLANDO, FLA. (HERNDON AIRPORT)

Within a 5-mile radius of Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.); within 3 miles each side of Orlando VORTAC 125° and 315° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding the portion south of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.).

ORLANDO, FLA. (MCCOY AFB)

Within a 5-mile radius of McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.) control zone.

In § 71.181 (35 F.R. 2134), the Orlando, Fla., transition area is amended to read:

ORLANDO, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Herndon Airport (lat. 28°32'40" N., long. 81°19'55" W.); within an 8.5 mile radius of McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM; within a 6.5-mile radius of Kissimmee Municipal Airport (lat. 28°17'30" N., long. 81°26'15" W.); within 3 miles each side of the 322° bearing from Kissimmee RBN (lat. 28°17'20.5" N., long. 81°26'05" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

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

Issued in East Point, Ga., on August 24, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70–11710; Filed, Sept. 3, 1970; 8:46 a.m.]

[Airspace Docket No. 70–SO–54]

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

Alteration of Control Zones and Transition Area

On July 16, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11408), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Greer, S.C. (Greenville-Spartanburg Airport), and Greenville, S.C., control zones, and the Greenville, S.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinates (lat. 34° 53'45" N., long. 82°13'04" W.) for Greenville-Spartanburg Airport (lat. 34°45'17" N., long. 82°22'30" W.) for Donaldson Center Airport, and (lat. 34° 50'54" N., long. 82°21'01" W.) for Greenville Municipal Downtown Airport were refined by Coast and Geodetic Survey. It is necessary to alter the descriptions to reflect these changes. Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Greer, S.C. (Greenville-Spartanburg Airport), control zone is amended to read:

GREER, S.C. (GREENVILLE-SPARTANBURG AIRPORT)

Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 1 mile each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); excluding the portion within Greenville control zone.

In § 71.171 (35 F.R. 2054), the Greenville, S.C., control zone is amended to read:

GREENVILLE, S.C.

Within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°-13'04" W.); effective from 0700 to 2300 hours local time daily.

In § 71.181 (35 F.R. 2134), the Greenville, S.C., transition area is amended to read:

GREENVILLE, S.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°-22'30" W.); within a 9.5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'-45" N., long. 82°13'04" W.); within 4 miles each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 9.5-mile radius area to 15 miles northeast of the airport.

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

Issued in East Point, Ga., on August 24, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-11711; Filed, Sept. 3, 1970; 8:47 a.m.]

[Airspace Docket No. 70-PC-4]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter V-9 Hawaii.

V-9 Hawaii is designated from the INT of Honolulu, Hawaii, 179° and Lanai, Hawaii, 224° True radials to Honolulu, excluding the airspace above FL-300 in Warning Area W-321 (Area C). A recent agreement between the Department of the Navy and the Federal Aviation Administration (FAA) will subdivide the warning area in two segments. A new warning area, W-321A would extend upward from the surface to 3,500 feet MSL. W-321 would be renumbered as W-321B and would continue to extend upward from Flight Level 300. The lateral extent of the areas would remain the same except that there has been a slight alteration to the northern boundary to accommodate V-16 Hawaii. The agreement will permit the FAA to make better use of the airspace within W-324. Alteration of the warning area requires that a floor of 3,500 feet MSL be placed on the segment of V-9 within the lateral limits of the warning area. Such action is taken herein.

Action has been initiated under separate cover as NONRULE Case No. 70-PC-4NR; to alter W-321 effective immediately.

Since this action involves airspace outside the United States, the Administrator has consulted with the Department of State and the Department of Defense in accordance with E.O. 10854.

As this action is minor in nature and will reduce a burden on the public, notice and public procedure thereon are unnecessary and good cause exists for making it effective immediately. However, since it is necessary to allow sufficient time to make the necessary changes on aeronautical charts, this amendment will become effective in more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 15, 1970, as hereinafter set forth.

Section 71.127 (35 F.R. 2041) is amended as follows:

V-9 Hawaii is amended to read as follows:

V-9 Hawaii from INT Lanai, Hawaii, 223° and Honolulu, Hawaii, 179° radials, 78 mi. 35 MSL, Honolulu. The airspace above FL-300 within W-321B is excluded.

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

Issued in Washington, D.C., on August 27, 1970.

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

[F.R. Doc. 70-11712; Filed, Sept. 3, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-33]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On June 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 10229) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area in Albemarle Sound, N.C.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 15, 1970, as hereinafter set forth.

Section 73.53 (35 F.R. 2343) is amended by adding the following:

R-5301C ALBEMARLE SOUND, N.C.

Boundaries. A circular area within a 1½ nautical mile radius centered at Lat. 36°05'-25" N., Long. 76°18'30" W.

Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.

Time of designation. As activated by NO TAM at least 24 hours in advance.

Using agency. Commander, Fleet Air Norfolk NAS Norfolk, Va.

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

Issued in Washington, D.C., on August 27, 1970.

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

[F.R. Doc. 70-11708; Filed, Sept. 3, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SW-48]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to change the using agency of the White Sands Proving Grounds, N. Mex., Restricted Areas R-5107B, R-5107C, R-5107D, R-5107E; the White Sands, N. Mex., Restricted Areas R-5109A, R-5109B; the Elephant Butte, N. Mex. (east), Restricted Area R-5111A, and the Elephant Butte, N. Mex. (west), Restricted Area R-5111B. This change in using agency was requested by the Department of the Air Force.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth:

In § 73.51 (35 F.R. 2340), the White Sands Proving Grounds, N. Mex., Restricted Areas R-5107B, R-5107C, R-5107D are amended by changing the using agency from "Commander, Holloman AFB, N. Mex." to "Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex."

The White Sands Proving Grounds, N. Mex., Restricted Area R-5107E is amended by changing the using agency from "Commander, Air Force Missile Development Center, Holloman AFB, N. Mex." to "Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex."

The White Sands, N. Mex., Restricted Area R-5109A is amended by changing the using agency from "Commander, Air Force Missile Development Center, Holloman AFB, N. Mex." to "Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex."

The White Sands, N. Mex., Restricted Area R-5109B is amended by changing the using agency from "Commander, Holloman AFB, N. Mex." to "Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex."

The Elephant Butte Restricted Areas R-5111A (east) and R-5111B (west) are amended by changing the using agency from "Commander, Air Force Missile Development Center, Holloman AFB, N. Mex." to "Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex."

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

Issued in Washington, D.C. on August 26, 1970.

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

[F.R. Doc. 70-11709; Filed, Sept. 3, 1970; 8:46 a.m.]

[Docket No. 10535; Amdt. No. 719]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective October 1, 1970.

Anchorage, Alaska—Merrill Field; LFR-A, Amdt. 17; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective October 1, 1970.

Bay City, Mich.—James Clements Airport; VOR-A, Orig.; Established.
Bay City, Mich.—James Clements Airport; VOR-1, Amdt. 2; Canceled.
Detroit, Mich.—Detroit Metropolitan Wayne County Airport; VOR Runway 27, Amdt. 5; Revised.
Detroit, Mich.—Willow Run Airport; VOR Runway 5R, Amdt. 1; Revised.
Titusville, Pa.—Titusville Airport; VOR-A, Orig.; Established.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB SIAPs effective October 1, 1970.

DeRidder, La.—Beauregard Parish Airport; NDB Runway 18, Orig.; Established.
Detroit, Mich.—Detroit Metropolitan Wayne County Airport; NDB Runway 27, Amdt. 2; Revised.
Sturgeon Bay, Wis.—Door County Cherryland Airport; NDB Runway 1, Amdt. 1; Revised.
Wakefield, Va.—Wakefield Municipal Airport; NDB Runway 20, Orig.; Established.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective October 1, 1970.

Detroit, Mich.—Detroit Metropolitan Wayne County Airport; ILS Runway 27, Amdt. 1; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective October 1, 1970.

Detroit, Mich.—Detroit Metropolitan Wayne County Airport; Radar-1, Amdt. 4; Revised.

These amendments are made effective under the authority of

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on August 27, 1970.

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

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 F.R. 5610).

[F.R. Doc. 70-11705; Filed, Sept. 3, 1970; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Order

1. Section 0.121(f) of the rules and regulations now provides that examinations for amateur operator licenses be given at 334 York Street, Gettysburg, Pa. As an outgrowth of the Commission's reduction in certain activities previously conducted at Gettysburg, Pa., it will be necessary to cease giving the examination for amateur operator licenses at this office. Alternate locations at Baltimore, Md., Washington, D.C., and Philadelphia, Pa., will be available for examinations; therefore, effective September 4, 1970, the amateur operator examining function of the Gettysburg Office will be discontinued, and § 0.121 is amended to delete paragraph (f).

2. Authority for the adoption of this amendment is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(b) of the Commission's rules and regulations. Because the amendment relates to matters of internal Commission organization, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

3. In view of the foregoing: *It is ordered*, That effective September 4, 1970, paragraph (f) of § 0.121 is deleted.

(Secs. 4, 5, 303; 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 144, 303)

Adopted: September 1, 1970.

Released: September 1, 1970.

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

[F.R. Doc. 70-11762; Filed, Sept. 3, 1970; 8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

REVOCATIONS REGARDING CYCLAMATE-CONTAINING PRODUCTS INTENDED FOR DRUG USE

Correction

In F.R. Doc. 70-11379 appearing at page 13644 in the issue for Thursday, August 27, 1970, in the middle column on page 13645 the reference to "(35 F.R. 20426)" in amendment 3 should read "(34 F.R. 20426)".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 902—USAF OFFICER TRAINING SCHOOL (OTS)

Part 902 is revised to read as follows:

Subpart A—Administering the Program

Sec.
902.1 Purpose.
902.2 Definitions.

Sec.
902.3 OTS mission.
902.4 Responsibilities for OTS program.
902.5 Sources of information.

Subpart B—Application and Assignment

902.6 Eligibility requirements.
902.7 Processing and assigning applicants.
902.8 How clothing is provided.
902.9 Leave for officer trainees.
902.10 Elimination from training.
902.11 Reapplication.

Subpart D—Graduates

902.12 Processing graduates.

Subpart E—Posthumous Appointment

902.13 When and how to make posthumous appointments.

AUTHORITY: The provisions of this Part 902 issued under sec. 8012, 70A Stat. 488; sec. 9411, 70A Stat. 571; 10 U.S.C. 8012 and 9411.

Subpart A—Administering the Program

§ 902.1 Purpose.

This part tells how to apply for OTS, process applications, and dispose of OTS eliminees and graduates. It applies to all applicants and all commands and activities that process OTS applications, including U.S. Air Force Reserve (USAFR) and Air National Guard (ANG) activities.

§ 902.2 Definitions.

(a) *Applicant.* An individual who applies for and is processed within the procurement criteria for newly commissioned officer requirements of the component for which he applies. The specific types of applicants are:

(1) U.S. Air Force Reserve (USAFR)—USAFR requirements.

(2) Air National Guard (ANG)—ANG requirements.

(3) Civil Air Patrol (CAP)—Air Force active duty requirements. Applicant must be a Spaatz Award recipient. Male Spaatz Award winners must be medically qualified for flying training.

(4) Civilian—Air Force active duty requirements.

(5) USAF airman—Air Force active duty requirements.

(b) *Fully qualified applicant.* An applicant who has successfully completed the required entrance examinations and has been found fully qualified following review of his application by the final selection authority.

(c) *Officer candidate-type training program.* Training received in USAF Officer Candidate School (OCS), USAF Aviation Cadet Training Program, USAF OTS, Army OCS, advanced course of the Army or Navy Reserve Officers' Training Corps (ROTC), College Scholarship Program (CSP), or Professional Officer Course (POC) of the AFROTC, the Marine Platoon Leaders School, the Coast Guard Academy, or any of the service academies.

(d) *Officer trainee.* A member of the OTS program.

(e) *OTS program.* A commissioning program for college graduates. Graduates of OTS are appointed second lieutenants.

(f) *Preliminary processing.* A procedure for determining whether an applicant meets basic eligibility criteria.

(g) *Selected applicant.* An applicant officially notified in writing of his selection and class assignment.

(h) *Tentatively qualified applicant.* An applicant who has been determined eligible by the preliminary processing activity and whose application has been forwarded for final processing.

§ 902.3 OTS mission and objectives.

(a) *Mission.* The USAF OTS mission is to train and commission qualified career-oriented second lieutenants in response to USAF, ANG, and USAFR requirements.

(b) *Objectives.* OTS objectives are: (1) To provide: (i) Sufficient numbers of newly commissioned officers with the necessary qualifications to meet changing Air Force manpower requirements. (ii) An orderly transition from civilian to military life. (iii) The essential military knowledge and skills a newly commissioned Air Force officer needs to perform effectively. (iv) Initial processing of personnel and records and initial issue of clothing and related items.

(2) To foster in each graduate: (i) High standards of conduct, morals, integrity, and honor. (ii) Attitudes and interests favorable to a career as an Air Force officer.

(3) To identify and eliminate trainees who do not meet the standards required of commissioned officers in the Air Force.

§ 902.4 Responsibilities for OTS program.

(a) USAFMPC (AFPMRED) furnishes: (1) OTS production quotas and extended active duty (EAD) schedules to Air Training Command for USAF and CAP-USAF applicants.

(2) Fiscal year production quotas to the Chief, National Guard Bureau (NGANG) and AFRES.

(b) Headquarters Air Training Command (ATC): (1) Monitors the overall mission of the OTS.

(2) Provides training class quotas to NGANG and AFRES.

(c) Lackland Military Training Center (LMTC). Completes final processing of all civilian and USAF airman applicants applying for active duty Air Force quotas, including selecting or rejecting applicants and assigning to training those who are selected.

(d) The USAF recruiting service. (1) Procures, completes preliminary processing, and enlists USAF applicants from civilian sources.

(2) Through recruiting representatives, maintains direct liaison with professors of aerospace studies (PAS) at colleges and universities with AFROTC detachments to coordinate visits by Recruiting Service personnel.

(e) The Chief, National Guard Bureau. (1) Selects individuals to attend OTS within established quotas and eligibility criteria.

(2) Issues an invitational letter and class assignments to individuals selected and found fully qualified by the National Guard Bureau OTS Selection Board.

(f) Headquarters, Air Force Reserve (AFRES). (1) Selects individuals to attend OTS within established quotas and eligibility criteria.

(2) Issues an invitational letter and class assignment to individuals selected and found fully qualified by the Air Force Reserve OTS Selection Board.

§ 902.5 Sources of information.

Information about OTS may be obtained from:

(a) Air Force recruiting offices.

(b) CBPOs (Consolidated Base Personnel Office).

(c) The PAS at any AFROTC unit.

(d) ANG or USAFR units.

(e) AFM 50-5 (USAF Formal Schools Catalog).

(f) Base Education Service Centers.

(g) CAP-USAF, Maxwell AFB AL 36112.

Subpart B—Application for and Assignment to OTS

§ 902.6 OTS eligibility requirements.

(a) *Requirements for all applicants.* All applicants must meet the following qualifications, which normally will not be waived. However, when an applicant merits special consideration, he may submit a waiver request through channels to ATC (ATPSP-OP), Randolph AFB TX 78148, for eligibility determination.

(1) *Citizenship and age.* (i) All applicants must be U.S. citizens. (ii) An applicant for nonrated duty must be between 20½ and 29½ years of age and must be commissioned before reaching 30.

(iii) An applicant for flying training must be a male between the ages of 20½ and 26½ and be commissioned and entered into flying training before he is 27½.

(2) *Marital restrictions.* (i) Men—no restrictions. (ii) Women—an applicant may be married but is ineligible if she: (*a*) Is the parent (natural or adopted) of and has personal or legal custody of a child under 18 years of age; (*b*) Is the stepparent of a child under 18 years of age who resides in her household more than 30 days a year; or (*c*) Has assumed personal or legal custody of any child under 18 years of age.

(3) *Other criteria.* Tables 1 and 3 through 5 contain other eligibility criteria and show required supporting documents.

(4) *Ineligibility factors.* An airman who fits into any category listed in Table 2 is ineligible for OTS.

(b) *ANG and USAFR requirements.* In addition to meeting the requirements shown in paragraph (a) of this section and in Tables 3 through 5, ANG and AFRes applicants must meet the requirements specified for them in Table 6.

TABLE 1—EDUCATIONAL QUALIFICATIONS

Rule	A If the applicant—	B Then he is—	C And he—	D Go to table—
1	Does not have a baccalaureate or higher degree from a college or university (see note 1) and is not enrolled in the senior year of college.	Not qualified.	Will take no further action	
2	Has a baccalaureate or higher degree from a college or university (see note 1).	Qualified	Must attach to his application one copy of official transcript of college credits indicating the undergraduate or graduate degree awarded, major subject(s), and grades received (see note 3).	3
3	Holds a degree from an American or foreign college not listed in the directory (see note 1).		Must comply with rule 2C and submit evidence that his college credits are acceptable for graduate work by one U.S.-accredited institution (see note 3).	
4	Is enrolled in his senior year of college and is within 150 days of graduation (see note 2).		Must attach to his application a copy of an official college transcript indicating all courses he has completed and is presently undertaking, and a statement from the office of the Registrar certifying his scheduled graduation date, degree to be awarded, major subject(s), and grade point average; at time of enlistment he must present either a complete transcript evidencing award of degree or documentary evidence that a degree has been awarded (see note 3).	

NOTES: 1. A college or university that the latest issue of part 3, "Higher Education" of the Education Directory (published by the Department of Health, Education, and Welfare) lists as regionally accredited as a 4-year or higher institution.

2. A college senior may apply as early as 150 calendar days before graduation if his OTS availability date coincides with the application schedule available at USAF Recruiting Service offices. For example, a June 1970 graduage may apply in January 1970 if he will be available to enter the first OTS class that begins after his graduation date.

3. Official transcripts from all colleges or universities attended are required unless the most recent transcript consolidates all courses, credit hours, and grades.

TABLE 2—INELIGIBILITY FACTORS

Rule	A If an applicant qualified under § 902.6(a) and Table 1 is—	B Then he is—	C Go to table—
1	Not eligible for enlistment or reenlistment in the Air Force under AFMs 33-3 and 35-16, ANGR 39-09, or AFM 35-3.	Not qualified. (note 1).	
2	Being considered for separation for unsuitability, unfitness, or misconduct, or has had a personnel security clearance denied or revoked.	Not qualified.	
3	Person whose entry into or retention in the Air Force may not be clearly consistent with the interest of national security (See AFR 35-62).		
4	Holding or has held a commission in any of the U.S. Armed Forces		
5	Holding a certificate of completion of a course leading to a commission in any of the U.S. Armed Forces, and the commission is to be granted at a later date.		
6	A conscientious objector		
7	A Selective Service System registrant and has been ordered to report for active military service with one of the Armed Forces.		
8	A previous applicant for OTS and less than 6 months have elapsed since his nonselection by the OTS Selection Board (note 2).		
9	One who was considered by an OTS Selection Board (whether selected or nonselected) but later withdrew his application from consideration or declined selection.	Ineligible to apply for OTS until 6 months from date of his withdrawal or declination.	
10	Not in one of the categories in rules 1 through 9 above	Qualified	4

NOTES:
1. Exceptions to this rule are applicants who fail to meet dependency or grade restrictions.
2. Exceptions to this rule apply to nonselected NPS USAF civilian applicants who desire to apply for OTS under the ANG or USAFR quota.

TABLE 3—SPECIAL REQUIREMENTS

Rule	A If an applicant qualified under § 902.6 (a) and Tables 1 and 2 is—	B And he has—	C Then he is considered—	D Go to table—
1	A member of a Reserve Force other than the USAFR.	Obtained a conditional release from a specific service.	Qualified	5
2		Not obtained a conditional release from the specific service.	Not qualified.	
3	A member of a reserve component and is applying as a USAF applicant.	Received orders calling him to active military service with any of the Armed Forces other than the Air Force.		
4	In the active military service of the United States other than Air Force.			
5	Currently enrolled in any U.S. Armed Forces training program leading to a commission.	Obtained approval for the OTS application from an authorized official of the parent training unit.	Qualified	5
6		Not obtained approval for the OTS application from an authorized official of the parent training unit.	Not qualified.	
7	One who indicates that membership in an officer-candidate-type training program has been discontinued.		Tentatively qualified (see note).	5

NOTE: The military services use DD Form 785 (See AFR 53-5 (Record of Disenrollment from Other Candidate-type Training DD Form 785)) to exchange information on personnel disenrolled from officer-candidate-type training programs who later apply for other officer programs. The DD Form 785 becomes part of and is forwarded with the application. Only USAFMPC (AFPMRED) may waive the disenrollment record of former service academy cadets and personnel disenrolled from other officer training programs for specific reasons in AFR 53-5.

TABLE 4—MORAL CHARACTER QUALIFICATIONS

Rule	A If an applicant qualified under §902.6 (a) and Tables 1, 2, and 3 is—	B Then the documentary evidence required to support his application is—	C And he is considered—	D Go to table—
1	An ANG, USAFR, or civilian applicant of high moral character.	AF Form 56 (both military and civilian applicants) and approved waivers (see note) and DD Form 785 when applicable.	Qualified	6
2	Any applicant having a record of conviction by court-martial or civil court.		Not Qualified.	
3	Not of high moral character for reasons other than those in rule 2.			

NOTE: When appropriate, a waiver of a minor offense (including traffic violations) may be requested under Table 7 but only if waiver is required for enlistment or reenlistment under Part 888 of this title. If it is approved, applicant will be processed. (Punishment under Article 15, Uniform Code of Military Justice), is nonjudicial punishment, not a conviction by court-martial. Paragraph 128b, Manual for Courts-Martial, 1969 (revised), contains a general guide to whether an offense is minor. A waiver will not be granted for an offense that involves moral turpitude).

TABLE 5—MENTAL AND MEDICAL QUALIFICATIONS

Rule	A If an applicant qualified under § 902.6(a) and Tables 1, 2, 3, and 4—	B And he—	C And he is considered—
1	Did not achieve a minimum qualifying score on the AFOQT.		Not qualified.
2	Completed the entire AFOQT and achieved minimum qualifying scores. (Minimum qualifying scores for pilot and navigator training are in AFR 51-4; a minimum of 25 on the officer quality composite is required for all applicants).	Does not meet the medical standards prescribed in AFM 160-1 for the training he desires or is selected for.	
3		Meets the medical standards prescribed in AFM 160-1 for the training he desires or is selected for.	Qualified.

TABLE 6—USAFR AND ANG REQUIREMENTS

Rule	A If an applicant—	B Then he must be—	C And when selected must—
1	Has no prior service and is under 26 years of age.	Qualified, available, and scheduled for assignment upon graduation to a lieutenant or captain vacancy which exists or is projected at the time of his application, in a unit authorized 48 drill pay periods a year.	Enlist for a period of 6 years to coincide with the incurred military obligation.
2	Has no prior service and is over 26 years of age.		Enlist for a period of 1 year.
3	Without military status has prior service and no remaining military obligations.		

§ 902.7 Processing and assigning applicants.

Tables 7 through 10 show responsibilities and procedures for processing, selecting, and assigning applicants.

TABLE 7.—PROCESSING, WAIVER, AND SELECTION RESPONSIBILITIES

Rule	A If the applicant is—	B Then preliminary processing (see table 8) is the responsibility of—	C And authority to grant or deny waivers of violations is delegated to—	D And applications are forwarded for final processing and selection (table 9) to—
1	An ANG applicant	CBPO	The State adjutant general.	NGANG.
2	A USAFR applicant	The applicant's servicing CBPO.	AFRES (authority may be delegated to regions).	AFRES.
3	A USAF civilian applicant.	The USAF Recruiting Detachment.	USAF Recruiting Service.	LMTC.
4	CAP applicant	The applicant's unit administration.	CAP-USAF	CAP-USAF.

TABLE 8.—PRELIMINARY PROCESSING OF APPLICATION

Line	If an applicant eligible under tables 1 through 6 (see note 1) is—	Rule 1	Rule 2	Rule 3
A	A USAFR applicant	Yes		
B	An ANG applicant		Yes	
C	A civilian or CAP–USAF applicant			Yes
	Then the authority designated in table 7 will—			
D	Prepare AF Form 56 in duplicate (note 2)			X
E	Prepare AF Form 56 in triplicate (note 2)	X	X	
F	Attach copy of transcript of college credits (table 1)	X	X	X
G	Attach evidence of acceptability of college credits, if appropriate (table 1)	X	X	X
H	Attach certificate of impending graduation, if appropriate (table 1)	X	X	X
I	Attach conditional release, when appropriate (table 3)	X	X	X
J	Attach DD Form 785, when appropriate (note to table 3)	X	X	X
K	Attach SF 88 (4 copies) and SF 89 (2 copies)	X	X	X
L	Attach enlistment agreement, as required (table 6)	X	X	
M	Attach statement of ANG agreement (note 3)		X	
N	Attach statement of USAFR agreement (note 3)	X		
O	Attach approved waivers, when appropriate (tables 4 and 7)	X	X	X
P	Determine requirement for background investigation and notify LMTC at time application is forwarded.	X	X	X

NOTES: 1. Rules 3E, 1F, and 2F also apply to applicants who meet all basic eligibility criteria except medical qualification.

2. If applicant was found medically disqualified, enter the reason(s) for disqualification under "Remarks" and forward two copies of the SF 88 and 89 and 1 copy of the completed AF Form 56, by letter of transmittal, to LMTC (PP–OT), Lackland AFB TX 78236, for final review by the ATC surgeon for certification of applicant's physical disqualification for OTS.

3. On AF Form 56, line out the references to "Career Reserve" in Item 17 and attach to each copy of the form completed (original to original, etc.) a copy of one of the following statements:

For ANG applicant: "I desire to enter the Officer Training School under the Air National Guard quota. I agree to accept an appointment as a Reserve of the Air Force officer, if tendered, and an appointment in the federally recognized Air National Guard upon graduation. I further agree to serve as a commissioned officer of a federally recognized Air National Guard unit or other U.S. Air Force Reserve unit as directed for at least 4 years after appointment or for the length of time needed to satisfy my military service obligation, whichever is greater. I understand that failure to participate for reasons within my control may result in discharge action under ANGR 39–10."

For USAFR applicant: "I desire to enter the Officer Training School under the U.S. Air Force Reserve quota. I agree to accept an appointment as an officer in the U.S. Air Force Reserve, if tendered; to meet training requirements of the Ready Reserve element to which I am assigned; and to remain assigned to that program element for 4 years or for the time necessary to satisfy my military service obligation, whichever is greater. I understand that failure to participate for reasons within my control may result in discharge action under AFR 45–41 (Administrative Separation of Officer Members of the AF Reserve).

4. Does not apply to an airman in basic training or enrolled in formal technical school.

TABLE 9—FINAL PROCESSING AND SELECTION

Rule	A When the final processing step is—	B It applies to—
1	Obtaining waiver of disenrollment from previous officer candidate-type training.	All applicants.
2	Evaluation for utilization field and class assignment	
3	Selection of fully qualified applicants	
4	Tentative selection of an applicant requiring a Background Investigation (BI)	
5	Notification of selection	
6	Notification of nonselection	

TABLE 10—ENLISTMENT AND ASSIGNMENT OF SELECTED APPLICANTS

Rule	A If the processing step is—	B And the applicant is—	C And it will be accomplished—
1	Enlisting him	A civilian	By the preliminary processing activity (table 7).
2		A USAFR airman	
3		An ANG airman	
4	Assigning him to OTS	A civilian	
5		A USAF airman	
6		A USAF airman oversea accompanied by authorized dependents.	
7		A USAFR or ANG airman	
8	Appointing applicant an officer trainee.	Any applicant	Upon arrival at OTS.

§ 902.8 How clothing is provided.

Officer trainees selected from civilian status (USAF civilian and CAP–USAF applicant) will be provided clothing under the clothing monetary allowance system.

§ 902.9 Leave for officer trainees.

Officer trainees will not be given leave, except emergency leave granted by LMTC under AFM 35–22 (Leave).

Subpart C—Termination of Training and Reassignment of Eliminated Students

§ 902.10 Elimination from training.

(a) *Reasons for elimination.* An officer trainee will be eliminated from training for any of the following:

(1) Failure to remain physically qualified.

(2) Individual request for release.

(3) Inaptitude, indifference to training, unsuitability, or undesirable traits of character.

(4) Academic deficiency.

§ 902.11 Future officer training for eliminated students.

(a) Students eliminated from OTS for any reason other than medical are ineligible to reapply unless approval is obtained from USAFMPC (AFPMRED) Randolph AFB TX 78148.

(b) A student eliminated for medical reasons may reapply if his medical deficiency has been corrected and all other requirements for application are met.

TABLE 11.—DISPOSITION OF ELIMINATED OR DISQUALIFIED USAF TRAINEES:

Line	If USAF applicant was eliminated—	Rule 1	Rule 2	Rule 3	Rule 4
A	For medical reasons or unsuitability	Yes	No	No	No
B	And is male	Yes	Yes	Yes	No
C	And was specifically enlisted for OTS	Yes	Yes	No	Yes
D	And his original term of service (enlistment before extension) expired while he was in training.			Yes	
E	He will not be required to complete his enlistment contract on active duty	X			
F	He will be permitted to elect, in writing, to complete his enlistment contract on active duty or to be immediately separated under AFM 39–10.		X		X
G	His election under rule 2F or 4F will be recorded in a statement which will be filed in the individual's UPR Group.		X		X
H	The unused portion of his extended enlistment will be canceled according to task 3, table 15, and AFM 35–16. He will be separated under AFM 39–10.			X	
I	Go to table 12		X		X

TABLE 12—WHEN STUDENT ELECTS TO COMPLETE ENLISTMENT OR ACCEPT SEPARATION

Rule	A If eliminated trainee elects to—	B Then he will—
1	Complete enlistment contract on active duty	Not again be permitted to request relief from active duty or discharge under the authority of this part.
2	Request separation	Be separated. (See note).

NOTE: On the Selective Service copy of the DD Form 214, enter "failed to complete Officer Training School but eligible for reenlistment."

TABLE 13—LMTC ACTION ON GRADUATES QUALIFIED FOR APPOINTMENT

	If student's status is—	Rule					
		1	2	3	4	5	6
A	USAF	Yes	Yes	------	------	------	------
B	ANG	------	------	Yes	Yes	------	------
C	USAFR	------	------	------	------	Yes	Yes
D	And he accepts appointment (see note 1)	Yes	No	Yes	No	Yes	Yes
E	Order him into active military service for an indefinite period as a career Reserve officer (note 2).	X	------	------	------	------	------
F	Process him as an eliminated student and terminate his appointment as officer trainee.	------	X	------	X	------	X
G	He may be reassigned within the Air Force	------	X	------	------	------	------
H	Appoint him a second lieutenant in the ANG under procedures established by ATC and Chief, NGB (NGANG) and return him to his ANG unit for duty as an ANG officer.	------	------	X	------	------	------
I	Appoint him a second lieutenant in the USAFR and return him to his USAFR unit of assignment for duty as a USAFR officer.	------	------	------	------	X	------

NOTES:
1. If he is a former service academy (including Coast Guard and Merchant Marine Academies) cadet, do not commission him before the date his academy classmates are appointed.
2. Unless sooner relieved by competent authority, he must serve a minimum of 4 years active duty from date of entry on active duty as an officer if he is nonrated, or 5 years from the date his aeronautical rating is awarded if he is a flying training candidate.

Subpart D—Graduates

§ 902.12 Processing graduates.

(a) If a graduate is not qualified for appointment, process him as an eliminated student. His appointment as an officer trainee will be terminated under § 902.10.

(b) On graduates qualified for appointment see Table 13.

Subpart E—Posthumous Appointment

§ 902.13 Posthumous Reserve appointments.

An OTS student who was certified as qualified for appointment but died in line of duty before he could accept the appointment may be appointed posthumously.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70-11663; Filed, Sept. 3, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4885]

[Anchorage 4733]

ALASKA

Modification of Public Land Order No. 4582

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

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit the issuance of rights-of-way under appropriate authority to permit installation, maintenance, and use of the following electronic communication facilities on public lands:

Radio broadcasting tower and related facilities near Nome, Alaska, by the Catholic Bishop at Northern Alaska, to provide 52 villages with educational, religious, and news services.

FRED J. RUSSELL,
Acting Secretary of the Interior.

AUGUST 28, 1970.

[F.R. Doc. 70-11746; Filed, Sept. 3, 1970; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5082 and IC-6167]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Registration Statement of Small Business Investment Companies

The Securities and Exchange Commission today announced the adoption of revisions to form N-5 [17 CFR 274.5] used for registration under both sections 6 and 7 of the Securities Act of 1933 [15 U.S.C. 77f, 77g] of securities issued by a small business investment company which has registered under section 8(b) of the Investment Company Act of 1940 [15 U.S.C. 80a-8(b)]. The initial registration statement of the company on form N-5 is deemed to have been filed under both acts, unless the company indicates that the filing is made only for the purpose of one of such acts.

Form N-5 [17 CFR 274.5] was adopted in 1958 [30 F.R. 3312] and has never been amended.

Certain technical and mechanical revisions are made in order to update and correct the form. The Commission believes that the designated revisions are technical in nature and do not represent any substantive change except to amend instruction B of the general instructions to the form to increase the registration fee to be paid to the Commission at the time the company files its registration

statement as required by Public Law 89–289, approved October 12, 1965 [15 U.S.C. 77f; 79 Stat. 1051].

Public Law 89–289, approved October 12, 1965, amended subsection (b) of section 6 of the Securities Act of 1933 [15 U.S.C. 77(f), 79 Stat. 1051] by increasing the fee payable to the Commission from "one-hundredth of one per centum" to "one-fiftieth of one per centum" and increased the minimum fee from $25 to $100.

Commission action. The Commission, acting pursuant to the provisions in sections 6, 7, 10 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77f as amended, 77g, 77j, 77s(a); 48 Stat. 78, 81, 85] and sections 8(b), 24(a) and 38(a) of the Investment Company Act of 1940 [15 U.S.C. 80a–8(b), 80a–24, 80a–37; 54 Stat. 803, 825, 841] and particularly Public Law 89–289 approved October 12, 1965 [15 U.S.C. 77f; 79 Stat. 1051] deeming it necessary to exercise the power conferred upon it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends form N–5 to read as set forth in copies marked "as revised August 25, 1970."[1] Accordingly, the Commission finds that for good cause shown notice and procedure requirements pursuant to 5 U.S.C. section 553 are unnecessary. Therefore such amendment shall be effective on August 25, 1970.

By the Commission.

(Secs. 6, 7, 10, and 19(a), 15 U.S.C. 77f, 77g, 77j, 77s(a); 48 Stat. 78, 81, and 85 and Secs. 8(b), 24(a), and 38(a); 54 Stat. 803, 825, and 841 and Public Law 89–289, 15 U.S.C. 77f; 79 Stat. 1051)

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–11694; Filed, Sept. 3, 1970; 8:45 a.m.]

[1] Copies of this release and the text of form N–5 as herein amended have been filed with the office of the Federal Register. Copies of the amended form may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549, upon request.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN STATE OF NEW YORK

Notice of Proposed Free and Restricted Percentages for 1970–71 Fiscal Period

Consideration is being given to a proposal to establish, for the 1970–71 fiscal year beginning September 1, 1970, free and restricted percentages which percentages shall be applied to all cranberries acquired during such fiscal period.

The proposed percentages, which were recommended by the Cranberry Marketing Committee at its meeting August 25, 1970, would be established in accordance with the provisions of the marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is as follows:

§ 929.301 **Free and restricted percentages.**

The free percentage and restricted percentage applicable to all cranberries acquired during the fiscal period September 1, 1970, through August 31, 1971, shall be 90 percent and 10 percent, respectively.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 31, 1970.

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

[F.R. Doc. 70-11758; Filed, Sept. 3, 1970; 8:50 a.m.]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Notice of Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal, unanimously recommended by the Almond Control Board, to amend certain provisions of the Subpart—Administrative Rules and Regulations. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 35 F.R. 11372), regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed amendment would provide conforming changes in the Administrative Rules and Regulations made necessary by recent amendment of the order. The most significant change would be the deletion of the word "surplus" whenever appearing, and substituting therefor the word "reserve". The proposed amendment would also require reporting, by handlers, of shipments of salable almonds and would further add two new reporting periods for handlers to file reports applicable to their receipts of almonds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 7th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. § 981.450 is amended by revising the title of said section, revising present provisions of paragraph (a), and deleting paragraph (b). The amended § 981.450 reads as follows:

§ 981.450 **Reserve obligation.**

(a) *Exemption from program obligations.* Any handler who, pursuant to § 981.50, intends to dispose of almonds (other than those withheld to meet a reserve obligation) for crushing into oil, or for producing poultry or animal feed, may have the kernel weight of such almonds excluded from such handler's receipts and exempted from program obligations to the extent provided in this part if the almonds are so disposed of no later than 30 days after the close of the current crop year, and he complies with the following measures to assure accountability to the Board:

(1) Notifies the Board of his intention to use or ship such almonds at least 48 hours in advance of so using or loading for shipment, and certifies to the Board and to the Secretary of Agriculture that such almonds were received during such crop year.

(2) Prior to shipment of such almonds, obtains from the receiver thereof and submits to the Board a proposed schedule of processing and a written authorization to permit Board employees to enter the premises and observe the storage and processing or other disposition of such almonds.

(3) Ships directly to the location where disposition is to take place, and upon shipment, the handler shall submit to the Board a copy of the sales invoice, bill of lading, or such other instruments acceptable to the Board as shall verify the shipment.

(4) Upon completion of disposition, the handler shall submit to the Board ACB Form 8 wherein the user of almonds certifies to the Board and the Secretary that the almonds have been crushed, fed, or so commingled with other feed products or otherwise processed that they have lost their identity as almonds.

§ 981.451 **[Deleted]**

2. Delete § 981.451.

§ 981.452 **[Deleted]**

3. Delete § 981.452.

4. § 981.453 is amended by revising the title of said section, deleting paragraph (b), redesignating paragraph (c) as paragraph (b) and revising such paragraph. The amended § 981.453 reads as follows:

§ 981.453 **Deferment of reserve withholding requirements.**

(a) *Undertaking.* The written undertaking to be delivered pursuant to § 981.53(a) shall be on the form provided by the Board.

(b) *Bonds as security.* (1) Prior to August 15 of any crop year, the manager of the Board shall notify the handler or handlers whose price lists are to be used in computing the bonding rate pursuant to § 981.53(b). Handlers so notified shall immediately furnish the manager with their then current price lists and shall inform the manager immediately of all subsequent changes thereof.

(2) Within 48 hours from the receipt by the manager of any price list which effects a change in the bonding rate, the manager shall announce such new bonding rate to all handlers, and the handlers shall adjust the amounts of their bonds accordingly.

(3) In the event that the price lists used in computing the bonding rate do not quote prices for all of the sizes specified in § 981.53(b), the bonding rate shall be computed on the basis of the

prices which are quoted and a calculated price for any size not quoted. Such calculated price for the absent size shall be computed by applying its recent differentials to the prices of the sizes quoted unless the manager has knowledge that such differentials do not reflect the current market price, where upon he shall request from each handler, whose prices are used in the computation, a price indicative of the current market price of the absent size.

§ 981.455 [Amended]

5. In paragraphs (a) and (b) of § 981.455, delete the word "surplus" whenever appearing and substitute therefor the word "reserve".

§ 981.459 [Deleted]

6. Delete § 981.459.

7. Section 981.467 is revised to read:

§ 981.467 Disposition in reserve outlets by handlers.

(a) *Agents of Board.* Beginning with July 1 of any crop year a handler may become an agent of the Board pursuant to § 981.67 for the purpose of disposing of reserve almonds of such crop year either by export or by diversion from domestic normal channels of trade. The applicable agency shall be established upon a handler executing a reserve export agreement (ACB Form 12–A) or reserve diversion agreement (ACB Form 12–B) containing terms and conditions specified by the Board. During the period of such agency, such handlers may obtain loans on reserve almonds by hypothecating such almonds as security for the loans: *Provided,* That, the lender shall have no recourse against the Board and, in cases where the lender is not provided a warehouse receipt, such handlers shall inform the lender, in the hypothecation agreement, that the disposition of the pledged reserve almonds is controlled under the order and the lender has no recourse against the Board. Each loan on reserve almonds shall be repaid by the handler prior to the termination of the agency, except loans obtained from the Commodity Credit Corporation which recognizes the disposition requirements of this part and loans on almonds sold but held for delivery during the time permitted by the Board, in which case the loan shall be repaid upon shipment or at the end of the permitted period, whichever occurs first.

(b) *Forms.* Intentions to divert almonds shall be reported to the Board on ACB Form 13, shipments for diversion on ACB Form 14, and consummation of diversion on ACB Form 15. Intentions to export shall be reported on ACB Form 18, shipment into export on ACB Form 19, and consummation of export sales on ACB Form 20. On ACB Forms 14 and 19, the handler shall report whether the shipment is a disposition of reserve almonds withheld in satisfaction of reserve obligation or a disposition of salable almonds in a reserve outlet pursuant to paragraph (c) of this section .

(c) *Reserve withholding credit.* Credit in satisfaction of a reserve withholding obligation shall not exceed the accrued reserve obligation derived by applying the reserve percentage to the quantity of almonds received by a handler for his own account during the crop year. Dispositions by agents of the Board in eligible reserve outlets within a crop year in excess of said obligations shall be held to be dispositions of salable almonds. Where such dispositions have been inspected and certified as meeting the requirements for reserve pursuant to § 981.51 and have complied with the terms, conditions and documentation applicable to disposition of reserve almonds as determined by the Board, they may be credited against unsatisfied reserve obligations of the agent-handler or may be transferred to apply against the reserve obligation of another handler. Crediting of said transfers shall be subject to Board approval upon its receiving a jointly executed agreement of transfer (ACB Form 11).

(d) *Reserve almonds withheld.* (1) Inspection of almonds shall be limited to any plant, storage facility, or shipping point located in California where facilities acceptable to the inspection agency are available for weighing, sampling, and inspection of almonds.

(2) When almonds are offered for inspection, the handler shall furnish the inspection agency with public weighmaster's certificates of weight or other evidence of weight satisfactory to the Board.

(3) The handler offering almonds for inspection shall furnish necessary labor and pay costs incurred in moving and emptying containers for sampling and weighing and shall also furnish necessary labor for affixing the identification to containers of inspected almonds under direct supervision of the inspector.

(4) The handler shall furnish or cause to be furnished to the Board a copy of each required inspection certificate issued by the inspection agency within 48 hours after issuance, covering each lot of almonds withheld, exported, or diverted. Each inspection certificate for shelled almonds shall show the highest grade which such almonds meet as set forth in the effective U.S. Standards for Grades of Shelled Almonds and, if such almonds grade at least U.S. No. 1, the kernel size in terms of the average number of kernels per ounce.

(e) *Salable almonds for subsequent reserve credit.* Almonds not withheld as reserve, but which are intended to be disposed of in reserve outlets and for which the handler intends to subsequently request reserve disposition credit, shall be inspected, certified, and identified in the same manner as reserve, and such almonds shall not be handled in domestic markets for almonds unless the identification has been removed under the direction of the Board.

8. Section 981.472 is revised to read:

§ 981.472 Report of almonds received.

Each handler shall report to the Board on ACB Form 1 the total pounds of almonds, unshelled and shelled, by varieties, received by him for his own account within any of the hereinafter prescribed reporting periods. Each such report shall be filed with the Board within 5 business days after the close of the applicable one of the following reporting periods:

July 1 to August 31;
September 1 to September 15;
September 16 to September 30;
October 1 to October 15;
October 16 to October 31;
November 1 to November 15;
November 16 to November 30;
December 1 to December 31;
January 1 to March 31;
April 1 to June 30.

9. Section 981.473 is revised to read:

§ 981.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and marketing policy considerations the information listed and described in this section. Such information shall be reported within the applicable times specified in § 981.73 on forms provided by the Board.

(a) *Handler carryover.* A report of the weight of all almonds by variety, whether unshelled or shelled, wherever located, held by the handler for his own account, whether or not sold.

(b) *Reserve.* A report of all almonds by variety, net weight, and certified kernel weight which are withheld in satisfaction of a reserve obligation and those which have been disposed of in the manner provided in §§ 981.66 and 981.67.

(c) *Delivered sales.* A report of salable almonds sold and delivered, showing the weight, variety, and whether unshelled or shelled, except those disposed of pursuant to the requirements for reserve disposition, or used in almond products.

(d) *Almond products.* A report of all almonds used by the handler in the manufacture of any almond product as defined in § 981.15, showing a description of each such product, the weight of almonds used therein, and the finished weight of such product.

(e) *Transfers.* A report listing each transfer of almonds to another handler showing the weight of each lot transferred, the variety of almonds in the lot, whether unshelled or shelled, the name of the receiving handler, and by whom the assessment and withholding obligations for such almonds were assumed.

(f) *Undelivered sales.* A report of all undelivered salable almonds sold in normal domestic trade channels for delivery prior to September 1 of the following crop year, showing the weight of such almonds, the variety, and whether they are shelled or unshelled.

10. A new section, § 981.474 is added to read:

§ 981.474 Report of salable shipments.

Each handler shall report all shipments of salable almonds, shelled and unshelled and by classification, on ACB Form 25. This report shall be supported with copies of all invoices evidencing sale or such other documentation as may be

acceptable to the Board. Each such report shall be filed with the Board 5 business days after the close of each month within the crop year.

Dated: August 31, 1970.

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

[F.R. Doc. 70-11728; Filed, Sept. 3, 1970; 8:48 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Proposed Amendment of Container Regulations

Notice is hereby given of proposals, based on the unanimous recommendation of the Date Administrative Committee, to amend § 987.501 of Subpart—Container Regulation and § 987.155 (a)(1) of Subpart—Administrative Rules and Regulations. The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 987.501 prescribes several net weight contents for certain plastic containers which handlers must observe when they package or handle whole or pitted dates in such containers for disposition as free dates. The proposed amendment of § 987.501 would add net weight contents of 8 ounces for whole dates, and 1 pound for pitted dates. The Committee believes a good potential market exists for dates packed in such containers of the proposed net weight contents.

Section 987.155(a)(1)(ii) specifies for restricted dates and marketable dates eligible as restricted dates, several net weight contents for certain containers, regardless of the material from which made, in which handlers may pack such dates for export to countries other than Canada and Mexico. According to the Committee, some countries prefer containers in which dates are packed to have net weight contents other than, or in addition to, those now specified; and it proposed that the export requirements in § 987.155(a)(1)(ii) be terminated as the most practical way to permit handlers to pack restricted dates and marketable dates eligible as restricted dates to meet the different net weight preferences of each country.

These proposals, including the authorization for additional net weight contents for certain plastic containers and the deletion to permit handlers to pack to meet the preferences of individual countries, should increase date acceptability and sales, thereby improving producer returns.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

1. Amend § 987.501 of Subpart—Container Regulation (7 CFR 987.501) by revising the first sentence thereof to read as follows: "No handler shall package or handle any whole or pitted Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of dates in plastic containers, other than bags and master shipping containers, unless the net weight content of the dates in the container is: (a) For whole dates, either 8 ounces, 12 ounces, 1 pound 8 ounces, or more than 2 pounds; and (b) for pitted dates, either 10 ounces, 1 pound, 1 pound 8 ounces, or more than 2 pounds".

2. Amend subparagraph (1) of § 987.155(a) of Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174) by deleting therefrom subdivision (ii).

Dated: August 31, 1970.

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

[F.R. Doc. 70-11729; Filed, Sept. 3, 1970; 8:48 a.m.]

[7 CFR Part 1134]

[Docket No. AO-301-A10]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Revised Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado marketing area which was issued August 18, 1970 (35 F.R. 13371), is hereby extended to September 10, 1970.

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

Signed at Washington, D.C., on August 31, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-11726; Filed, Sept. 3, 1970; 8:48 a.m.]

[7 CFR Part 1136]

[Docket No. AO-309-A15]

MILK IN GREAT BASIN MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Revised Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area which was issued August 18, 1970 (35 F.R. 13378), is hereby extended to September 10, 1970.

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

Signed at Washington, D.C., on August 31, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-11727; Filed, Sept. 3, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS IN FLORIDA

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions as set forth in the following new §§ 81.95-81.97, inclusive, which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Southeast Florida Intrastate Air Quality Control Region (§ 81.49) as provided for in section 107(a)(2) of the Clean Air Act, as amended.

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 State of Florida and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designations. Such consultation will take place at 10 a.m., September 17, 1970, at the Florida State Department of Transportation Auditorium, Haydon Burns Building, 605 Suwanne Street, Tallahassee, Fla. 32304.

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 Commission, 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 the following new sections are proposed to be added to read as follows:

§ 81.95 Central Florida Intrastate Air Quality Control Region.

The Central Florida Intrastate 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 Florida:

Brevard County	Osceola County
Lake County	Seminole County
Orange County	Volusia County

§ 81.96 West Central Florida Intrastate Air Quality Control Region.

The West Central Florida Intrastate 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 Florida:

Citrus County	Pasco County
Hardee County	Pinellas County
Hernando County	Polk County
Hillsborough County	Sarasota County
Levy County	Sumter County
Manatee County	

§ 81.97 Southwest Florida Intrastate Air Quality Control Region.

The Southwest Florida Intrastate 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 Florida:

Charlotte County	Hendry County
Collier County	Highlands County
De Soto County	Lee County
Glades County	

§ 81.49 Southeast Florida Intrastate Air Quality Control Region.

The Southeast Florida Intrastate 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 Florida:

Broward County	Palm Beach County
Dade County	

It is now proposed to add the following counties to the Southeast Florida Intrastate Air Quality Control Region:

In the State of Florida:

Indian River County	Okeechobee County
Martin County	St. Lucie County
Monroe County	

This action is proposed under the authority of sections 107(a) and 301(a) 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 28, 1970.

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

[F.R. Doc. 70-11737; Filed, Sept. 3, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-66]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Eastover, S.C., control zone and the Sumter, S.C., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Eastover control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

The Sumter control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2 miles each side of Shaw AFB TACAN 213° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN.

The Sumter transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 5 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 12.5 miles northeast of the TACAN; within 5 miles each side of the 215° bearing from Shaw AFB RBN, extending from the 8.5-mile radius area to 12.5 miles southwest of the RBN; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); excluding the portion within Columbia transition area.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Sumter terminal complex requires the following actions:

CONTROL ZONES

1. Eastover, S.C.

Reduce the extension predicated on McEntire ANGB VOR 138° radial 3.5 miles in length and redesignate it predicated on McEntire ANGB TACAN 138° radial.

2. Sumter, S.C.

a. Reduce the extension predicated on Shaw AFB TACAN 033° radial 1 mile in width and 1.5 miles in length.

b. Increase the extension predicated on Shaw AFB TACAN 213° radial 0.5 mile in length.

TRANSITION AREA

1. Increase the basic radius circles predicated on Shaw AFB and McEntire ANGB from 8 to 8.5 miles and from 10 to 10.5 miles, respectively.
2. Increase the extension predicated on McEntire ANGB VOR 138° radial 6 miles in width and 0.5 mile in length and redesignate it predicated on McEntire ANGB TACAN 138° radial.
3. Designate an extension predicated on Shaw AFB TACAN 033° radial 10 miles in width and 12.5 miles in length.
4. Designate an extension predicated on the 215° bearing from Shaw AFB RBN 10 miles in width and 12.5 miles in length.
5. Revoke the extension predicated on Shaw AFB ILS localizer southwest course.
6. Revoke the extension predicated on Shaw AFB TACAN 213° radial.

The proposed alterations are required to provide adequate controlled airspace protection for IFR operations in the Sumter terminal complex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 26, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-11713; Filed, Sept. 3, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Port Clinton, Ohio transition area.

The VOR-1 instrument approach procedure for Carl R. Keller Field, Port Clinton, Ohio requires designation of a 700-foot transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, ATTN: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the tion Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Port Clinton, Ohio proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Port Clinton, Ohio, transition area described as follows:

PORT CLINTON, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°30'55" N., 82°52'00" W. of Carl R. Keller Field, Port Clinton, Ohio.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on August 19, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-11714; Filed, Sept. 3, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-69]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Romulus, N.Y. transition area.

The new NDB (ADF)-A instrument approach procedure for Seneca, Army Air Field, Romulus, N.Y. requires designation of a 700-foot transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, ATTN: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Romulus, N.Y. proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Romulus, N.Y., transition area described as follows:

ROMULUS, N.Y.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 42°42'50" N., 76°53'10" W. of Seneca AAF; within 3.5 miles each side of the 330° bearing from the Seneca RBN 42°44'40" N., 76°54'18" W., extending from the 10.5-mile radius area to 11 miles northwest of the RBN and within the arc of an 18.5-mile radius circle centered on the Seneca RBN extending clockwise from the 145° bearing from the Seneca RBN to the 172° bearing from the Seneca RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on August 19, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-11715; Filed, Sept. 3, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-76]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Goodland, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this

notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Three new instrument approach procedures have been developed for Renner Field-Goodland Municipal Airport, Goodland, Kans. The present instrument approach procedures will be canceled when the new procedures become effective. Accordingly, the Goodland, Kans., control zone and transition area must be altered to provide adequate airspace protection for aircraft executing these new procedures and to revoke airspace designations no longer required.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

GOODLAND, KANS.

Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.).

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

GOODLAND, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°-41'55" W.); within 3 miles each side of the 320° bearing from Renner Field-Goodland Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the 125° bearing from Renner Field-Goodland Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 18½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23½-mile radius of the Goodland VORTAC, extending from the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; 4½ miles northeast and 9½ miles southwest of the 320° bearing from Renner Field-Goodland Municipal Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles west and 9½ miles east of the Goodland VORTAC 163° radial, extending from the 23½-mile radius area to 25½ miles south of the VORTAC.

These amendments are proposed under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 21, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-11716; Filed, Sept. 3, 1970; 8:47 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 170–189]

[Docket No. HM-57]

TRANSPORTATION OF HAZARDOUS MATERIALS

Classification of Corrosive Hazards; Advance Notice of Proposed Rule Making

On August 21, 1968 (33 F.R. 11862), the Hazardous Materials Regulations Board announced a plan to revise the regulations governing the transportation of hazardous materials. That document announced the intention to issue notices of proposed rule making in at least four areas, including "classification and labels," and invited public help in developing the basic regulatory principles to guide the Board in revising the regulations.

The Board is planning to consider, in the near future, a proposal for classification tests for corrosive materials. The present definition of corrosive materials does not make any distinction between damage to living tissue and damage to materials. That definition also contains no specific testing criteria. As a result, the public cannot practically rely upon the definition to determine when the Federal regulations apply. In order to correct this situation, the Department is developing benchmarks and testing procedures to be used in determining exactly when a material is to be considered sufficiently corrosive as to present a significant transportation hazard. That material would then be subject to the Department's regulations.

To assist the Board in considering a definitive classification scheme for corrosive materials, the public is invited to express its views on the corrosive hazard classification system outlined herein. This document is an effort to get public participation early in the rule making process. In developing test criteria, the Department's Office of Hazardous Materials has had preliminary discussions and communications with a number of knowledgeable persons, including the National Academy of Sciences (NAS), National Association of Corrosion Engineers (NACE), American Institute of Chemical Engineers (AICHE), the Manufacturing Chemists Association (MCA), the Bureau of Explosives of the Association of American Railroads (B. of E.), and other industry representatives. In order to insure harmony between the regulatory standards of the several Federal agencies having jurisdiction in this area, the Department is considering the testing procedures used by the Departments of Agriculture, and Health, Education, and Welfare (see, for example, § 191.1 of the regulations of the Department of Health, Education, and Welfare, 21 CFR Part 191, and § 362.116 of the regulations of the Department of Agriculture, 7 CFR Part 362).

At the present time, § 173.240 of the Department's regulations defines corrosives as follows:

> Corrosive liquids * * * are those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue, by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

The Board is considering revising the definition as follows:

> Corrosive materials are those substances which, by chemical action, can (1) cause severe damage when in contact with living tissue, or (2) materially damage or destroy property.

The Board believes the reference to causing fires when in contact with organic matter more properly belongs under the classification of oxidizing materials.

This document is not concerned with materials which are mildly irritating, but only with those that cause significant, irreversible damage. Materials which are only irritating would be covered under the proposed new scheme for classifying health hazards (Docket No. HM-51, 35 F.R. 8831, June 6, 1970).

Degrees of hazard would be ranked as follows:

> Class A: Potential damage to living tissue.
> Class B: Potential damage to property, without damage to living tissue.

Establishment of hazard degree is required in order to specify packaging criteria reflecting the severity of potential damage. The degree of severity must be taken into account through the design and integrity of the packaging used for shipment of corrosive materials.

In order to classify products according to their degree of corrosiveness on living tissue, and on other materials, specific standard corrosion criteria must be established. A product would be considered corrosive to the living tissue if, when tested on the intact skin of the albino rabbit, the structure of the tissue at the site of contact is destroyed or changed irreversibly in 24 hours or less or, the primary test score is 6 or higher according to the test procedure described in § 191.11 of the regulations of the Department of Health, Education, and Welfare (10 CFR Part 191). This test procedure is also listed in NAS–NRC Publication 1138, "Principle and Procedures for Establishing the Toxicity of Household Substances" (available from the Printing and Publishing Office, National Academy of Sciences, Washington, D.C. 20418 at $1.50 a copy).

The toxicity of these materials as determined by ingestion, inhalation, and skin penetration (absorption) is a systemic problem, rather than one of local damage, and is covered under the health hazards discussed in Docket No. HM-51.

In addition to the corrosiveness on living tissue, the corrosive effect on commonly used materials, e.g., steel, stainless steel, and aluminum should be considered. Also, plastic, wood, paper, and other nonmetallic materials are often used in packaging. The deterioration of these

nonmetallics perhaps cannot be expressed in the same manner as the corrosion of metals. However, practical experience and a review of the literature indicate that, with few minor exceptions, corrosive materials which severely attack nonmetallics would also be corrosive to one or more of the metals mentioned above.

In establishing standard criteria we must realize that the concentration of a liquid may have a significant effect on its corrosive properties. It is necessary to consider the possible aqueous dilution of the liquid in the course of transportation, as well as its concentration at the time of shipment. The concentration having the highest corrosion rate would always serve as the basis for determination of the proper classification.

Another important factor is temperature. A maximum temperature of 130° F. is assumed as the basis for corrosion rate determination, and tests should be conducted at that temperature. This temperature has often been used to represent the upper limit encountered under normal transport conditions.

In addition to corrosive liquids, we must also consider any solid product such as sodium hydroxide pellets, chromic fluoride, aluminum chloride, etc. When in contact with living tissue or property, in the presence of moisture, these products may act as a concentrated solution of the product. The solid would be classified according to the more severe effect of either the concentrated or diluted solution.

In order to obtain exact corrosion values on presently regulated products, considerable experimental work would be required. Few data are available in the literature or from the manufacturers of the products covering the desired dilution and temperature range as well as corrosion attack rates. The general data presented in "Corrosion Data Survey," 1967 edition, published by the National Association of Corrosion Engineers, has been used as a basis for suggested corrosion criteria. This survey considers corrosion rates within the following ranges:

Less than 0.002 inches per year (ipy)
Less than 0.020 (ipy)
0.020 to 0.050 (ipy)
Greater than 0.050 (ipy)

Many factors besides concentration and temperature influence corrosion rates. For example, velocity, aeration, heat flux, changes in the metal due to welding, and the presence of oxidizing agents and other chemical contaminants can either increase or decrease the corrosion rate. The general information presented in "Corrosion Data Survey" appears to cover these points satisfactorily, but public comment is specifically invited here as to the need to consider these points in more detail.

The class B hazard degree would include materials which in concentrated or diluted form may severely damage or destroy property on contact. Damage to property is to be considered severe if the materials' corrosion rate on steel, stainless steel, or aluminum exceeds 0.050 inches per year. An acceptable corrosion test is described in NACE Standard TM-01-69, "Laboratory Corrosion Testing of Metals for the Process Industries", March 1969, available from the National Association of Corrosion Engineers, 2400 West Loop South, Houston, Tex. 77027.

The Board requests advice as to whether the test criteria should be based on a corrosion rate of 0.020 ipy. It appears that materials having a corrosion rate of less than 0.020 ipy are not sufficiently corrosive to be regulated as class B corrosives.

The Board is also in need of advice on corrosion test methods and benchmarks for certain organic materials which are corrosive or destructive to plastics, paper, etc., but not to metals. Also, stress corrosion is not presently covered in the regulations, and public comment is invited as to whether and how it should be.

As an example of the practical application of the proposed system, listed in the appendix hereto are representative chemicals now classified as corrosive materials under DOT or U.N. regulations, coupled with the proposed hazard degree class.

The Board may change the assigned hazard degree if human experience or other data indicate that the hazard that may be encountered during an accidental exposure is greater or less than that indicated by the specified tests.

If these classifications are adopted, appropriate changes will be required in the labels proposed in Notice No. 70-13, Docket No. HM-8 (35 F.R. 11742).

Interested persons are invited to give their views prior to December 2, 1970, as to whether this approach is a reasonable and practical one.

Comments (identifying the docket number) should be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

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

W. C. JENNINGS,
Director, Office of Hazardous Materials.

APPENDIX

LIST OF CORROSIVE MATERIALS

	Proposed classification
1. Acetic anhydride	A
2. Acetyl chloride (also flammable liquid)	A
3. Aluminum chloride (solid) (also water-reactive material)	A
4. Antimony trichloride	A
5. Chloracetic acid	A
6. Chromic fluoride (solid)	A
7. Dinitrochlorobenzene (also poison class B)	A
8. Fluosulfonic acid	A
9. Formic acid	B
10. Hydrazine, not over 50 percent	B
11. Hydrochloric acid	A
12. Hydrofluoric acid	A
13. Hydrogen peroxide:	
40-100 percent	A
below 40 percent	B
14. Methyl isocyanate	A
15. Nitric acid	A
16. Perchloric acid, not over 72 percent (also oxidizing material)	A
17. Phosphoric acid	B
18. Propionic acid	B
19. Sodium aluminate (liquid)	B
20. Sodium hydroxide (solid)	A
21. Sodium hydroxide (liquid)	A
22. Sulfuryl chloride	A
23. Sulfuric acid	A
24. Tetrachloroethane (also poison class B)	A

[F.R. Doc. 70-11734; Filed, Sept. 3, 1970; 8:49 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 70-21; Notice 1]

SPRAY PROTECTORS — PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND TRAILERS

Notice of Proposed Motor Vehicle Safety Standard

The Director of the National Highway Safety Bureau is considering rule making that would amend 49 CFR, Part 571, Federal Motor Vehicle Safety Standards, by adding a new standard: Spray Protectors—passenger cars, multipurpose passenger vehicles, trucks, buses, and trailers. The purposed standard would require the installation of spray protectors on motor vehicles whose existing structure does not cover the required areas.

The proposed standard is intended to reduce the safety hazard created by those vehicles whose overly exposed rear wheels throw up water spray and road surface debris onto the glazing surfaces of passing or following vehicles. Passing a vehicle on a wet road requires a level of skill and attentiveness much higher than that needed in most phases of driving. The maneuver is greatly complicated by the obscuring of view due to the spray and debris thrown up by the rear wheels of the vehicle being passed.

The problem of spray and debris thrown up by rear vehicle wheels is greatest with large vehicles which do not usually have fenders or similar structures over their rear wheels. However, passenger cars also contribute to the problem. The portion of the fender behind the rear wheels on some passenger cars is so tucked inward that the rear tread surface of the tires is overly exposed.

Research data demonstrates that the amount of spray and debris thrown to the rear of the vehicle can be substantially reduced by the installation of spray protectors over and to the rear of the rear wheels. It also indicates that if the spray protector is extended, at its outboard edge, down to the level of the top of the wheels, the amount of side spray can be significantly reduced.

The proposed standard would require passenger cars, multipurpose passenger vehicles, trucks, buses, and trailers to have spray protectors for their rear wheels. The spray protectors could be either rigid or flexible. The spray protectors on vehicles over 10,000 pounds gross vehicle weight rating would be required to extend, at their outboard edges, down to the level of the top of the tire. The latter requirement would be limited in its application because the usually uncovered rear wheels of these vehicles tend to inject side spray into the airstream at the height of passenger car windshields. Comments are invited on the effects of this requirement on the practice of manufacturing some of the large vehicles so that their rear wheels are placed as far outboard as the State vehicle maximum width regulations will permit.

The portion of the spray protector behind the rear wheels on trucks, buses, and trailers would be required to extend lower than that on passenger cars and multipurpose passenger vehicles. The requirement would be greater for the former vehicle types because the greater air turbulence generated by their configuration and larger size presents a more serious spray problem.

Compliance with the proposed standard could be determined by visual inspection with the aid of mechanical measuring devices. In order to insure that flexible spray protectors do not lose their effectiveness at high vehicle speeds, however, the proposed configurational requirements would have to be met at all speeds up to 60 miles per hour.

Interested persons are invited to submit data, views or arguments pertaining to the proposed rule. Comments should identify the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on December 3, 1970, will be considered by the Director. Comments filed after the above date will also be considered by the Bureau. The rule making action may, however, proceed at any time after that date, and comments received too late for consideration in regard to the action will be treated as suggestions for future rule making. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials. Proposed effective date: January 1, 1972.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on August 31, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

SPRAY PROTECTORS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, BUSES, AND TRAILERS

S1. *Purpose and scope.* This standard establishes requirements for spray protectors to reduce the obscuring of view of following drivers by spray and debris thrown up by vehicle wheels.

S2. *Application.* The standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and trailers.

S3. *Requirements.* Each vehicle shall have as a spray protector a continuous surface, either an inherent part of the vehicle structure or a flexible or rigid appendage to it, or both, that deflects spray and debris thrown up by the rear vehicle wheel or wheels on each side. The spray protectors shall meet the requirements, as applicable, of S3.1, S3.2, and S3.3, when the vehicle is at curb weight plus driver, the tires are inflated to the manufacturer's recommended pressures, and the vehicle is traveling at any speed up to 60 m.p.h.

S3.1 *Length.*

S3.1.1 The spray protector for single-axle rear wheels shall intersect the following two planes continuously across its required width:

(a) A plane normal to a vertical longitudinal plane, through the center of the outermost wheel, inclined forward at an angle of 30° from the vertical.

(b) A plane normal to a vertical longitudinal plane, through the intersection of the outermost wheel's lower vertical radius with the tire tread, inclined rearward at an angle of 79° from the vertical for trucks, buses, and trailers, or 70° from the vertical for passenger cars and multipurpose passenger vehicles.

S3.1.2 The spray protector for multiple-axle rear wheels shall meet the requirements of S3.1.1, except that the position of the plan in S3.1.1(a) shall be determined with reference to forwardmost wheel and that of the plane in in S3.1.1(b) with reference to the rearmost wheel.

S3.2 *Width.* The spray protector shall extend continuously for its required length from at least as far outboard as the outermost point on the outermost tire to at least as far inboard as the innermost point on the innermost tire.

S3.3 *Height.* The spray protector for rear wheels of vehicles of more than 10,000 pounds gross vehicle weight rating shall, at its outboard edge, extend downward continuously to a horizontal plane tangent to the uppermost tire surface, along the required portion of the spray protector that is above that plane.

[F.R. Doc. 70-11747; Filed, Sept. 3, 1970; 8:50 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Proposed Open Season

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to revise § 890.301(d)(2) of the Code of Federal Regulations, to provide for a special 2-week open season for enrolled employees and annuitants for the Harvard Community Health Plan of Boston, Mass. Carriers, and other interested persons, may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed amendment is set out below:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) * * *

(2) During the period November 16 to November 30, 1970, an enrolled employee or annuitant living in the enrollment area of the Columbia Medical Plan or in the enrollment area of the Harvard Community Health Plan may change his enrollment from the plan in which he is already enrolled to the Columbia Medical Plan or to the Harvard Community Health Plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment unless a change of type is otherwise authorized by this part.

* * * * *

(5 U.S.C. 8913)

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

[F.R. Doc. 70-11736; Filed, Sept. 3, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 67]

[Docket No. 18866; FCC 70-902]

INTRASTATE AND INTERSTATE OPERATIONS OF TELEPHONE COMPANIES

Separating and Allocating Plant Investment, Operating Expenses, Taxes, and Reserves

In the matter of prescription of procedures for separating and allocating plant investment, operating expenses, taxes, and reserves between the intrastate and interstate operations of telephone companies, Docket No. 18866. Petition of the National Association of Regulatory Utility Commissioners to amend Part 67 of the Code of Federal Regulations, RM-1543.

1. On May 20, 1970, the Commission adopted a notice of proposed rule making and order convening joint board in Docket No. 18866 to consider changes in part 67 of the Commission's rules relating to jurisdictional separations. The order provided that such rule making

would be on a continuous basis in an open docket until further order of the Commission. The order also convened a joint board pursuant to the provisions of section 410 of the Communications Act of 1934, as amended, to consider the change or changes which it believed should be made the subject of proposed rule making by the Commission. The joint board, consisting of the three members of the Commission's Telephone Committee and four State commissioners, nominated by the National Association of Regulatory Utility Commissioners (NARUC) and approved by this Commission, held an organizational meeting on June 25, 1970 and adopted a schedule of future meetings at which the board would consider and recommend revisions in the separations procedures in accordance with the provisions of the Commission's order of May 20, 1970.

2. Pursuant to instructions of the joint board, the technical staff of the joint board (FCC Docket No. 18866), which consists of personnel who are also members of the NARUC–FCC subcommittee on separations and toll rate disparity, met in Lake Ozark, Mo., the week of July 19, 1970 and again in Washington, D.C., August 3–6, 1970 to continue their studies of telephone separations procedures and to prepare a report and recommendations to the joint board. This report was submitted to the joint board on August 6, 1970.

3. The staff committee in its report, concluded that its studies indicated a need for revision of the present procedures applicable to the separation of the costs of subscriber plant and local dial switching equipment based on the following considerations: (1) The present procedures tend to inflate the costs of short haul toll traffic and understate the costs of long haul toll traffic because of the way in which the "deterrent" additive in the present procedures is applied; (2) the present procedures do not appropriately reflect the widely varying deterrent effect of the toll rate schedules as the distance changes; (3) the present procedures, because they tend to inflate costs of short haul toll traffic, cannot appropriately be used for the separation of intrastate operations between exchange and intrastate toll nor for the ascertainment of legitimate toll costs of the various carriers for settlement purposes; and, (4) the present procedures fail to give appropriate recognition to the fact that a significant portion of the local dial switching equipment is nontraffic sensitive and, therefore, should be revised to accord such portion the same principle of allocation as is applied to subscriber plant.

4. Based on its studies, the joint board staff committee recommended proposed rule making which would encompass a plan proposed by the industry and identified as the Ozark Plan. It concluded that this plan appeared to be the most efficacious at this time as a means of responding to the considerations outlined in the preceding paragraph. The committee also recommended that other proposals which it had considered, be referred to the NARUC Commissioners Committee on Communications for further disposition or study. A description of the Ozark Plan is set forth below as Appendix A.

5. At a meeting on August 6, 1970, the joint board received the staff committee's report and recommendations and discussed with the staff the various proposed revisions in separations procedures reviewed therein. After a further conference on the matter, the joint board, by letter of August 13, 1970 to the Commission, endorsed and adopted as its recommendations, the August 6, 1970 report of the joint board staff committee. The joint board's letter of August 13, 1970 and the staff committee's report of August 6, 1970 are attached hereto as Appendix B.[1]

6. We have received Commissioner Symons' dissenting statement in connection with the joint board's action. In brief, Commissioner Symons feels that a revision of the procedures applicable to local dial switching equipment proposed by Mr. McCraney of the California Commission staff should be submitted for proposed rule making along with the Ozark Plan. The revision proposed by Mr. McCraney is that all local dial switching equipment costs be separated by use of the methods prescribed for subscriber plant in this Commission's January 29, 1969 Order. The specific proposal was submitted to the technical staff committee on August 3, 1970, only two days before the committee was to conclude its studies and submit its recommendations to the joint board. Under the circumstances, the staff experts of the committee as well as the joint board have not evaluated the proposal to ascertain whether or not it has sufficient merit to warrant being made the subject of rule making at this time. Accordingly, consideration of this proposal as part of this proceeding is not warranted at this time.

7. The Commission has reviewed the report and recommendations of the joint board staff committee and the recommendations of the joint board in this matter as well as our past decisions regarding jurisdictional separations. Upon consideration of the foregoing the Commission, pursuant to paragraph 1 of its March 20, 1970 notice, is of the view that the Ozark Plan for revision of the procedures applicable to subscriber plant and local dial-switching equipment should be issued for comment by interested parties. This notice is being issued accordingly. The suggested wording for the NARUC-FCC Separations Manual, which is incorporated by reference into part 67 of the Commission's rules, to implement the Ozark Plan, is attached hereto as appendix C.[1]

8. This further notice of proposed rule making is issued under authority of sections 4(i), 221(c) and 221(d) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 25, 1970. The joint board shall convene, upon call of the chairman, to consider the comments and submissions made in response to this notice and to prepare a recommended decision on the issues involved in this proceeding which shall be referred to the Commission for its consideration. The State commission members of the joint board will participate in the Commission's deliberations when considering the recommended decision of the joint board and any further action that may be required in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice and the recommended decision of the joint board.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission. Further, copies of all statements or briefs shall be furnished to the State members of the joint board and to general counsel of the National Association of Regulatory Utility Commissioners. The names and addresses are shown below:

Hon. George I. Bloom, Chairman of the Pennsylvania Public Utilities Commission, Post Office Box 3265, Harrisburg, Pa. 17120.

Hon. William R. Clark, Chairman of the Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo. 65101.

Hon. William Symons, Jr., Commissioner of the California Public Utilities Commission, California State Building, San Francisco, Calif. 94102.

Hon. Ben T. Wiggins, Vice Chairman of the Georgia Public Service Commission, 162 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334.

Hon. Paul Rodgers, General Counsel of the National Association of Regulatory Utility Commissioners, Post Office Box 684, Washington, D.C. 20044.

11. The Commission also has before it a petition from the NARUC for proposed rule making dated December 9, 1969. This petition proposes rule making looking toward the amendment of part 67 of the Commission's rules relating to jurisdictional separations with respect to the procedures for the allocation of the costs of local dial switching equipment which are inconsistent with the procedures proposed herein. It is noted that the joint board on Jurisdictional separations recommends that the proposal contained in the NARUC petition, as well as other pending separation proposals, be referred to the NARUC commissioners committee on communications for further disposition or study. This procedure is in accord with the Commission's prior orders on separations matters wherein it stated that it would look to joint NARUC–FCC studies as the primary source of proposals for suggested revisions in separations procedures. *Accordingly, it is ordered,* That the National Association of Regulatory Utility Commissioners' Petition, of December 9, 1969, File No. RM–1543, for a rule making order amending part 67 of the FCC rules and regulations, title 47 of the Code of Federal Regulations, is hereby dismissed without prejudice.

[1] Filed as part of the original document.

Adopted: August 26, 1970.

Released: September 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A
OZARK PLAN DESCRIPTION

The Ozark Plan proposes revisions in the present procedures for the allocation of subscriber plant (station equipment and the subscriber lines connecting the customer to the central office) and local dial switching equipment assigned interstate.

Subscriber Plant. Under present separations procedures the costs of this plant is assigned to interstate by a three part factor as follows:

A. Interstate subscriber line usage (SLU) ratio, which is the actual interstate use of this plant as a percent of its total use, in the area being studied; added to

B. The nationwide annual average interstate SLU factor for the total industry; added to

C. The annual average of the study area interstate SLU factor developed in A multiplied by the composite station rate (CSR) ratio. The CSR ratio is the average composite interstate initial period station rate at the study area average length of haul divided by the composite total toll initial period station rate at the nationwide average length of haul for all toll traffic for the total telephone industry.

The Ozark Plan provides for the assignment of subscriber plant costs to interstate by use of a two part factor as follows:

A. The interstate subscriber line usage (SLU) factor as presently determined for the study area multipled by the nationwide ratio of (1) the cost per minute of use of the subscriber plant assigned to exchange to (2) the cost per minute of use for both exchange and toll traffic; added to

B. Twice the study area interstate SLU factor times the CSR ratio as presently determined for the "C" component in the present formula.

Local Dial Switching Equipment. The present procedures allocate all of this equipment on the basis of the actual relative minutes of use for exchange and toll (percent interstate minutes of use of total minutes of use) and weights the toll minutes of use by a factor (presently 1.5) that reflects the higher cost per minutes of use for a toll call compared to an exchange call.

The proposed Ozark Plan provides for the separation of this equipment between traffic sensitive and nontraffic sensitive plant. The nontraffic sensitive equipment is allocated by the use of the proposed subscriber plant factor described above. The traffic sensitive portion of this equipment is allocated on a relative minutes-of-use basis with weighted toll minutes of use as provided by the present procedures except that the weighting factor would vary (from 1.3 to 2.3) depending on the size and type of switching equipment in an office.

[F.R. Doc. 70-11765; Filed, Sept. 3, 1970; 8:51 a.m.]

[47 CFR PART 73]

[Docket No. 18980; FCC 70-928]

TELEVISION BROADCAST STATIONS

Table of Assignments, Coolidge, Ariz., etc.

In the matter of amendment of § 73.606(b) of the Commission's rules, Table of Assignments, Television Broadcast Stations (Coolidge, Ariz.; Chico, Calif.; Portland Maine; and Rochester, N.Y.), Docket No. 18980, RM-1575, RM-1636, RM-1638, RM-1640.

1. Notice of proposed rule making is hereby given concerning proposed changes in the Table of Television Channel Assigments (§ 73.606 of the rules), as set forth in paragraph 7, below. All have been requested in pending petitions; none were opposed.

2. Three of the petitions involve educational assignments. A first channel (unspecified) is sought for a location where it can be used by Central Arizona College at Coolidge, Ariz. (Pima County); the University of Maine seeks the interchange of the present lower UHF "commercial" and higher UHF educational channels at Portland, Maine; and the Rochester Area Educational Television Association (RAETA) seeks a second educational reservation at Rochester, N.Y., by reserving Channel 61 (now assigned there unreserved) in addition to Channel *21 on which RAETA now operates ETV Station WXXI-TV. In the fourth petition, William Basting, Taylor Gee, Kenneth Gibson, and Ronald L. Moore, d.b.a. Protaca Industries, seek UHF Channel 24 as a second commercial assignment for Chico, Calif. With the selection by the Commission's computer of Channel *43 for educational use at Coolidge, it appears that all of the proposals meet the minimum mileage separation requirements of the rules with respect to other stations and channel assignments (two of the channels are already in the table).

3. All of the proposals appear to warrant the institution of rulemaking so that comments may be submitted. In the Arizona matter, the proposal would represent the first channel, reserved or unreserved, assigned in Pinal County, Ariz.; petitioner Central Arizona College, a 2-year public institution designed to serve the entire county, appears to be the only institution of higher learning in the county. In the Portland matter, the University of Maine asserts that it (charged by law with providing ETV service to the entire State) is desirous of bringing ETV service to the populous Portland area, containing 15 percent or more of the State's population, and that it needs the lower costs of operation which, it is said, lower UHF channels provide (as well as other claimed advantages). It states that commercial UHF development in Portland is unlikely in the near future. In the New York matter, RAETA urges the same need for a second educational reservation at Rochester which the Commission previously found to warrant consideration of the same proposal in Docket 18282, a rule-making proceeding begun in July 1968 in response to an earlier RAETA petition. That proceeding was terminated without action in February 1969, when various private individuals and minority and civic groups expressed a desire to use Channel 61 for a commercial station oriented to inner city needs.[1] RAETA acquiesced in that proposal and the dismissal of its reservation request; but it now urges that nothing has since been done toward implementing the commercial proposal, and therefore the Commission should again consider its request for reservation.

4. With respect to the Chico proposal, petitioners urge the growing size and importance of Chico and the surrounding area, and the isolated character of that area with respect to the large population centers of California. This would represent the second commercial and third overall assignment to that city, where VHF Station KHSL-TV now operates commercially. Channel *18, assigned there and reserved for educational use, is not presently available following the "land mobile" decision in Docket 18261. In order to assure that an educational assignment will be available in the near future in case there is demand for it, we are also proposing herein to add Channel *30 at Chico.

5. While of the view that comments on all of these proposals should be invited, we wish to call attention to certain aspects of two of them. In the Portland case, the University of Maine's petition is based largely on the alleged superiority of lower UHF channels, a view which we do not necessarily share. However, if the change will assist in the speedier development of UHF educational television in this important area, we believe it may be appropriate for consideration. In the case of Rochester, the proposed reservation of Channel 61 would leave only one commercial UHF assignment, Channel 31 (in addition to three VHF commercial channels). There is now a CP outstanding on this channel, although it may be surrendered shortly. Comments are invited on whether the proposed reservation of a second channel at Rochester would have an unduly restrictive effect on the development of commercial television in that city and area, including along the lines discussed above in connection with the earlier decision.

6. It is also appropriate to note that these assignments are being proposed on the assumption that if they are made, applications will promptly be filed for them. If none are forthcoming after a reasonable time, steps to delete the assignments may be taken.

7. In view of the foregoing, comments are invited on the following proposed changes in § 73.606(b) of the rules, the Television Table of Assignments:

[2] Commissioner Cox not participating; Commissioner Johnson dissenting.

[1] In the Matter of Amendment of § 73.606 (b) of the Commission's rules, Table of Television Assignments (Rochester, N.Y.), 16 FCC 2d 501, 15 R.R. 2d 1546 (February 1969). The RAETA petition which led to the earlier proceeding (which is now incorporated by reference) mentioned the need for a second ETV service, to increase in-school broadcasting potential during daytime hours and provide a greater variety of programming in the evening, particularly of material of interest to specialized audiences. The notice of proposed rule making in the earlier proceeding mentioned that it was not entirely clear that the channel thus proposed for reservation would be used for service to the public, and that comments supporting the reservation should address themselves to this matter. The same is true in the present case.

City	Channel No.	
	Present	Proposed
Coolidge, Ariz.		*43
Chico, Calif.	12, [1] *18	12, [1] *18, 24, *30
Portland, Maine	6–, 13+, 26, *51	6–, 13+, *26, 51
Rochester, N.Y.	8, 10+, 13–, *21, 31, 61	8, 10+, 13–, *21, 31, *61

[1] Following the decision in Docket 18261, channels so indicated will not be available for television use until further action by the Commission.

8. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before October 9, 1970, and reply comments on or before October 20, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: August 26, 1970.

Released: August 31, 1970.

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

[F.R. Doc. 70-11763; Filed, Sept. 3, 1970; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18979; FCC 70-927]

TELEVISION BROADCAST STATIONS

Table of Assignments, Kerrville-Fredericksburg, Tex.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Kerrville-Fredericksburg, Tex.), Docket No. 18979, RM-1387.

1. On December 31, 1968, United-Tecon, a joint venture, filed a petition seeking the assignment of VHF Channel 2 to Kerrville-Fredericksburg, Tex. It is claimed that a station operating on this assignment as proposed would provide a first TV service to a large area and substantial population in the "Hill Country" west of Austin and northwest of San Antonio, and a needed local outlet for the cities of Kerrville and Fredericksburg which are important centers in that area; and that—operating as proposed, directionalized to reduce radiation to the east—there would be no substantial impact on UHF development in the Austin and San Antonio markets. No statements supporting or opposing the petition have been filed. In response to a Commission letter, counsel for United-Tecon states that its principals will apply for the facility if the proposed allocation is made, and will construct if it is the successful applicant for a construction permit.

2. In support of the requested assignment, it is stated that the "Hill Country" of Texas is an important farming, ranching, and recreational area, with needs and interests entirely different from those of the metropolitan centers of Austin and San Antonio whose stations now provide the only service available in the area. Kerrville and Fredericksburg, with 1960 census populations of 8,901 and 4,629, respectively, are described as important centers in this area; supporting data is given, including the fact that each has a radio station whereas there is only one other station in these and the surrounding counties, and the fact that the Kerrville daily newspaper is the only one between Austin, San Antonio, San Angelo, and cities on the Mexican border to the south and west. It is asserted that Kerrville and Fredericksburg, some 25 miles apart, are equally important to the Hill Country area, and therefore, since a principal-city signal can be placed over both of them from the proposed site, the assignment should be made jointly.

3. The site proposed for use is some 12 miles south of Fredericksburg and 18 miles northeast of Kerrville. It is very close to the minimum separation (190 miles) from the Channel 2 assignment at Nuevo Laredo, Mex., to the south, and fairly close (about 15 miles) to the minimum distance to Channel 2 at Houston (KPRC-TV) to the east. The United-Tecon proposal assumes a station at this site operating directionally, sharply restricting radiation to the east by more than the 10 db maximum-to-minimum ratio permitted by the rules (of which waiver is sought), so as to minimize impact to UHF stations at Austin and San Antonio and provide greater service toward the west where there is now none for a long distance. So operating, assuming maximum power (100 kw. E.R.P.) and an antenna height above ground of 1,700 feet (for which it is said, FAA approval would be probable) the proposed station's Grade B coverage is said to include 10,861 square miles containing 64,910 persons. Of this, some 6,914 square miles containing about 27,158 persons now receives no Grade B service; if the pending commercial application for Channel 6 at San Angelo is granted, this would be reduced slightly, to about 24,469 persons in 6,517 square miles. A second Grade B signal would be provided to 5,728 persons in 480 square miles now receiving only one Grade B signal (8,417 persons in 877 square miles if the San Angelo commercial Channel 6 application is granted).[1] To the northwest, the Grade B contour of the proposed station would lie some 84 miles from the transmitter site. In terms of Grade A coverage, the proposed station would furnish a first Grade A signal to all but a small fraction of its proposed Grade A coverage area, 26,362 persons in 2,617 square miles out of 27,127 persons in 2,830 square miles. The eastern portion of the proposed coverage area receives Grade B signals from Austin and San Antonio stations; Kerrville and Fredericksburg themselves receive two such signals. A very small portion of the proposed Grade A area receives a Grade A signal from San Antonio Channel 9.

4. The petition devotes considerable discussion to the allegedly small impact on Austin and San Antonio UHF stations, KVET-TV (Channel 24) and KHFI-TV (Channel 42) at Austin and KBRT (Channel 29) at San Antonio. It is some 66 miles from the proposed transmitter site to Austin and 64 miles to the sites of the UHF stations there, and 57 miles to San Antonio and 70 miles to the KBRT site (as noted above, the proposed Channel 2 assignment could be used at a site somewhat closer, particularly to Austin, consistent with the separation rules). The minor lobe of the proposed operation, lying in an easterly direction, with its maximum radiation at about 110° azimuth, would have Grade A and Grade B contour locations some 16 and 48 miles from the transmitter site at their farthest distance.

5. United-Tecon claims that, operating as proposed, it would provide a signal of Grade B quality (1) to 12,025 persons or 1.4 percent of the 874,790 persons residing within the Grade B contour of Station KBRT-TV, Channel 29, San Antonio, Tex., and (2) to 3,783 persons, or 0.05 percent of the 801,445 persons receiving a Grade A signal from Station KBRT-TV. It is claimed that the proposed operation would provide Grade B service (1) to 6,690 or 1.5 percent of the 447,511 persons residing within the Grade B contour of KHFI-TV, Channel 42, Austin, Tex., and (2) to 2,182 persons or 0.07 percent of the 310,653 persons receiving Grade A service from Station KHFI-TV. United-Tecon claims that the proposed operation would provide a Grade B signal to 178 persons or 0.07 percent of 262,113 persons receiving Grade B service from KVET-TV, Channel 24, Austin, Tex. The proposed operation's Grade A contour would not penetrate the Grade A contour of any of the UHF stations.

6. Significant underserved areas would be served by a viable operating television station in the Kerrville-Fredericksburg area. We believe that the channel assignment requested by petitioner, for Kerrville-Fredericksburg, should be proposed so that comments can be received on it. We realize that a waiver of § 73.685 (e) would be required if the United-Tecon proposal were to be granted. However, it is not necessary, at this time, to act upon the waiver request. The only matter before us at this time is whether a tentative television assignment should be made to the area under existing law, priorities and policies.

7. In making a VHF assignment, the Commission must assess the impact that such assignment will have upon existing UHF stations and upon future UHF development. United-Tecon has designed its proposal to comply with the Commission's "UHF impact" policy, as set forth in paragraph 4, above.

[1] In a decision released Mar. 11, 1970, the Review Board granted this commercial application for Channel 6, San Angelo, Tex. (FCC 70R-87).

8. The ultimate question that faces the Commission is whether this VHF assignment which clearly would provide a first Grade B signal to substantial underserved areas, a first Grade A signal to larger area, and a first local television service to Kerrville and Fredericksburg is consistent with the Commission's longstanding policy of fostering UHF development. We believe that United-Tecon has set forth sufficient facts concerning service to the area and population to warrant exploration of the proposed assignment in rule making.

9. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules by assigning Channel 2 to Kerrville-Fredericksburg, Tex.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before October 9, 1970, and reply comments on or before October 20, 1970. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 26, 1970.

Released: August 31, 1970.

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

[F.R. Doc. 70-11764; Filed, Sept. 3, 1970; 8:51 a.m.]

[47 CFR Part 81]

[Docket No. 18944; FCC 70-894]

PUBLIC COAST III–B STATIONS

Technical Standards for Computation of Service Area

In the matter of amendment of Part 81 of the Commission's rules to provide technical standards for the computation of service area for Public Coast III–B stations; Docket No. 18944.

1. As a result of recent Commission rulemakings there has been a rapid growth in marine VHF facilities. In particular, VHF Public Coast stations have been expanding at a rapid rate. Often the Commission will have several applications on file to serve the same general area. Section 81.303 of the Commission's rules limits duplication of Public Coast station coverage, but there are no standards in the rules upon which coverage area may be computed. Standards are now necessary for the orderly administration of the services.[1]

2. Our proposed standards are set forth below. They will allow for the computation of coverage area and also establish a basis for cochannel assignments of Public Coast III–B stations.

3. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 303 (d), (f), (h), and (r) of the Communications Act of 1934, as amended.

4. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 9, 1970, and reply comments on or before October 20, 1970. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by the notice.

5. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 26, 1970.

Released: August 28, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
BEN F. WAPLE,
Secretary.

Proposals with respect to technical standards for computation of service area for Public Coast III–B stations. In establishing criteria for determination of service areas, it must be recognized that a precise figure to indicate the distance at which, or the area within which, a satisfactory service can always be maintained, cannot be specified without unduly and unrealistically limiting this distance or area to very high values of signal strength. It becomes necessary, therefore, to deal largely in the probabilities of maintaining a specified grade of service and in the final analysis to introduce determinative factors based on experience and judgment.

In the area of marine communications at VHF frequencies, there have been a number of contributions in terms of propagation studies, receiver sensitivity and selectivity evaluation, signal to noise requirements, and the like, which, on the basis of radiated power, terrain characteristics and antenna height, it has been possible to define with reasonable accuracy, the area in which a satisfactory service can be maintained. One such procedure for making estimates of this kind which has had widespread acceptance is incorporated in Radio Technical Commission for Marine Services (RTCM) Special Committee No. 19 Report. This report makes use of data, information and procedures contributed in large part by the Central Radio Propagation Laboratory of the National Bureau of Standards.

In view of this acceptance, our own conviction that application of the procedure and criteria yields a reasonable result and of the present urgency for a standardized procedure, we propose adoption of essentially the procedures and criteria set forth in the RTCM Special Committee No. 19 Report.

With due regard for the propagation data available, the shipboard noise environment, average marine receiver characteristics, terrain and antenna height effects, and a number of assumptions relating to these factors, the RTCM report arrives first at a figure for receiver terminal requirements in terms of power, and second, gives a basis for relating the power available at the receiver terminals to transmitter power and antenna requirements. (See Attachment B) Except for our addition of a procedure for including certain terrain effects (See Attachment A), the essence of the proposed addition to Commission rules is based on information set forth in Attachment B.

We are not at this time attempting to draft the exact wording of the proposed changes in Commission rules, but it is proposed to add such rules, charts and other material as necessary to include the substance of the following:

CRITERIA FOR DETERMINATION OF THE SERVICE AREA OF A CLASS III B PUBLIC COAST STATION

SIGNAL STRENGTH REQUIREMENTS

In the absence of an interfering signal on the same frequency requirements for satisfactory reception by a Marine VHF Shipboard receiver will be constructed satisfied if the field strength from the coast station is equal to, or greater than, that necessary to supply a power, via a properly terminated 50-ohm impedance transmission line, of minus 132 dBw (Decibels relative to 1 watt), under the following conditions:

(a) Receiving antenna: Half wave dipole.
(b) Antenna height: 30 feet.
(c) Antenna polarization: Vertical.
(d) Assumed transmission line loss, antenna to receiver location: 2 dB.

The field strength deemed necessary to satisfy the above is calculated to be 17 Decibels above 1 microvolt per meter (dBu), or approximately 7 microvolts per meter. Thus the Service Area of a VHF III B Coast Station is defined at that area within which the median field strength exceeds 17 dBu.

II. DETERMINATION OF 17 DBU CONTOUR

The 17 dBu contour shall be determined by joining by a smooth curve the 17 dBu points calculated for at least eight radials from the transmitter site. In calculating the 17 dBu points it will be necessary to take into consideration at least the following:

(a) Average terrain elevation between 2 and 10 miles from the antenna site. (See attachment A)
(b) Antenna height.
(c) Effective radiated power (ERP).

It is proposed, also, that in processing applications for public coast stations involving the same frequency, the Commission will grant, subject to other considerations, applications where the ratio of desired to undesired signal strength is 6 db or greater.

Method of Determining Average Terrain Elevation and Topographical Data.—In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting

---

[1] In 1959 in Wisconsin Telephone Co. et al. (27 F.C.C. 513), the Commission reached certain conclusions with respect to VHF communications by coast and ship stations. Recently, in orders designating public coast station applications for hearing the Commission has specified Appendix F to Radio Technical Committee for Marine (RTCM), Report of Special Committee 19 (SC–19), dated Feb. 21, 1956.

[2] Commissioner Cox abstaining from voting.

with true north. Depending upon the configuration of the area to be served, preferably three but not less than one radial must include the principal area to be served even though such area may be more than 10 miles from the antenna site. Additionally, where feasible, radials should be drawn in the direction of any cochannel stations which are authorized within 75 miles of the antenna site. However, in the event none of the evenly spaced radials include the principal area to be served, or are in the direction of cochannel stations, such additional radials shall not be employed in computing the elevation of average terrain.

The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200- or 400-foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map should be used, although only relatively few points may be available. The profile graphs should indicate the topography accurately for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging those values.

Topographical data. In the preparation of the profile graphs and in determining the location and height above sea level of the antenna site, the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from Sectional Aeronautical Charts (including bench marks) or railroad depot elevations and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data is available, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. The maps used must include the principal area to be served. If it appears necessary, additional data may be requested. U.S. Geological Survey Topographic Quadrangle Maps may be obtained from the Department of Interior, Geological Survey, Washington, D.C. 20242. Sectional Aeronautical Charts are available from the Department of Commerce, Coast and Geodetic Survey, Washington, D.C. 20230.

*EXCERPT FROM*** THE PROPAGATION CHARACTERISTICS OF THE FREQUENCY BAND 152–162 MC. WHICH IS AVAILABLE FOR MARINE RADIO COMMUNICATIONS*

To permit an estimate of the expected service range for propagation paths over sea or fresh water in the frequency band 152–162 Mc., a nomograph is presented for a range of values of height and separation of a transmitting and a receiving antenna. This nomograph will permit an estimate of the expected service range for propagation over a smooth spherical earth, through a standard atmosphere.

Since the service range may be limited either by noise or by the possibility of interference by an undesired signal, the extent of any region characterized by interference from undesired signals is also of concern. This interference region, in which simultaneous reception of both the desired signal and an undesired signal is possible, is, of course, less for a voice-modulated FM communications system than for communication systems in general. However, any variation in the desired or undesired signal will vary the extent of this region. If both the desired and undesired signals vary in space or time in an uncorrelated manner, the interference region, or no-man's land, will be increased. Due to the much smaller terrain irregularities, the no-man's land for propagation over water is smaller than that for propagation over land. Hence, the experience with interference for propagation paths over land does not necessarily apply to propagation over water.

In predicting the service or interference ranges of fields, consideration should be given to the effect of atmospheric ducting and turbulence which can be of great importance at large distances. The strong signals possible at great distances due to the presence of atmospheric ducts can either markedly extend or sharply reduce the service range of a communications system, depending upon whether the ducts are associated with the propagation of the desired or the undesired signal. This phenomenon cannot, at present, be predicted with sufficient reliability to incorporate its effect in estimating service ranges. The forward scattering of energy to a receiving antenna due to atmospheric turbulence, however, has a Rayleigh distribution in time and should be considered in estimating the extent of the service and interference regions. A table has been prepared which provides median values by which the basic transmission loss for a standard atmosphere is reduced and the power available from a receiving antenna is increased to include the effect of scattering.

* * * * *

The nomograph is based upon calculations made by the method of Norton[1,2] for tropospheric radio propagation over a spherical earth. The values of dielectric constant and conductivity for fresh water and sea water, stated on the nomograph, are representative of those listed in several sources.[3,4] The transmission loss is, in any case, not very sensitive to the electrical constants of the ground at these radio frequencies. The calculations were made for a vertically polarized wave propagated over a 4/3 earth at 157 Mc. One antenna was fixed at a height of 30 feet; the other antenna height, h, is permitted to vary.

A broken line has been drawn on the nomograph to illustrate its use. Thus a transmission system consisting of two vertically polarized isotropic antennas, separated by 25 miles of fresh water, one antenna at a height of 30 feet and the other at 100 feet, will have a transmission loss of 142 db associated with it.

To express this in terms of transmitted and received power we may employ the following expression:

$$P_a = P_t - L_1 + G_t + G_r + 4.3 - L_b$$

where all quantities are expressed in decibels. P_a is the power available at the receiving antenna terminals. P_t is the transmitter power and L_1 is the transmitter transmission line loss. G_t and G_r are the transmitting and receiving antenna power gains relative to a half-wave dipole, and L_b is the basic transmission loss.

In the nomograph the radiated power, i.e., input to the antenna, $P_t - L_1$, is 0 db relative to 1 watt, and half-wave dipole antennas are assumed so that G_t and G_r are taken as 0 db so that $P_a = 4.3 - L_b$.

For other radiated powers, $P_t' - L_1'$, or for other types of transmitting or receiving antennas, G_t, G_r, the corresponding value of power, P_a', available from the receiving antenna is related to the value of P_a given by the nomograph by the expression:

$$P_a' = P_a + (P_t' - L_1') + G_r + G_t$$

where all power terms are expressed in db relative to 1 watt.

The effect of varying one antenna height, h, was determined for sea water and for fresh water by the methods of reference 1. The nomograph will provide a correct value of L_b and P_a for distances equal to, or greater than:

$$d = 33 + \sqrt{2h}$$

for d expressed in miles and h in feet. Similarly, for distances near the line of sight,

$$d_1 = 7.75 + \sqrt{2h},$$

the nomograph will provide a good approximation of the actual value of L_b. For lesser distances, to within 1 mile of the transmitter, the actual values of L_b will exceed that given by the nomograph. The differences in the nomograph height and distance scales for fresh water and sea water reflect the differences in the fresh water and sea water height-gain curves at 157 Mc. For antenna heights of approximately 17 and 1,000 feet, sea water and fresh water have equal height-gain functions. For antenna heights of less than 17 feet, the height-gain function for sea water is greater than that for fresh water. For antenna heights between 18 and 1,000 feet, the reverse condition exists.

---

* This appendix and nomograph were prepared by H. T. Dougherty, Radio Propagation Engineering Division, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

**APPENDIX F to Radio Technical Committee for Marine (RTCM), Report of Special Committee 19 (SC–19), dated Feb. 21, 1956.

[1] Kenneth A. Norton, "Dependence of the Transmission Loss in Tropospheric Radio Wave Propagation on the Angular Distance," Supplement XV to NBS Report 3520, "Survey of Central Radio Propagation Laboratory Research in Tropospheric Propagation," by J. W. Herbstreit, P. L. Rice, and E. B. Sprecker, January 1955.

[2] Kenneth A. Norton, "Transmission Loss in Radio Propagation," Proc. IRE, Vol. 41, No. 1, pp. 146–152, January 1953.

[3] "Reference Data for Radio Engineers," Federal Telephone and Radio Corp., Third Edition, 1949, Knickerbocker Printing Corp., N.Y.

[4] "Ground Wave Field Intensities Within the Line of Sight," A Signal Corps Radio Propagation Unit Supplement to Report No. 3, RPU 106, April 1946.

Although the nomograph was computed for vertical polarization, the value of L_b for horizontal polarization may be obtained (for antenna heights of 25 to 1,000 feet) within 0.5 db by adding 3 db in the case of fresh water and 4 db in the case of sea water to the values of L_b given by the nomograph; the available signal power at the receiver will thus be smaller in this range of antenna heights by these amounts with horizontal polarization.

The effect of changing the height of the fixed antenna from 30 feet to h feet is to change the basic transmission loss the same amount as will changing the variable antenna from 30 to h feet. If ΔL_b is the change in the value of L_b as the variable antenna height is changed from 30 feet to h feet, then the effect of changing both antennas from 30 to h feet is $L_b+2\Delta L_b$. Thus in the nomograph example indicated by the broken line, changing the fixed antenna height to 100 feet will reduce the basic transmission loss to a value 132 db.

To provide an indication of the effectiveness of a particular receiving system, a level of minimum required signal power may be computed and indicated on the P_a scale. Values of various system parameters which are believed to be representative of an FM receiving system are as follows:

Minimum Signal-to-Noise Ratio, R.	3 db.
Noise Bandwidth, B	44.77 db (30 kc.).
Receiver Noise Figure, f_r	3 (4.77 db).
Transmission Line Noise Figure, f_t.	1.28, the insertion loss for 100 feet of RG/8U cable.
Antenna Circuit Noise Figure, f_c.	1.0, a theoretical lower limit readily approached at VHF.
Antenna Noise Figure, f_a	1.87.

The antenna noise figure is a measure of the cosmic radio noise power available from the receiving antenna and has diurnal, seasonal and frequency characteristics. The above value was obtained by extrapolating the curve provided by Cottony and Johler [8] depicting the frequency dependence of the average normal daily maximum value of cosmic radio noise.

The effective noise figure at the receiving antenna terminals is given by the expression: [9]

$$f=f_a+f_cf_tf_r-1$$

which for the above values gives $f=4.71$ (6.73 db). The value of minimum required signal power available from the receiving antenna is given by the expression: [9]

$$P_m=R+F+B-204$$

where:

$$F=10\log_{10}f$$

From the above values, for satisfactory FM reception P_a is -149.5 db relative to 1 watt. It should be noted that this value may be expected to provide satisfactory reception only when a very good receiver is used and there is no manmade noise. Typical manmade noise conditions may result in levels 10 to 30 db above that indicated on the nomograph. For the example indicated on the nomograph by the broken line, satisfactory reception would result in the presence of low or moderate manmade noise levels but would prove inadequate for the highest levels that may be encountered. This would indicate that a greater value of antenna gains, transmitter powers or receiving antenna height is desirable if it is expected that the highest levels of manmade noise may be encountered.

The above type of situation will, of course, be affected to some extent by the contribution due to the scattered field. The median corrections, to include the effect of scattering, tabulated in the following table, are based upon the 100 Mc. curves provided by Rice and Daniel [6] modified for 157 Mc. by the method of Norton.[7]

TABLE OF FACTORS, EXPRESSED IN DECIBELS, WHICH PROVIDE FOR THE MEDIAN EFFECT OF SCATTERING WHEN ADDED TO THE VALUES OF P_A, OR SUBTRACTED FROM THE VALUES OF L_B, GIVEN BY THE NOMOGRAPH.

152–162 MC.

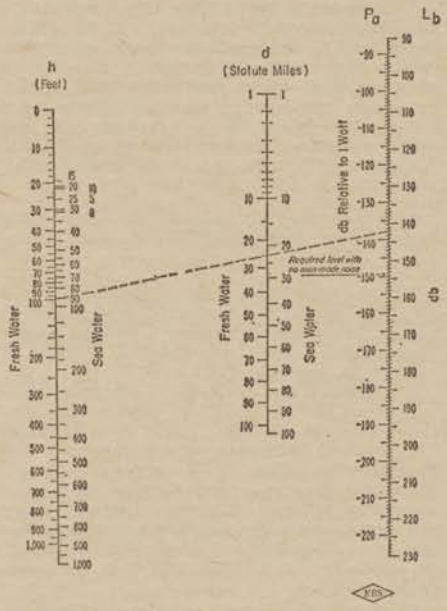
The distance, d, in miles, is the separation between a fixed 30-foot antenna and an antenna at h feet. The increase in received power due to ducting will be much greater than the values in the table below but will occur for only small percentages of the time in most geographical locations.

h \ d	40	50	60	70	80	90	100
10	2.2	7.4	12.6	18.8	24.0	29.7	36.1
20	2.0	7.1	12.2	18.4	23.6	29.4	35.9
30	1.5	6.5	11.5	17.6	22.7	28.6	35.2
50	0.9	5.2	9.5	15.4	20.4	26.2	33.2
70	0	3.9	7.9	13.9	19.3	24.8	31.6
100	0	2.5	6.3	12.0	17.4	23.0	29.6
200	0	0	2.4	7.5	13.0	18.5	24.8
300	0	0	0.5	5.0	10.1	15.3	21.6
500	0	0	0	1.9	6.2	10.8	17.1
700	0	0	0	0	2.2	7.0	13.1
1000	0	0	0	0	0	3.0	8.5

NOMOGRAPH FOR ESTIMATING BASIC TRANSMISSION LOSS, L_b, AND THE POWER, P_a, AVAILABLE FROM THE RECEIVING ANTENNA FOR THE FREQUENCY BAND 152–162 MC.

P_a determined for 1 watt radiated power, and vertical half-wave dipole receiving and transmitting antennas; one antenna fixed at 30 feet and the other as indicated:

Fresh water $\epsilon=80$. $\sigma=0.005$ mhos/meter.
Sea water $\epsilon=80$. $\sigma=5$ mhos/meter.



[F.R. Doc. 70–11662; Filed, Sept. 3, 1970; 8:45 a.m.]

[8] H. V. Cottony and J. R. Johler, "Cosmic Radio Noise Intensities in the VHF Band," Proc. IRE, Vol. 40, No. 9, pp. 1053–1060, September 1952.

[6] P. L. Rice and F. T. Daniel, "Radio Transmission Loss Versus Distance and Antenna Height at 100 Mc.," Supplement VIII to the NBS Report 3520, "Survey of Central Radio Propagation Laboratory Research in Tropospheric Propagation," January 1955.

[7] Kenneth A. Norton, "Point-to-Point Radio Relaying via the Scattering Mode of Tropospheric Propagation," Supplement XVII to the NBS Report 3520, "Survey of Central Radio Propagation Laboratory Research in Tropospheric Propagation," January 1955.

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R–396]

STATEMENT OF SOURCE AND APPLICATION OF FUNDS

Notice of Proposed Rule Making

AUGUST 27, 1970.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1970, the FPC Form 1, Annual Report for Electric Utilities and Licensees, Class A and Class B, prescribed by § 141.1, Chapter 1, Title 18, CFR, and FPC Form 2, Natural Gas Companies, Class A and Class B, prescribed by § 260.1, Chapter 1, Title 18, CFR, by adding two new schedule pages 118 and 119, entitled Statement E—Source and Application of Funds for the Year.

This added schedule, Statement E—Source and Application of Funds for the Year, is being proposed to provide the Commission with relevant information that is either omitted or not sufficiently presented in the Comparative Balance Sheet or the Statement of Income and Earned Surplus for the Year, presently found in the FPC Forms No. 1 and No. 2. The Commission believes the proposed statement will narrow the existing gap between the two aforementioned conventional statements. In addition, the proposed statement will be of considerable benefit to the Commission staff in their continuous analysis and surveillance responsibilities.

The proposed schedule pages 118 and 119, Statement E—Source and Application of Funds for the Year is also being proposed for inclusion for Certified Public Accountants' certification along with those schedules already included in General Instruction No. 14, of FPC Form No. 1 and General Instruction No. 15, of FPC Form No. 2.

The Commission, in structuring the proposed statement, has been guided by the American Institute of Certified Public Accountants' Opinion No. 3 and their Accounting Research Study No. 3, the statement "Source and Application of Funds" now used by the American Gas Association and the Edison Electric Institute in their joint "Uniform Statistical Report," along with the statement presently being proposed by the Securities and Exchange Commission.

The proposed amendment to FPC Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 854, 855, 858, 16 U.S.C. 825, 825c, 825h).

The proposed amendment to FPC Form No. 2 would be issued under authority granted the Federal Power Commission under the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830, 15 U.S.C. 717g, 717i, 717o).

Accordingly, it is proposed to amend, effective for the reporting year 1970, the Annual Report, for Public Utilities and Licensees, Classes A and B, FPC Form No. 1 prescribed by § 141.1, Subchapter D, Chapter 1, Title 18 of the Code of Federal Regulations, and the Annual Report for Natural Gas Companies, Class A and B, FPC Form No. 2 prescribed by § 260.1, Subchapter G, Chapter 1, Title 18 of the Code of Federal Regulations by:

(1) Adding schedule pages 118 and 119, Statement E—Source and Application of Funds for the Year, thereto, all as set out in Attachment A hereto.[1]

(2) Amending General Instruction No. 14, on page i of FPC Form 1, to include the schedule "Source and Application of Funds for the Year—Statement E" in the list of schedules for which certification by a certified public accountant is required, all as set out in Attachment B hereto.[1]

(3) Amending General Instruction No. 15, on page i of FPC Form 2, to include the schedule "Source and Application of Funds for the Year—Statement E" in the list of schedules for which certification by a certified public accountant is required, all as set out in Attachment C hereto.[1]

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 13, 1970, data, views, comments, or suggestions, in writing, concerning the proposed revised report forms. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of the Federal Reports Act of 1942 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, address, and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revisions in the report forms. The Commission will consider all such written submissions before acting on the matters herein proposed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11735; Filed, Sept. 3, 1970; 8:49 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

TELEVISION RECEIVING SETS FROM JAPAN

Withholding of Appraisement Notice

Information was received on March 22, 1968, that television receiving sets, monochrome and color, from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of June 18, 1968, on page 8851. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price (sections 203 and 204 of the Act; 19 U.S.C. 162 and 163) of such television receiving sets, monochrome, and color, from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price or exporter's sales price and adjusted home market price.

Preliminary analysis suggests that purchase price will probably be calculated on the basis of f.o.b. or f.o.r. packed prices with deductions for freight, packing, and other charges as applicable. It appears that the applicable Japanese commodity tax will be added to this price.

Exporter's sales price will probably be calculated by deducting from the resale prices of the related firms to distributors in the United States any applicable discounts to arrive at a net selling price. From the latter, appropriate deductions will be made for inland freight in Japan, ocean freight and insurance, U.S. duty, brokerage charges, U.S. freight, warranty costs, packing, and commissions and other selling expenses incurred in the United States. To this, additions will probably be made for any applicable Japanese commodity tax refunded or not paid upon exportation of the merchandise.

Home market price will probably be based on the delivered price to distributors in the home market. Appropriate deductions appear to be warranted for discounts and rebates granted for cash, quantities, and certain sales promotions. Probable adjustment to be made to the net price will be for commissions, warranty and installation costs, inland freight, inland insurance, patent fees, bad debts, where applicable, and packing. It appears that appropriate adjustments will also be made for differences in the merchandise, and for differences in advertising and credit costs.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of television receiving sets, monochrome and color, from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37) interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views or arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

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

Approved: August 28, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-11717; Filed, Sept. 3, 1970; 8:47 a.m.]

Office of the Secretary

[Treasury Department Order No. 173-3, Amdt. 2]

U.S. SECRET SERVICE

Realignment of Headquarters Functions and Responsibilities

Pursuant to the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and pursuant to the authority vested in me by Treasury Department Order No. 190 (Revision No. 4), the first paragraph of Treasury Department Order No. 173-3 is amended to read as follows:

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, the following offices are hereby established in the Headquarters of the United States Secret Service:

Director.
Deputy Director.
Assistant Director (Protective Intelligence).
Assistant Director (Investigations).
Assistant Director (Protective Forces).
Assistant Director (Administration).
Assistant Director (Inspection and Audit).
Counsel.
Assistant to the Director (Public Affairs).

Dated: August 27, 1970.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary for Enforcement Operations.

[F.R. Doc. 70-11718; Filed, Sept. 3, 1970; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5148.6]

ASSISTANT TO THE SECRETARY OF DEFENSE (TELECOMMUNICATIONS)

Organizational Statement

The Deputy Secretary of Defense approved the following May 21, 1970:

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the DOD Reorganization Act of 1958, the position of Assistant to the Secretary of Defense (Telecommunications) is hereby established with responsibilities, functions, and authorities as prescribed herein.

II. *Responsibilities.* The Assistant to the Secretary of Defense (Telecommunications) is the principal staff assistant to the Secretary of Defense on telecommunications matters. He is also the principal assistant to the Secretary of Defense for the National Communications System.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant to the Secretary of Defense (Telecommunications) shall perform the following functions:

A. *General.* 1. Serve as the principal staff assistant to the Secretary of Defense for telecommunications matters.

2. Act as DOD coordinator in the area of telecommunications, including telecommunications for, but not the function of, command and control.

3. Review JCS, Military Department and DOD component validated telecommunications requirements to reaffirm the need thereof, including priorities for their fulfillment, and recommend alternatives as appropriate.

4. Act as the DOD coordinator for those special telecommunications of a sensitive nature, e.g., those related to the support of intelligence functions.

5. Monitor nontelecommunications actions with respect to their impact upon telecommunications plans and programs.

6. Serve as the DOD central point of contact on telecommuncations matters to organizations external to DOD.

7. Perform such other functions as the Secretary of Defense may assign.

B. *National Communications System (NSC)*. 1. Serve as the principal assistant to the Secretary of Defense in his role as Executive Agent, NCS.

2. Coordinate as necessary with all agencies participating in the NCS.

3. Review progress in fulfilling NCS responsibilities and recommend to the Executive Agent for the NCS, as appropriate, measures for improving the NCS and for securing efficiency, effectiveness, and economy.

4. Provide for the receipt and processing of requests from any agency having requirements for service from the NCS to include determining feasibility, developing alternative methods of implementation, and recommending appropriate priorities.

5. Recommend NCS related tasks to be assigned to the Manager, NCS or to other governmental agencies as appropriate.

C. *Policy and planning*. 1. Develop, coordinate and recommend DOD telecommunications policy.

2. Develop implementing directives to support approved telecommunications policy and to provide processes for telecommunications planning.

3. Join the Defense System Acquisition Review Council when telecommunications matters are discussed.

4. Coordinate efforts within the Office of the Secretary of Defense to insure that adequate controls exist for:

a. The development and procurement of integrated secure means of telecommunications.

b. Achievement of compatibility between telecommunications systems and their related cryptomaterials.

c. The necessary interchange of technical information between interested agencies.

5. Serve as a central point for coordination and review of telecommunications plans of the NCS, Services and DOD agencies.

D. *Programing and budgeting*. 1. Coordinate and provide recommendations on program/budget policies and procedures as they relate to telecommunications.

2. Coordinate and provide recommendations on telecommunications programs, budgets, financial plans, and related financial management activity.

3. Serve as principal DOD witness to testify on telecommunications programs/budgets before committees of the Congress.

4. Review NSA submissions on telecommunications security equipment and decisions with respect thereto for consistency with other telecommunications programs.

IV. *Scope*. The scope of telecommunications for which the Assistant to the Secretary of Defense (Telecommunications) has responsibility is delineated below:

A. *Categories of telecommunications*. 1. The Defense Communications System as defined in DOD Directive 5105.19, "Defense Communications Agency (DCA)" (32 F.R. 14781 and 33 F.R. 2721) including transportable contingency assets for extension or restoral of the DCS.

2. Camp, post, base, and station telecommunications.

3. Fixed and/or transportable non-DCS telecommunications facilities which are not included in telecommunications equipment/systems considered to be organic to military forces/units.

4. Telecommunications equipment/systems considered to be organic to military forces/units.

5. DOD elements of the National Communications System (to the extent this category is not included in the DCS).

6. Those special telecommunications of a sensitive nature, e.g., those related to the support of intelligence functions.

7. Telecommunications security (COMSEC) equipment insofar as reviewing such matters for consistency with other telecommunications matters.

8. Telecommunications for command and control, including directly coupled displays, consoles, processors, and other terminals whose primary function is telecommunications, and special subsystems such as Minimum Essential Emergency Communications Network (MEECN).

9. Areas indicated below are specifically excluded except to the extent necessary to establish interface and radio-frequency compatibility with other systems.

a. Electronics including sensors such as radars, SIGINT (COMINT and ELINT), and electronic warfare systems.

b. Telecommunications integral to weapons systems designed for and usually delivered with and as a part of the airplane, missile complex, ship, tank, etc., whose costs are normally included in the cost of the weapons system.

B. The responsibilities for management and operational direction of telecommunications resources will remain with the Services and the Defense Agencies.

V. *Relationships*. A. In the performance of his functions, the Assistant to the Secretary of Defense (Telecommunications) shall:

1. Coordinate actions, as appropriate, with DOD components having collateral or related functions.

2. Make full use of established facilities in the Office of the Secretary of Defense and other DOD components rather than unnecessarily duplicating such facilities.

3. Maintain active liaison for the exchange of information and advice with DOD components as appropriate.

B. The heads of all Department of Defense components and their staffs shall cooperate fully with the Assistant to the Secretary of Defense (Telecommunications) and his staff in a continuous effort to achieve efficient administration of the DOD and to carry out effectively the direction, authority, and control of the Secretary of Defense.

VI. *Authorities*. The Assistant to the Secretary of Defense (Telecommunications), in the course of exercising staff functions, is hereby specifically delegated authority to:

A. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DOD Directive 5025.1, "Department of Defense Directive System".[1] Instructions to the military departments will be issued through the Secretaries of the Departments or their designees.

B. Obtain such reports and information and assistance from the military departments and other DOD agencies as may be necessary to the performance of his assigned functions.

C. Communicate directly with the Secretaries of the military departments, the Joint Chiefs of Staff, the Directors of the Defense Agencies and the Director, National Security Agency.

D. Establish arrangements for DOD participation in those non-defense governmental programs for which he has been assigned primary staff cognizance.

E. Communicate directly with all governmental agencies participating with DOD in those non-defense governmental programs for which he has been assigned primary staff cognizance.

F. Establish procedural arrangements for the discharge of overall responsibilities of the Executive Agent for the NCS.

G. Request such reports, information and assistance from governmental agencies participating in the NCS, as may be necessary.

H. Communicate directly with all governmental agencies participating in the NCS and, after appropriate clearance, with representatives of other nations on NCS matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 70-11704; Filed, Sept. 3, 1970; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 7743; Survey Group 86]

WISCONSIN

Notice of Filing of Plat of Survey

1. The plat of survey of the following described land, accepted August 3, 1970, will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on October 5, 1970:

FOURTH PRINCIPAL MERIDIAN

T. 20 N., R. 17 E.,
Tract 37.

---

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 300.

The tract described contains 1.81 acres.

2. This plat represents the survey of James Island, in the Fox River at Little Lake Butte Des Morts, which island was omitted from the original survey in 1834.

3. The island's formation is in all regards similar to the opposite mainland. It is of rich sandy loam formation over large boulders, or rock outcropping, with an elevation of 5 feet above mean high-water level. Timber consists mostly of maple, ash, boxelder, cottonwood, and dogwood, with undergrowth of young trees, brush and grass. There is no evidence of improvements, present use, or occupancy of this island.

4. The character of the island and timber growth thereon attest to its existence on May 29, 1848, when Wisconsin was admitted into the Union, and at all times since. It is over 50 percent upland in character within the interpretation of the Swamp Land Act of September 28, 1850.

5. Except for valid existing rights, this land will not be open to any applications for use or disposition under the public land laws until it has been classified and a further order is issued.

6. All inquiries relating to this land should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

AUGUST 31, 1970.

[F.R. Doc. 70-11751; Filed, Sept. 3, 1970; 8:50 a.m.]

[OR 6138 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 28, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6138 (Wash.), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands for an electronic communication site and rock sources in the Olympic National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Joe Creek Gravel Pit

T. 22 N., R. 9 W.,
Sec. 12, SE¼SW¼NE¼.

Neilton Point Electronic Site

T. 22 N., R. 9 W., unsurveyed (Protraction approved Sept. 24, 1963),
Sec. 18, N½SW¼SE¼.

Cook Creek Gravel Pit

T. 22 N., R. 10 W.,
Sec. 22, SE¼ of lot 2.

Quinault Ridge Gravel Pit

T. 22 N., R. 10 W.,
Sec. 35, SW¼ of lot 1.

Park Gravel Pit

T. 24 N., R. 10½ W.,
Sec. 2, SW¼ of lot 21.

The areas described aggregate approximately 61 acres in Jefferson and Grays Harbor Counties, Wash.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-11696; Filed, Sept. 3, 1970; 8:45 a.m.]

[OR 6138 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 28, 1970.

In F.R. Doc. 70-7841 on page 10233 of the issue for Tuesday, June 23, 1970, the following change should be made so that the last paragraph reads:

The areas described aggregate approximately 58 acres in Jefferson, Mason, Clallam, and Grays Harbor Counties, Wash.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-11697; Filed, Sept. 3, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-254]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed an application, dated August 10, 1970, requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit the "SS President Cleveland" and "SS President Wilson" to carry passengers, their baggage and automobiles between San Francisco and Los Angeles on regularly scheduled voyages on Trade Route No. 29 (U.S. Pacific/Far East) and on cruises authorized pursuant to section 613 of the Act.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 1023, General Accounting Office Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on September 17, 1970, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business on September 17, 1970, will not be considered in this proceeding.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for September 22, 1970, at 10 a.m. in Room 4892, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: September 1, 1970.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-11761; Filed, Sept. 3, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLORCON, INC.

Notice of Filing of Petition Regarding Diluent for Color Additive Mixtures

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CADP No. 6) has been filed by Colorcon, Inc., Post Office Box 24, West Point, Pa. 19486, proposing that 21 CFR Part 8 be amended to provide for the safe use of PICCOTEX Resin 120, a copolymer of vinyl toluene and α-methyl styrene, as a diluent in color additive mixtures exempt from certification for food and drug use in amounts consistent with good manufacturing practice.

Dated: August 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11719; Filed, Sept. 3, 1970; 8:47 a.m.]

GLIDDEN-DURKEE DIVISION, SMC CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2562) has been filed by Glidden-Durkee Division, SMC Corp., 900 Union Commerce Building, Cleveland, Ohio 44115, proposing that § 121.1221 *Ethoxylated monoglycerides and diglycerides (polyoxyethylene (20) monoglycerides and diglycerides of fatty acids)* (21 CFR 121.1221) be amended to provide for the additional safe use of ethoxylated monoglycerides and diglycerides as an emulsifier in cakes and cake mixes, whipped vegetable oil toppings and topping mixes, icings and icing mixes, and nonstandardized frozen desserts and also in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.

Dated: August 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11720; Filed, Sept. 3, 1970; 8:47 a.m.]

IMPERIAL CHEMICAL INDUSTRIES LTD.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0H2556) has been filed by Imperial Chemical Industries, Ltd., Dyestuffs Division, Hexagon House, Post Office Box 42, Blackley, Manchester, M9 3 DA, England, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing poly(iminoimidocarbonyl-iminoimidocarbonyliminohexamethylene) hydrochloride as a sanitizing solution on food-processing equipment and utensils and on bulk containers except milk containers or equipment.

Dated: August 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11721; Filed, Sept. 3, 1970; 8:47 a.m.]

[Docket No. FDC-D-236; NDA No. 14-576]

SMITH KLINE & FRENCH LABORATORIES

SK&F Special Resin No. 648; Notice of Withdrawal of Approval of New-Drug Application

Smith Kline & French Laboratories, Philadelphia, Pa. 19101, holder of new-drug application No. 14-576 for SK&F Special Resin No. 648, a cross-linked polyacrylic ammonium carboxylate cation exchange resin, has discontinued marketing of the product and requested withdrawal of approval of said application, thereby waiving opportunity for hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended, 21 U.S.C. 355(e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug application No. 14-576, including all amendments and supplements thereto, is hereby withdrawn on the the grounds that marketing of the article having been discontinued, certain annual reports of experience with the drug, required under section 505(j) of the act and § 130.13 (21 CFR 130.13) of the new-drug regulations, have not been submitted.

This order shall be effective on its date of signature.

Dated: August 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11723; Filed, Sept. 3, 1970; 8:48 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2577) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of styrene-isobutylene copolymers as components of paper and paperboard in contact with aqueous foods.

Dated: August 27, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11722; Filed, Sept. 3, 1970; 8:47 a.m.]

[DESI 7779V]

2-AMINO-5-NITROTHIAZOLE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Whitmoyer Histosep-S; consists of 45 percent 2-amino-5-nitrothiazole; marketed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067.

2. Amnizol Soluble; contains 45 percent of 2-amino-5-nitrothiazole; marketed by The Gland-O-Lac Co., a subsidiary of E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.J. 08887.

3. Enheptin Soluble; contains 45 percent 2-amino-5-nitrothiazole; marketed by Agricultural Division, American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

The Academy evaluated these products as effective for the prevention and control of blackhead in turkeys. The Food and Drug Administration concurs in this evaluation.

Supplemental new animal drug applications are invited to revise the labeling provided in new animal drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

An aid in the prevention and control of outbreaks of blackhead in turkeys.

DOSAGE AND ADMINISTRATION

Drinking Water:	*Percent*
Prevention	0.015
Control of Outbreaks	.030
Mash:	
Prevention	0.056
Control of Outbreaks	.112

For prevention: Begin about 2 weeks before the expected period of outbreak.

For control of outbreaks: Begin at outbreak and continue for 7 days after symptoms stop but not more than 14 days.

PRECAUTION

Follow good management and sanitation practices. Remove visibly sick birds from the flock and continue medication. This drug

may not be effective in the advanced stages of the disease; consult your veterinarian. Droppings may be colored pink when birds are receiving this drug in the feed.

Caution. For veterinary use only.

Keep out of reach of children.

Do not give to birds intended for egg production.

Warning. Discontinue medication one week before birds are slaughtered to permit elimination of the drug from edible tissues.

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

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

Holders of the new animal drug applications for which the labeling is not adequate in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

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

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS–NRC reports. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

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

Dated: August 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11724; Filed, Sept. 3, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22493; Order 70–9–1]

AIR WEST

Order Staying Further Procedural Steps

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of September 1970.

On August 21, 1970, Hughes Air Corp., doing business as Air West (Air West), filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience and necessity for route 76 to permit nonstop service between Los Angeles and Boise, between Los Angeles and Spokane, and between Boise and Spokane. Air West is authorized to serve Los Angeles on segments 2, 3, 6, 7, 8, 10, and 11, and Boise and Spokane on segments 4 and 13.

Upon consideration of the foregoing and pursuant to § 302.1305(a) of the Board's procedural regulations, we have decided to stay further procedural steps with respect to the application pending further order of the Board.

Accordingly, it is ordered, That:

1. Further procedural steps with respect to the application of Hughes Air Corp., doing business as Air West, in Docket 22493, be and it hereby is stayed pending further order of the Board; and

2. This order shall be served upon all parties served by Air West in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–11755; Filed, Sept. 3, 1970; 8:50 a.m.]

[Docket No. 22395, etc.; Order 70–8–119]

EXTENSION OF DOMESTIC PASSENGER FARES

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1970.

On June 18, 1970, by Special Tariff Permission Nos. 26800, 26836, and 26843, the Board granted applications of domestic air carriers to increase passenger fares so that the fares including the increased taxes imposed by the Airport and Airways Revenue Act of 1970 would be stated in whole dollars.[1] In granting the applications to permit the new fares to become effective on July 1, 1970, the effective date of the tax act, the Board required that the tariffs bear an expiration date of August 31, 1970, and that any tariffs proposing extension of the fares beyond that date be filed on not less than 45 days' notice in order to provide an opportunity for interested persons to be heard before the fares were extended for any significant period. Such tariffs were filed on July 16, to extend the fares indefinitely beyond August 31.

On July 28 and July 31, 1970, respectively, complaints were filed by certain members of Congress (Docket 22395) and by Messrs. Rose, Tepper, and Brosilow (Docket 22411) against extension of the fares that became effective July 1, 1970. Answers to the Rose complaint were filed by Trans World Airlines, Inc., and jointly by American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc.

Subsequent to the issuance of the Special Tariff Permissions, the U.S. Court of Appeals for the District of Columbia Circuit filed its decision in Moss, et al. v. Civil Aeronautics Board, No. 23627, on July 9, 1970. That decision held Board Order 69–9–68, adopted September 12, 1969, invalid and declared unlawful filed tariffs based thereon. On July 28, 1970, the Board issued Order 70–7–128 (Docket 21322), setting forth procedures to be followed in compliance with the court decision. The carriers were ordered to file new tariffs on or before August 14, 1970, for effectiveness October 15, 1970. In view of that fact, the Board also maintained the temporary nature of the July 1 fares by requiring the carriers to establish an expiration date of October 14 for the July 16 filings so that the Board could consider at one time all aspects of the fares. The new tariffs have now been filed, and complaints directed thereto have been received.

Consistent with our determination in Order 70–7–128, the complaints in Dockets 22395 and 22411 insofar as they request suspension of the tariffs filed on July 16 will be dismissed. We will, however, treat these complaints as complaints against the tariffs filed to become effective in October and will act upon them at the same time as upon the other complaints directed toward those tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958,

It is ordered, That:

1. The complaints in Dockets 22395 and 22411 are dismissed to the extent that they request suspension of tariffs filed on July 16, 1970.

2. Except to the extent dismissed herein, action on the complaints in Dockets 22395 and 22411 is hereby deferred.

3. A copy of this order will be served upon each domestic trunkline and local-service carrier and upon the complainants herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–11754; Filed, Sept. 3, 1970; 8:50 a.m.]

---

[1] That Act requires the carriers, in their advertising and on their tickets, to state only the total price for transportation, including the tax.

[2] Members Minetti and Murphy did not participate.

[Docket No. 20291; Order 70-8-115]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority August 28, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement permits Air Afrique to postpone to January 1971 the performance of its two inaugural flights in connection with its North Atlantic service: New York - Dakar - Monrovia - Abidjan - Douala-Libreville-Kinshasa and return.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution JT12(Mail 754)200h, which is incorporated in the above-described agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 21922 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11752; Filed, Sept. 3, 1970; 8:50 a.m.]

[Docket No. 20993; Order 70-8-116 [1]]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 28, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the Ninth Meeting of the Joint Specific Commodity Rates Board which was reconvened in Geneva, June 16-18, 1970.

The agreement is limited to matters relating to transatlantic specific commodity rates. These matters were deferred from the initial meeting of the Rates Board pending the outcome of a mail vote proposing an across-the-board increase of 4 cents per kilogram in cargo rates between North America and Europe. The increase was subsequently approved by Order 70-6-63, dated June 10, 1970, and, with respect to specific commodity rates, applies to rates effective prior to March 14, 1970. Basically, the subject agreement would extend for a further period of effectiveness certain specific commodity rates, under current descriptions, adopted since the Eighth Meeting of the Joint Specific Commodity Rates Board held in New York, October 8-14, 1969, and such rates which have been effective since March 15, 1970, would be increased by 4 cents per kilogram consistent with the earlier agreement. In addition to naming several rates to added points under existing commodity descriptions, the agreement also proposes reduced rates under a few new commodity descriptions as set forth in the attachment hereto.[2]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interst or in violation of the Act: *Provided,* That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753 be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11753; Filed, Sept. 3, 1970; 8:50 a.m.]

[1] The subject agreement is a supplement to an earlier agreement designated by the same CAB agreement number, which was approved by Order 70-6-5, dated June 1, 1970.

[2] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 507]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 31, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

1001–C2–AL–71—Norfolk Radio Paging Service, Consent to assignment of license from Norfolk Radio Paging Service, Assignor, to Radio Phone Communications, Inc., Assignee. Station KIG297, Norfolk, Va.

1002–C2–TC–71—Minnesota Communications Corp. Consent to transfer of control from John P. Bonner, Transferor, to Jean A. Poole and Ralph E. Mullen, Transferee. Station KDN408, St. Louis Park, Minn.

1003–C2–P–71—Florida Telephone Corp. (KIJ360), C.P. for a second channel to operate on frequency 152.72 MHz. Station location: 425 North Third Street, Leesburg, Fla.

1016–C2–P–(3)71—General Telephone Co. of Florida (New), C.P. for a new 1-way station to operate on frequency 152.840 MHz at location No. 1: 120 East Lime Street, Lakeland, Fla., location No. 2: 490 East Davidson Street, Bartow, Fla., and location No. 3: 610 South Lake Shore Way, Lake Alfred, Fla.

1093–C2–MP–71—Abe Schonfeld (KRM958), Modification of C.P. to change the base frequency to 158.70 MHz. Station location: 300 Bay View Drive, North Miami, Fla.

1094–C2–MP–71—Abe Schonfeld (KRM961), Modification of C.P. to delete base frequency 158.70 MHz at location No. 1: 15780 West Dixie Highway, North Miami Beach, Fla.; location No. 2: 2451 Brickell Avenue, Miami, Fla., and location No. 3: 7400 Southwest 62d Avenue, South Miami, Fla.

1095–C2–P–71—Mobile Radio Message Service, Inc. (KEA260), C.P. to add standby facilities at 1 Hanson Place, Brooklyn, N.Y., to operate on frequency 152.09 MHz.

1121–C2–P–(3)71—Wisconsin Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at WBON, 12700 West Beloit Road, Milwaukee, Wis., to operate on frequencies 454.250, 454.275, and 454.300 MHz.

1122–C2–P–(5)71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new 1-way station to operate on frequency 43.58 MHz at the following locations: location No. 1: Near Adams and South 23d Streets, Tacoma, Wash.; location No. 2: Near Northeast 33d Street and Shorecliff Drive, Tacoma, Wash.; location No. 3: 6330 111th Street SW., Tacoma, Wash.; location No. 4: Near 100th Street East and 67th Court East, Tacoma, Wash., and location No. 5: Near 25th Avenue NE. and 26th Street NE., Sumner, Wash.

1123–C2–P–(3)71—General Telephone Co. of Florida (New), C.P. for a new 1-way station to operate on frequency 158.100 MHz at the following locations: location No. 1: Pine Place and Bamboo Lane, Sarasota, Fla., location No. 2: Corner of Eighth Avenue and 14th Street, Bradenton, Fla., and location No. 3: 1.8 miles northeast of Laurel, Fla.

4737–C2–R–71—New York Telephone Co. (KEK278), Renewal of developmental station license expiring Sept. 9, 1970. Term: Sept. 9, 1970 to Sept. 9, 1971.

Correction

843–C2–P–(3)–71—Indiana Mobile Telephone Corp. (New), Correct to show frequencies 454.050, 454.175, and 454.325 MHz which was inadvertently omitted. All other particulars to remain as reported on Public Notice dated Aug. 17, 1970, Report No. 505.

RURAL RADIO SERVICE

1062–C1–P–71—Texaco Mineral Co. (New), C.P. for a new rural subscriber station to be located at 19.5 miles south-southeast of Lafitte, La., to operate on frequency 157.83 MHz.

1063–C1–P–71—Texaco Mineral Co. (New), C.P. for a new rural subscriber station to be located at 7.5 miles south-southeast of Lafitte, La., to operate on frequencies 157.77, 157.89, and 158.07 MHz.

1064–C1–P–71—Texaco Mineral Co. (New), C.P. for a new rural subscriber station to be located at 15.5 miles southeast of Venice, La., to operate on frequency 157.86 MHz.

1065–C1–P–71—Texaco Mineral Co. (New), C.P. for a new rural subscriber station to be located at 11 miles east-southeast of Venice, La., to operate on 157.86 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

1004–C1–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at 521 Fourth Street, Wausau, Wis. Frequencies: 11,365 and 11,605 MHz toward Rib Mountain, Wis.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1005–C1–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at 0.5 mile east of U.S. 51 on north side of Lincoln County Highway J, Irma, Wis. Frequencies: 6286.2 and 6390.0 MHz toward Merrill, Wis.; 11,285 and 11,525 MHz toward Tomahawk, Wis., and 6241.7 and 6360.3 MHz toward Rib Mountain, Wis.

1006–C1–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at 1000 East Main Street, Merrill, Wis. Frequencies: 6004.5 and 6123.1 MHz toward Irma, Wis.

1007–C1–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at northeast corner of Railway Street and Wisconsin Avenue, Tomahawk, Wis. Frequencies: 10,835 and 11,155 MHz toward Irma, Wis.

1008–C1–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new station to be located at 3 miles south-southwest of junction U.S. 51 and State Trunk Highway 29, Rib Mountain, Wis. Frequencies: 10,835 and 11,075 MHz toward Wausau, Wis., and 5945.2 and 6003.8 MHz toward Irma, Wis.

1009–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPS77), C.P. to add frequencies 10,855 and 11,095 MHz toward Canyon Ferry, Mont. Station location: 6 miles northeast of Elliston, Mont.

1010–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 1,000 feet northwest of Canyon Ferry Village, Mont. Frequencies: 11,265 and 11,505 MHz toward Helena Junction, Mont.

1011–C1–P–71—Southern Bell Telephone & Telegraph Co. (KIO59), C.P. to add frequency 10,755 MHz toward Columbus, Ga. Station location: 405 13th Street, Columbus, Ga.

1012–C1–P–71—The Mountain States Telephone & Telegraph Co. (KOS52), C.P. to add frequencies 6189.8 and 11,565 MHz toward Vail, Ariz. Station location: 120 East Pennington Street, Tucson, Ariz.

1013–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPS84), C.P. to add frequencies 10,915 and 6130.5 MHz toward Bear Spring, Ariz., and 5937.8 and 11,115 MHz toward Tucson, Ariz. Station location: 3.6 miles east-northeast of Vail, Ariz.

1014–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPS88), C.P. to add frequencies 6115.7 and 11,115 MHz toward Bear Spring, Ariz. Station location: 1 Garden Avenue, Sierra Vista, Ariz.

1015–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at Bear Spring, 12 miles northwest of Huachuca Village, Ariz. Frequencies: 6367.7 and 11,565 MHz toward Sierra Vista, Ariz., and 6382.6 and 11,365 MHz toward Vail, Ariz.

1050–C1–P–71—General Telephone Co. of California (KMU46), C.P. to add frequencies 6041.6 and 6115.7 MHz toward Vandenberg, Calif. Station location: Santa Ynez Peak, 8 miles southeast of Santa Ynez, Calif.

1051–C1–P–71—Southwestern Bell Telephone Co. (KKW21), C.P. to add frequencies 3730, 3810, 3890, and 3970 MHz toward Rabb, Tex. Station location: 401 North Broadway, Corpus Christi, Tex.

1052–C1–P–71—Southwestern Bell Telephone Co. (KOA64), C.P. to add frequencies 3770, 3850, 3930, and 4010 MHz toward Orange Grove, Tex., and 4090 and 4170 MHz toward Corpus Christi, Tex. Station location: Robb, 5 miles northwest of Robstown, Tex.

1053–C1–P–71—Southwestern Bell Telephone Co. (KOA63), C.P. to add frequencies 3730, 3810, 3890, 3970, and 4190 MHz toward San Diego, Tex., and 4050 and 4130 MHz toward Rabb, Tex. Station location: 7.2 miles northwest of Orange Grove, Tex.

1054–C1–P–71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 3.5 miles south-southwest of San Diego, Tex. Frequencies: 3770, 3850, 3930, 4010, and 4198 MHz toward Falfurrias, Tex., and 3770, 3850, and 4198 MHz toward Orange Grove, Tex.

1055–C1–P–71—Southwestern Bell Telephone Co. (KKW24), C.P. to add frequencies 3730, 3810, and 4190 MHz toward San Diego, Tex. Delete frequencies 3850 and 3930 MHz and add 3730, 3810, 3890, and 3970 MHz toward Rachal, Tex.; and 4190 MHz toward Rachal, Tex. Station location: 4.5 miles north of Falfurrias, Tex.

1056–C1–P–71—Southwestern Bell Telephone Co. (KKW25), C.P. to add frequencies 3770, 3850, and 4198 MHz toward Falfurrias, Tex., and delete 3810 and 3890 MHz and add 3770, 3850, 3930, 4010, and 4198 MHz toward Linn, Tex. Station location: 2.1 miles north of Rachal, Tex.

1057–C1–P–71—Southwestern Bell Telephone Co. (KKW26), C.P. to add frequencies 3730, 3810, and 4190 MHz toward Rachal, Tex., and delete 3850 and 3930 MHz and point of communication Santa Rosa, Tex. Add 3730, 3810, 3890, 3970, and 4190 MHz toward Monte Alto, Tex. Station location: 1 mile southeast of Linn, Tex.

1058–C1–P–71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 2.2 miles east of Monte Alto, Tex. Frequencies: 3770, 3850, 3930, 4010, and 4198 MHz toward Harlingen, Tex., and 3770, 3850, and 4198 MHz toward Linn, Tex.

1059–C1–P–71—Southwestern Bell Telephone Co. (KKK53), C.P. to add frequency 4110 MHz toward Weslaco, Tex., and 3730, 3810, and 4190 MHz toward Monte Alto, Tex. Station location: 401 East Van Buren Street, Harlingen, Tex.

American Telephone & Telegraph Co. Eighteen C.P. applications to install Type TD–2 transmitters at the radio relay stations between Oklahoma City, Okla., and Slaton, Tex., and between Forrest City and Little Rock, Ark.

1096–C1–P–71—American Telephone & Telegraph Co. (KKH72), Add frequency 3890 MHz toward Noble, Okla. Station location: 405 North Broadway, Oklahoma City, Okla.

1097–C1–P–71—American Telephone & Telegraph Co. (KLW21), Add frequency 4090 MHz toward Middleberg, Okla. Station location: 1.7 miles northeast of Noble, Okla.

1098–C1–P–71—American Telephone & Telegraph Co. (KLW20), Add frequency 4050 MHz toward Washita, Okla. Station location: 1 mile north-northeast of Middleberg, Okla.

1099–C1–P–71—American Telephone & Telegraph Co. (KLV99), Add frequency 4090 MHz toward Mountain View, Okla. Station location: 3.9 miles north-northeast of Washita, Okla.

1100–C1–P–71—American Telephone & Telegraph Co. (KLV98), Add frequency 4050 MHz toward Sentinel, Okla. Station location: 5.5 miles north-northwest of Mountain View, Okla.

1101–C1–P–71—American Telephone & Telegraph Co. (KLV97), Add frequency 4090 MHz toward Reed, Okla. Station location: 5.6 miles southwest of Sentinel, Okla.

1102–C1–P–71—American Telephone & Telegraph Co. (KLV96), Add frequency 4050 MHz toward Wellington, Tex. Station location: 2.5 miles west of Reed, Okla.

1103–C1–P–71—American Telephone & Telegraph Co. (KLV95), Add frequency 4090 MHz toward Hedley, Tex. Station location: 5.4 miles south-southeast of Wellington, Tex.

1104–C1–P–71—American Telephone & Telegraph Co. (KLV94), Add frequency 4050 MHz toward Paloduro, Tex. Station location: 3.3 miles west-southwest of Hedley, Tex.

1105–C1–P–71—American Telephone & Telegraph Co. (KLV93), Add frequency 4090 MHz toward Wayside, Tex. Station location: 7.9 miles north-northwest of Paloduro, Tex.

1106–C1–P–71—American Telephone & Telegraph Co. (KLN81), Add frequency 4050 MHz toward Silverton, Tex. Station location: 2 miles north-northwest of Wayside, Tex.

1107–C1–P–71—American Telephone & Telegraph Co. (KLN82), Add frequency 4090 MHz toward Lockney, Tex. Station location: 11 miles northwest of Silverton, Tex.

1108–C1–P–71—American Telephone & Telegraph Co. (KLN83), Add frequency 4050 MHz toward Petersburg, Tex. Station location: 4 miles north of Lockney, Tex.

1109–C1–P–71—American Telephone & Telegraph Co. (KLO77), Add frequency 4090 MHz toward Slaton, Tex. Station location: 2 miles south of Petersburg, Tex.

1110–C1–P–71—American Telephone & Telegraph Co. (KLN72), Add frequency 3870 MHz toward Hunter, Ark. Station location: 7 miles northeast of Forrest City, Ark.

1111–C1–P–71—American Telephone & Telegraph Co. (KLO93), Add frequency 3910 MHz toward Biscoe, Ark. Station location: 1 mile south of Hunter, Ark.

1112–C1–P–71—American Telephone & Telegraph Co. (KLK79), Add frequency 3870 MHz toward Lonoke, Ark. Station location: 0.5 mile west of Biscoe, Ark.

1113–C1–P–71—American Telephone & Telegraph Co. (KLK80), Add frequency 3910 MHz toward Little Rock, Ark. Station location: 3 miles south of Lonoke, Ark.

1114–C1–P/L–71—The Pacific Telephone & Telegraph Co. (New), C.P. and License for a new station to be located 0.5 mile southwest of Princeton, Calif. Frequencies: 4030 and 4110 MHz toward Scarper Peak, Calif.

1115–C1–P/L–71—The Pacific Telephone & Telegraph Co. (New), C.P. and License for a new station to be located at 2.5 miles east-northeast of El Granada, Calif. (Scarper Peak, Calif). Frequencies: 4090 and 4170 MHz toward East Bay Hills, Calif.

1116–C1–P/ML–71—The Pacific Telephone & Telegraph Co. (KMA37), C.P. and modification of license to add frequencies 4050 and 4130 MHz toward Hall Canyon Hill, Calif. Station location: 5.5 miles southwest of Newhall, Calif. (Oat Mountain).

1117–C1–P/ML–71—The Pacific Telephone & Telegraph Co. (KMX55), C.P. and modification of license to add frequencies 4070 and 4150 MHz toward Santa Ynez Peak, Calif. Station location: Hall Canyon Hill, 1.5 miles northeast of Ventura, Calif.

1118–C1–P–71—American Telephone & Telegraph Co. (KZA49), C.P. to add frequency 3890 MHz toward Byron, N.Y. Station location: 2.75 miles west of Attica, N.Y.

1119–C1–P–71—American Telephone & Telegraph Co. (KZA50), C.P. to add frequency 3930 MHz toward Attica and Rochester, N.Y. Station location: 2.1 miles east of Byron, N.Y.

1120–C1–P–71—American Telephone & Telegraph Co. (KEG84), C.P. to add frequency 3890 MHz toward Byron, N.Y. Station location: 95 North Fitzhugh Street, Rochester, N.Y.

1090–C1–P–71—Nebraska Consolidated Communications Corp. (New), C.P. for a new station 4 miles southwest of Greenwood, Nebr., at latitude 40°54′42″ N., longitude 96°22′26″ W. Frequencies: 11,365 and 11,685 MHz on azimuth 248°16′, and 11,405 and 11,565 MHz on azimuth 28°27′.

1091–C1–P–71—Nebraska Consolidated Communications Corp. (New), C.P. for a new station at Wallfield, 5 miles from Houlka, Miss., at latitude 34°06′13″ N., longitude 89°00′00″ W. Frequencies: 5974.8 and 6093.5 MHz on azimuth 60°24′, and 5974.8 and 6093.5 MHz on azimuth 320°56′.

1092–C1–P–71—Nebraska Consolidated Communications Corp. (New), C.P. for a new station 0.5 mile south of Hopkins, Ala., at latitude 33°28′30″ N., longitude 87°04′37″ W. Frequencies: 5974.8 and 6093.5 MHz on azimuth 68°47′, and 5974.8 and 6093.5 MHz on azimuth 310°46′.

(Informative: Applicant proposes to operate these stations in conjunction with applications File Nos. 6185 through 6314–C1–P–70.)

Major Amendment

7224–C1–P–70—Continental Telephone Co. of California (New), Geographic coordinates of passive reflector near Crowley Lake, Calif., corrected thereby changing radio path (Crowley Lake to passive) azimuth to 54°43′. Station location: Crowley Lake, Calif.

7225–C1–P–70—Continental Telephone Co. of California (KNM35), Same as above. Azimuth passive to Crowley Lake, Calif., corrected to 234°43′. Station location: Crestview, 5 miles east-southeast of June Lake, Calif. All other particulars as reported in Public Notice dated May 11, 1970, Report No. 491.

Major Amendment

5419–C1–P–70—Puerto Rico Telephone Co. (New), Change frequencies 4070 and 4150 MHz toward Cerro Maravillas, P.R. to: 4030 and 4110 MHz. Station location: Hato Tejas, P.R. All other particulars same as reported in Public Notice dated March 30, 1970, Report No. 485.

6185–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz at station in Minneapolis, Minn.

6186–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates of Shakopee, Minn., station to: latitude 44°45′53″ N., longitude 93°32′10″ W.

6188–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates of Mankato, Minn., station to: latitude 44°11′50″ N., longitude 94°05′36″ W. Change frequencies to: 6286.2 and 6404.8 MHz on azimuth 24°10′.

6196–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to: 6256.5 and 6375.2 MHz on azimuths 136°09′, and 6°14′ at station near Vermillion, S. Dak.

6199–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates of Station near Stanton, Nebr., to: latitude 42°01′22″ N., longitude 97°12′56″ W.

6204–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates of station near Gretna, Nebr., to: latitude 41°08′51″ N., longitude 96°12′17″ W. Change frequencies to: 10,955 and 11,115 MHz on azimuth 208°34′; 10,755 and 10,915 MHz on azimuth 62°45′; 6226.9 and 6345.5 MHz on azimuth 316°10′; and 167°40′.

6205–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to: 11,685 and 11,365 MHz on azimuth 242°56′ at station in Omaha, Nebr.

6206–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change point of communication from Atlantic, Iowa to: Lewis, Iowa. Frequencies: 6226.9 and 6345.5 MHz on azimuths 244°37′ and 105°32′. Station located near Bentley, Iowa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6207–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change location to: 5 miles east of Lewis, Iowa at latitude 41°18′00″ N., longitude 95°00′00″ W. Frequencies: 5974.8 and 6093.5 MHz on azimuths 285°42′ and 70°19′.

6208–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change point of communication from Atlantic, Iowa to: Lewis, Iowa. Frequencies: 6226.9 and 6345.5 MHz on azimuths 250°23′, 63°24′. Station located near Casey, Iowa.

6221–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change location of station to: 0.9 mile south of Elgin, Ill., at latitude 42°02′05″ N., longitude 88°15′58″ W.

6223–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change point of communication from: Gretna, Nebr., to Greenwood, Nebr. Change frequencies to: 10,955 and 11,115 MHz on azimuth 290°13′, and to 10,755 and 10,915 MHz on azimuth 68°04′. Station is in Lincoln, Nebr.

6224–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz on azimuth 261°33′ and to 11,405 and 11,565 MHz on azimuth 109°50′ at station near Seward, Nebr.

6225–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz at station near York, Nebr.

6226–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to: 6286.2 and 6404.8 MHz at station near Aurora, Nebr.

6227–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to: 5945.2 and 6063.8 MHz on azimuth 263°24′ and to 6034.2 and 6152.8 MHz on azimuth 44°25′ at station near Hastings, Nebr.

6228–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to: 6286.2 and 6404.8 MHz on azimuth 254°40′ and to 6197.2 and 6315.9 MHz on azimuth 83°04′ at station near Minden, Nebr.

6229–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz at station near Holdrege, Nebr.

6230–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz at station near Elwood, Nebr.

6231–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz at station near Gothenburg, Nebr.

6232–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz at station near Maxwell, Nebr.

6233–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz and change coordinates to latitude 40°56′04″ N., longitude 100°47′36″ W. for station near Wellfleet, Nebr.

6234–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6256.5 and 6375.2 MHz on azimuth 276°01′, and to 6286.2 and 6404.8 MHz on azimuth 100°27′ at station near Paxton, Nebr.

6235–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6004.5 and 6123.1 MHz at station near Ogallala, Nebr.

6244–C1–P–70—Nebraska Consolidated Communications Corp. (New), Correct point of communication to Peru in lieu of Falls City, Nebr. Station located near Falls City.

6250–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequency from 5974.8 to 5967.4 MHz on azimuth 347°07′ at station near Fort Scott, Kans.

6256–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequency from 6093.5 MHz to 6152.8 MHz on both azimuths at station near Fort Leonard Wood, Mo.

6257–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz on azimuth 12°26′ at station near St. James, Mo.

6258–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz on azimuth 192°30′ at station near Owensville, Mo.

6260–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz on azimuth 114°29′ to 5989.7 and 6108.3 MHz on azimuth 232°20′ at station near St. Charles, Mo.

6261–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz at station in St. Louis, Mo.

6267–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6197.2 and 6375.2 MHz on azimuth 160°40′ at station near Lepanto, Ark.

6268–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6019.3 and 6137.9 MHz on azimuth 151°28′ and to 6004.5 and 6123.1 MHz on azimuth 340°37′ at station in Memphis, Tenn.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6269–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6271.4 and 6390.0 MHz at station near Cockrum, Miss.

6270–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6004.5 and 6123.1 MHz on azimuth 155°56′ toward a new point of communications at Keel, Miss., to replace the New Albany point of communication and change frequencies to 5974.8 and 6152.8 MHz on azimuth 285°23′ at station near Waterford, Miss.

6271–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change location of station to 3 miles east-northeast of Keel, Miss., at latitude 34°25′34″ N., longitude 89°18′58″ W. Frequencies 6226.9 and 6345.5 MHz on azimuths 140°46′ and 336°00′.

6272–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 11,645 MHz on azimuth 154°22′ and to 6226.9 and 6345.5 MHz on azimuth 240°35′ toward Wallfield, Miss., and delete New Albany as point of communication for station near Tupelo, Miss.

6273–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 5974.8 and 6093.5 MHz on azimuth 108°31′, and to 6034.2 and 10,795 MHz on azimuth 334°27′ at station near Amory, Miss.

6274–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6226.9 and 6345.5 MHz at station near Sulligent, Ala.

6275–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 5974.8 and 6093.5 MHz at station near Winfield, Ala.

6276–C1–P–70—Nebraska Consolidated Communications (New), Change location of station to: 2.9 miles southeast of Oakman, Ala., at latitude 33°40′20″ N., longitude 87°21′03″ W. Delete point of communications at Birmingham, Ala. Add frequencies 6226.9 and 6345.5 MHz toward Hopkins, Ala., on azimuth 130°37′ and change frequencies to 6226.9 and 6345.5 MHz on azimuth 308°57′ toward Winfield, Ala.

6277–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6301.0 and 6419.6 MHz on azimuth 91°33′. Change point of communications from Jasper to Hopkins and change azimuth to 249°01′ at station near Birmingham, Ala.

6278–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change Frequencies to 5945.2 and 6123.1 MHz at station near Cook Springs, Ala.

6279–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz at station near Anniston, Ala.

6280–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6034.2 and 6152.8 MHz on azimuth 84°19′ at station near Fruithurst, Ala.

6281–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz at station near Bremen, Ga.

6282–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6049.0 and 6161.6 MHz on azimuth 130°13′ and to 6034.2 and 6152.8 MHz on azimuth 213°26′ at station near Yorkville, Ga.

6283–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6286.2 and 6404.8 MHz on azimuth 90°00′ at station in Douglasville, Ga.

6284–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies toward Douglasville, Ga., to 5945.2 and 10,715 MHz on azimuth 270°12′ at station in Atlanta, Ga.

6290–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6241.7 and 6360.3 MHz on azimuth 34°10′ at station near Bristow, Okla.

6291–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates to latitude 35°58′16″ N., longitude 96°47′49″ W. Change frequencies to 5982.3 and 6093.5 MHz on azimuth 229°26′ and to 5974.8 and 6152.8 MHz on azimuth 103°58′ at station near Cushing, Okla.

6294–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates to latitude 35°05′57″ N., longitude 97°38′10″ W. Change frequencies to 6241.7 and 6360.3 MHz on azimuth 134°00′ at station near Blanchard, Okla.

6295–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates to latitude 34°47′34″ N., longitude 97°13′21″ W. at station near Pauls Valley, Okla.

6298–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change frequencies to 6241.7 and 6360.3 MHz on azimuth 152°36′ at station located near Gainesville, Tex.

6299–C1–P–70—Nebraska Consolidated Communications Corp. (New), Change coordinates to latitude 33°19′21″ N., longitude 96°59′17″ W. Change frequencies to 5989.7 and 6108.3 MHz at station near Aubrey, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6300-C1-P-70—Nebraska Consolidated Communications Corp. (New), Change location of station to northeast section of Northwest Highway and Preston Road, Dallas, Tex., at latitude 32°25'00" N., longitude 97°12'20" W. Change frequencies to 6219.5 and 6338.2 MHz on azimuth 215°54' and to 6219.5 and 6360.3 MHz on azimuth 340°59'. All other particulars same as reported in Public Notice dated April 20, 1970.

POINT TO POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1124-C1-MP-71—United Video, Inc. (WAY25), Modification of C.P. to change type of transmitter. Station location: 0.5 mile southwest of intersection of U.S. Highway 66 and Schifferdecker Avenue, Joplin, Mo.

1125-C1-P-71—Western Tele-Communications, Inc. (KPT21), C.P. to add a new point of communications at Colton, Utah. Frequencies: 6271.4, 6301.0, 6330.7, and 6360.3 MHz on azimuth 134°07'. Location: Nelson Peak, 18 miles southwest of Salt Lake City, Utah, at latitude 40°36'30.5" N., longitude 112°09'34" W. (Informative: Applicant proposes to provide the television signals of stations KUTV, KCPX-TV, KSL-TV, and KUED-TV of Salt Lake City, Utah, to Mountain Microwave Corp. for delivery to its existing customers at Vernal, Utah, and Grand Junction, Colo., over its microwave system.)

[F.R. Doc. 70-11658; Filed, Sept. 3, 1970; 8:45 a.m.]

[Docket No. 18948; FCC 70-898]

TECHNICAL AND OPERATIONAL SPECIFICATIONS FOR RADAR INSTALLATIONS ON VESSELS

Notice of Inquiry

1. This inquiry is directed toward gathering information on technical and operational specifications for radar equipment which will be used aboard merchant vessels of 1,600 tons gross tonnage and upwards. The requirement for a ship radar installation will result from the adoption of a proposed amendment to Regulation 12 of Chapter V of the International Convention for the Safety of Life at Sea, London, 1960 (SOLAS).

2. Following the "Torrey Canyon" disaster, the Maritime Safety Committee (MSC) of the Intergovernmental Maritime Consultative Organization (IMCO) recommended to its Assembly that Regulation 12 of Chapter V of SOLAS be amended to require that all vessels of 1,600 tons gross tonnage and upwards, when engaged on international and other voyages, be equipped with radar of a type approved by each Administration. No technical or operational specifications were, however, included in the amendment. On November 26, 1968, the Assembly of IMCO adopted the proposed amendment. The amendment has the support of all the major maritime nations and will come into force 1 year after being ratified by two-thirds of the Contracting Governments. At the present time the Department of State is preparing a report and message on the proposed amendment for submission to the Senate. It is expected that acceptance by the United States will be completed in 1970 and that instruments of ratification by the required two-thirds of the administrations will be deposited with the Secretariat of IMCO before the end of 1971. It is not anticipated, therefore, that the new radar requirements will become binding upon vessels subject to the Convention much before 1973.

3. Considerable thought has already been devoted to the establishment of radar specifications. SOLAS presently includes, in Recommendation 45, radar performance specifications. These, however, are not mandatory requirements but simply guidelines which may be used. It is incumbent on the countries involved to individually adopt the specific technical and operational specifications necessary to insure compliance with the general requirements. Certain countries, e.g. the United Kingdom, have already proposed specifications for their own use nationally. In this country, the Radio Technical Commission for Marine Services' Special Committee No. 51 has agreed on technical and operational specifications for radar which could be helpful.

4. The present inquiry seeks information which can be utilized in connection with implementing the proposed amendment. Specfic comments on any or all of the following items are invited:

(a) *Radar system.*
(1) Range:
Limits.
Accuracy.
Discrimination.
(2) Bearing:
Accuracy.
Discrimination.
(3) Protective arrangements: RF/X-ray/voltage hazards.
(4) Tolerated humidity.
(5) Shock stability.
(6) Vibration stability.
(7) Temperature range.
(8) Resistance to corrosion and mould.
(9) Type of testing required including climatic testing.
(10) Standard test conditions.
(b) *Transmitter section.*
(1) Frequency band.
(2) Frequency tolerance.
(3) Frequency stability.
(4) Frequency control.
(5) Bandwidth.
(6) Spurious emissions: RF/X-ray.
(7) Interpulse emissions.
(8) Duty cycle.
(9) Pulse shape.
(10) Pulse width.
(11) Pulse rate—variable, fixed.
(12) Output tube—tunable, fixed.
(13) Power output—PEP, average.
(14) Modulation—interrogation or other code.
(15) Indicating instruments.
(16) Type of testing required.
(17) Standard test conditions.
(c) *Receiver section.*
(1) Bandwidth RF.
(2) Bandwidth IF.
(3) Sensitivity.
(4) IF frequency.
(5) Local oscillator: Type.
(6) Local oscillator: Frequency—above or below signal frequency.
(7) Image response.
(8) Spurious response.
(9) Spurious emissions.
(10) Type of testing required.
(11) Standard test conditions.
(d) *Presentation.*
(1) Type of presentation.
(2) Minimum size of display.
(3) Brilliance.
(4) Azimuth stabilization.
(5) Moving target indicator.
(6) Anticlutter devices.
(7) Number of scales of display and range steps.
(8) Range rings and marker for each scale.
(9) Heading indicator.
(10) Accessibility of controls.
(11) Marking and lighting of controls.
(12) Speed of initiating operation and of changing ranges.
(e) *Antenna.*
(1) Description: Type, beam, feed, nominal frequency, bandwidth, impedance, etc.
(2) Polarization.
(3) Gain.
(4) Beamwidth—side-lobe levels—azimuth.
(5) Beamwidth—side-lobe levels—elevation.
(6) Scan—continuous, sector.
(7) Scan—rate.
(8) Structural strength.
(9) Wind loads and ice loads.
(10) Resistance to weathering, corrosion, etc.
(11) Deflection and effect of ship's motion.
(12) Radiation hazards.
(f) *Power supply.*
(1) Voltage ranges, +%; −%.
(2) Frequency range, +cycles/second−cycles/second.

5. Comments are also solicited on the following general system requirements:

(a) The desirability of having a beacon receive capability.

(b) How elaborate should the bridge plotting facility at the main operating position be?

(c) Whether it is desirable to have duplicate operator positions with full controls or whether repeater positions would suffice. Where should they be located if desirable?

(d) Kind and amount of spare parts required to be carried aboard.

(e) Should there be a requirement for emergency backup on the same or on another frequency?

(f) Would a true motion system be economically feasible, and, if so, how elaborate should it be?

6. Interested parties are invited to file their comments on the above listed items. Authority for this inquiry is contained in section 403 of the Communications Act of 1934, as amended. Comments in reference to this inquiry, should be submitted on or before October 9, 1970. An original and 14 copies of all statements or comments shall be furnished to the Commission.

Adopted: August 26, 1970.

Released: August 31, 1970.

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

[F.R. Doc. 70-11766; Filed, Sept. 3, 1970; 8:51 a.m.]

[Docket Nos. 18652–18663; FCC 70–886]

ADVANCED ELECTRONICS ET AL.

Memorandum Opinion and Order Modifying Hearing

In the matter of application of Robert L. Mohr, doing business as Advanced Electronics for a construction permit for a new public Class III–B coast station to be located at Palos Verdes Estates, Los Angeles, Calif., Docket No. 18652, File No. 2391–M–P–35; Application of General Telephone Company, of California for a construction permit for a new public Class III–B coast station to be located at Malibu, Calif., Docket No. 18653, File No. 2683–M–P–95; Application of the Pacific Telephone and Telegraph Co. for a construction permit to relocate public Class III–B coast Station KMB–393 from San Pedro, Calif., to Dakin Peak, near Avalon, Santa Catalina Island, Calif., Docket No. 18654, File No. 2729–M–P–105; Application of General Telephone Company of California for a construction permit for a new public Class III–B coast station to be located at Santa Barbara, Calif., Docket No. 18655, File No. 2684–M–P–95; Application of Coast Mobilphone Service for a construction permit for a new public Class III–B coast station to be located at Santa Barbara, Calif., Docket No. 18656, File No. 2606–M–P–75; Application of the Telephone Co., Inc. (Silver Beehive), for a construction permit for a new public Class III–B coast station to be located on Santa Cruz Island, Calif., Docket No. 18657, File No. 4879–M–P–48; Application of the Telephone Co., Inc. (Silver Beehive), for a construction permit for a new public Class III–B coast station to be located on San Clemente Island, Calif., Docket No. 18658, File No. 4997–M–P–58; Application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. for a construction permit for a new public Class III–B coast station to be located at Broadcast Peak near Santa Barbara, Calif., Docket No. 18659, File No. 5163–M–P–78; Application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. for a construction permit for a new public Class III–B coast station to be located at Cuesta Grade Peak near San Luis Obispo, Calif., Docket No. 18660, File No. 5162–M–P–78; Application of R.C.S., Inc., for a construction permit for a new public Class III–B coast station to be located at Tassajera Peak, near San Luis Obispo, Calif., Docket No. 18661, File No. 5283–M–P–88; Application of Dana Point Marine Telephone Co. for a construction permit for a new public Class III–B coast station to be located at Santiago Peak, near Dana Point, Calif., Docket No. 18662, File No. 5447–M–P–98; Application of the Pacific Telephone and Telegraph Co. for renewal of license of existing public Class III–B coast station KMB–393 at San Pedro, Calif., Docket No. 18663, File No. 5615–M–RL–128.

1. In a Memorandum Opinion and Order, FCC 69–978, 19 FCC 2d 601, released September 15, 1969, we designated these 12 applications concerning Class III–B Public Coast Stations for hearing. The proposed stations will serve the area lying between San Luis Obispo and San Clemente, Calif., including the city of Los Angeles. The locations of the proposed stations indicate that there is a distinct probability that grant of all of the applications would result in substantial overlap and interference between the stations. In this connection, paragraph 18 of the designation order provides:

> That coverage area will be computed on the basis of information contained in Appendix F "The Propagation Characteristics of the Frequency Board [sic-Band] 152–162 Mc/s Which is Available for Marine Radio Communication" to a report entitled "Study of a Reliable Short Range Radiotelephone System" prepared by SC–19 of RTCM, or such other standards as may be mutually agreed upon by all the parties to this proceeding.

The Pacific Telephone and Telegraph Co. filed a "Petition to Modify Designation Order" requesting us to supply a more appropriate standard for computing reliable service areas.[1]

2. Pacific asserts that the RTCM Report without modification is inadequate to determine realistically the coverage areas of the various proposals in this case. While recognizing the RTCM Report as basically valid, Pacific contends that the report can only be relied on in this proceeding if itis modified to compensate for certain conditions which differ from those assumed in the report. Pacific points out that, according to the report, satisfactory reception can be obtained with a high quality receiver and in the absence of man-made noise if the power available at the receiving antenna terminal is 149.5 dB below 1 watt (–149.5 dBw). Since these conditions are not typical, Pacific submits that a stronger signal should be used as a standard for computing service contours.

3. Pacific also argues that the RTCM Report assumes radio wave propagation over water unobstructed by terrain. Several of the applications, however, specify inland locations, and the southern California coast is mountainous with offshore islands. Thus, Pacific contends that allowances must be made for shadow losses which would reduce the effective coverage area of the stations.[2]

[1] The Commission has under consideration: (1) A petition to modify designation order, filed Oct. 6, 1969, by Pacific; (2) oppositions filed Oct. 15, 1969, by Advanced Electronics and R.C.S., Inc., and Oct. 16, 1969, by The Telephone Co., Inc.; (3) Comments filed Oct. 13 and 21, 1969, and Jan. 8, 1970, by the Chief, Safety and Special Radio Services Bureau; (4) a reply filed Oct. 29, 1969, by Pacific; (5) a motion for leave to file a further reply and a further reply, filed Dec. 22, 1969, by Pacific; (6) a further opposition, filed Dec. 30, 1969, by The Telephone Co., Inc.; and (7) a reply filed Jan. 12, 1970, by Pacific.

[2] In this connection, Pacific has attached the "Bullington Paper," Radio Propagation at Frequencies Above 30 Megacycles, Proceedings of the Institute of Radio Engineers, Vol. 35, Waves and Electrons Section, pp. 1122–1136 (Oct., 1947), which it claims provides a suitable method for computing shadow losses.

Pacific asserts that, unless the RTCM Report method for computing coverage areas is modified, the data elicited in this hearing will be erroneous and misleading. While paragraph 18 of the designation order provides for modification of the method to be used through mutual agreement of the parties, Pacific concludes that the multiplicity of parties makes such an agreement improbable in this case.

4. As Pacific predicted, the responsive pleadings filed by other parties in this proceeding, as well as those filed by Pacific, demonstrate that there is little likelihood of finding mutually agreeable standards for use in this proceeding. In this respect, the parties have suggested a variety of different and irreconcilable standards without providing significant supporting information or experimental data justifying their recommendations. In the absence of definitive and compatible information, reasonably related to results which might be derived from actual experience, we are convinced that no useful purpose would be served by further summarization of the pleadings. While the RTCM Report is a valid basic method for the determination of service areas over sea water paths, Pacific has shown that reliance upon the RTCM Report with no modification may produce misleading and erroneous results in this case, since man-made noise will likely occur, since the quality of receivers used will vary, since offshore islands exist within the proposed service areas, and since some of the applicants propose inland station locations in mountainous areas.

5. For these reasons, we believe that it is appropriate to make compensations in the standards prescribed by the RTCM Report in order to determine realistically the coverage areas of the various proposals. Our consideration of this entire matter has prompted us to adopt a notice of proposed rule making looking toward the amendment of Part 81 of our rules to provide technical standards for the computation of service areas for Class III–B public coast stations, Docket No. ------, FCC 70–------. The rule making proposal provides methods for determination of service area, height of average terrain, and cochannel spacings. In the absence of agreement among the parties, we believe that the preliminary judgments set forth in the rule making proposal will provide reasonably accurate and consistent results for resolution of this proceeding[3] and that the rule mak-

[3] Pacific claims, and the other parties substantially agree, that the "Bullington Paper," supra, provides a suitable method for computing shadow losses. The "Bullington Paper" treats several radio propagation problems and provides more than one method for determination of shadow losses. Where use of the rule making proposal's method indicates coverage areas different from those expected in practice, a supplemental showing may be presented. However, such supplemental showing must stand on its own merits and must include a demonstration of the validity of the method used. Thus, any ruling on use of the "Bullington Paper" would be premature at this time.

ing proposal's standards may appropriately be used for comparison of these applications.

6. *Accordingly, it is ordered,*

(a) That the motion for leave to file further reply, filed December 22, 1969, by The Pacific Telephone and Telegraph Co. is granted;

(b) That the petition to modify designation order, filed October 6, 1969, by The Pacific Telephone and Telegraph Co. is granted to the extent indicated in this memorandum opinion and order and is denied in all other respects; and

(c) That paragraph 18 of the Memorandum Opinion and Order, FCC 69–978, 19 FCC 2d 601, released September 15, 1969, designating this proceeding for hearing is modified to read as follows:

That coverage area will be computed on the basis, of the proposed standards embodied in the notice of proposed rule making concerning the amendment of Part 81 of our rules, FCC 70–894, adopted August 26, 1970, Docket No. 18944.

Adopted: August 26, 1970.

Released: August 31, 1970.

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

[F.R. Doc. 70–11767; Filed, Sept. 3, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP71–2]

ARKANSAS LOUISIANA GAS CO.

Notice of Proposed Change in Rate and Charge

AUGUST 27, 1970.

Notice is hereby given that Arkansas Louisiana Gas Co. (Ark-La) on August 17, 1970, filed a proposed change in its FPC Gas Tariff, Original Volume No. 3, to be effective 30 days after filing. The proposed change would increase the rate for gas sold to Mississippi River Transmission Corp. (Mississippi) under Rate Schedule XFS–25 from 26 cents per Mcf to 35 cents.

Rate Schedule XFS–25 provides for winter service up to a maximum of 25,000 Mcf per day between October 15 and April 16 if and when Ark-La has gas available and Mississippi agrees to accept delivery in Jefferson County, Ark.

Any persons desiring to be heard or to make protest with respect to said tender should file with the Federal Power Commission, Washington, D.C. 20426, on or before September 15, 1970, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate in any proceeding therein must file petitions to intervene in accordance with the Commission's rules. The rate filing is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–11740; Filed, Sept. 3, 1970; 8:49 a.m.]

[Docket No. E–7551]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

AUGUST 27, 1970.

Take notice, that on August 19, 1970, Montana-Dakota Utilities Co. (applicant), a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Bismarck, N. Dak., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $15 million in principal amount of its first mortgage sinking fund bonds.

The new bonds are to be issued under and pursuant to applicant's presently existing indenture of mortgage dated as of May 1, 1939, to Chemical Bank of New York and K. Mehl, as trustees, as supplemented and proposed to be supplemented by a 30th supplemental indenture to be dated as of October 1, 1970. The new bonds are to bear interest at a rate to be fixed by competitive bidding and will mature on October 1, 1990.

The net proceeds from the issuance and sale of the new bonds are to be used to pay $15 million of promissory notes, due not more than 1 year after the dates of their respective issue, which were issued in 1970.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–11741; Filed, Sept. 3, 1970; 8:49 a.m.]

[Docket No. CP69–182]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

AUGUST 27, 1970.

Take notice that on August 18, 1970, Natural Gas Pipeline Company of America (petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69–182 a petition to amend the order issued in said docket on March 10, 1969, by authorizing the construction and operation of facilities necessary for the establishment of an additional delivery point for the receipt into its system of natural gas purchased from El Paso Natural Gas Co. (El Paso), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by said order to construct and operate certain facilities for the receipt of natural gas into its system, which sale was authorized in El Paso's Docket No. CP69–174 by the same March 10, 1969 order.

Petitioner states that El Paso has been unable to deliver to Petitioner the full contract volume of 100,000 Mcf average per day at the presently authorized delivery point. The application states that petitioner has been informed by El Paso that the full contract volumes could be delivered if an additional delivery point were established.

Petitioner therefore proposes to construct an additional side tap connection on its existing 12-inch pipeline, a meter station and miscellaneous appurtenant facilities, all in Reeves County, Tex. The estimated total cost of such facilities is $25,700 and will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–11742; Filed, Sept. 3, 1970; 8:49 a.m.]

[Docket No. E–7123]

PACIFIC POWER & LIGHT CO.

Notice of Application To Amend

AUGUST 27, 1970.

Take notice that on August 20, 1970, Pacific Power & Light Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an amendment to the Commission's orders of October 14, 1963, October 15, 1965, and September 13, 1967. Those orders authorized the applicant to assume liabilities as guarantor of promissory notes or other evidence of indebtedness of existing or

prospective customers of applicant for the acquisition or improvement of electric and water service and the installation of electrical equipment. The aggregate principal amount of all such obligations not to exceed $3 million at any one time. Applicant's authority to finance customers includes the cost of acquiring items reasonably related to the proper installation of electrical appliances and equipment. Applicant now requests that the Commission extend their authority to continue to assume liabilities beyond October 14, 1970, the expiration date of their current authority.

Applicant is incorporated under the laws of the State of Maine and is engaged in the electric utility business in the States of California, Oregon, Washington, Idaho, Wyoming, and Montana, with its principal business office at Portland, Oreg.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11743; Filed, Sept. 3, 1970; 8:49 a.m.]

[Docket No. G-2640, etc.]

PHILLIPS PETROLEUM CO., ET AL.

Findings and Order; Correction

AUGUST 20, 1970.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors, co-respondents, redesignating proceedings, making rate changes effective, accepting surety bonds for filing, requiring filing of surety bond, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing issued June 26, 1970 and published in the FEDERAL REGISTER July 9, 1970, 35 F.R. 11050, column 6: Change "Supp. No. 31" to read "Supp. No. 33" related to Docket No. G-10354.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11689; Filed, Sept. 3, 1970; 8:45 a.m.]

[Docket No. G-3573, etc.]

SOUTHERN PETROLEUM EXPLORATION, INC., ET AL.

Findings and Order; Correction

AUGUST 20, 1970.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successor co-respondent, substituting respondent, redesignating proceedings, requiring filing of agreements and undertakings requiring filing of rider to surety bond, and accepting related rate schedules and supplements for filing, issued December 23, 1968, and published in the FEDERAL REGISTER January 23, 1969, 34 F.R. 1068, second column: Change applicant's name from "Petrodynamics, Inc. (Operator), et al." to "PetroDynamics, Inc. (Operator), et al." in Docket No. CI69-358.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11690; Filed, Sept. 3, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4916]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Common Stock by Holding Company

AUGUST 28, 1970.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell 4 million additional shares of its authorized but unissued common stock, par value $6.50 per share. The proceeds of the sale of the common stock are to be used to pay at maturity and retire AEP's short-term debt, consisting of commercial paper and notes to banks, which is estimated to aggregate $120 million at the time of the proposed sale of the common stock. The declaration states that such common stock will, unless the Commission shall authorize AEP to sell shares of common stock through arrangements negotiated with investment bankers or dealers under competitive conditions, be sold under competitive bidding to be carried out in accordance with the requirements of Rule 50. No request has been made for an exception from the competitive bidding requirements of Rule 50 under the Act.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are to be filed by amendment.

Notice is further given that any interested person may, not later than September 17, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon AEP at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 70-11695; Filed, Sept. 3, 1970; 8:45 a.m.]

[70-4912]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding and Proposed Charter Amendment

AUGUST 31, 1970.

Notice is hereby given that Jersey Central Power & Light Co. ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its _____ percent Cumulative Preferred Stock, par value $100 per share. The dividend rate of the preferred stock (which will be a mutiple of one-twentieth of 1 percent) and the price, exclusive of accrued dividends, to be paid to JCP&L

(which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

Prior to the issuance and sale of the proposed preferred stock, JCP&L proposes to amend its Certificate of Incorporation to increase its authorized Cumulative Preferred Stock from 175,000 shares, par value $100 per share, to 1 million shares, par value $100 per share. Of the 175,000 shares of preferred stock presently authorized, JCP&L has 125,000 shares outstanding, which shares were issued in 1946. The terms of the new preferred stock will not vary from those of the outstanding preferred stock except as to (1) dividend rate and redemption price (both of which will be determined by the competitive bidding) and (2) the prohibition prior to October 1, 1975 of the redemption of the new preferred stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock at a lower dividend cost.

The proceeds from the sale of the preferred stock will be used to repay $21 million of JCP&L's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate $48 million at the time of the proposed sale, and $4 million will be used to make payments on account to Metropolitan Edison Co., an affiliate company of JCP&L, for its interest in the jointly owned Three Mile Island Nuclear Generating Station (File No. 70–4904). The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of JCP&L, including the payment of expenses of its financing program.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $85,000, including legal fees of $30,500 and accounting fees of $6,300. The fees and expenses of counsel for the underwriters to be paid by the successful bidders, will be supplied by amendment. The filing further states that the issuance and sale of the preferred stock is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which JCP&L is organized and doing business and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than September 24, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–11738; Filed, Sept. 3, 1970; 8:49 a.m.]

[File No. 1–3524]

SUNDANCE OIL CO.

Notice of Application To Withdraw From Listing and Registration

AUGUST 31, 1970.

In the matter of Sundance Oil Co., common stock, $0.10 par value, File No. 1–3524, Securities Exchange Act of 1934, section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Salt Lake Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The company believes that the concentration of the market solely on the Pacific Coast Stock Exchange will provide a better market for its common stock and that the withdrawal will eliminate fees and other administrative requirements necessary to maintain its listing and registration on more than one exchange. The proposed delisting was approved by shareholders on April 23, 1970, in accordance with the rules of the Exchange.

Any interested person may, on or before September 16, 1970, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–11739; Filed, Sept. 3, 1970; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

WORKER REQUEST FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on August 31, 1970, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Steelworkers of America on behalf of workers of the Cincinnati, Ohio, piano plant of the D. H. Baldwin Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the

determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before September 15, 1970.

Signed at Washington, D.C., this 31st day of August 1970.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[F.R. Doc. 70-11749; Filed, Sept. 3, 1970; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

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 September.

3 CFR

Page

PROCLAMATION:
3998 ... 13819
3999 ... 14053

5 CFR

213 ... 14055

PROPOSED RULES:
890 ... 14092

7 CFR

10 ... 13822
52 ... 13822, 14060
210 ... 14061
245 ... 14065
724 ... 14068
908 ... 13969
909 ... 13875
910 ... 13825
932 ... 13877
945 ... 14072
948 ... 14072
981 ... 14073
993 ... 13969
1099 ... 13826
1138 ... 13826
1421 ... 13969, 13971
1841 ... 13972
1890 ... 13972
1890a ... 13974
1890b ... 13975
1890c ... 13977
1890d ... 13979
1890e ... 13980
1890f ... 13980

PROPOSED RULES:
906 ... 13887
929 ... 14085
981 ... 14085
987 ... 14087
1006 ... 13843
1012 ... 13843
1013 ... 13843
1134 ... 14087
1136 ... 14087

8 CFR

103 ... 13828
204 ... 13828
214 ... 13829
223 ... 13829
238 ... 13829
245 ... 13829
247 ... 13829
299 ... 13829
341 ... 13829

9 CFR

53 ... 13981
76 ... 13878

12 CFR

265 ... 14074
526 ... 13981
545 ... 13982

14 CFR

39 ... 13879, 14074
61 ... 14074
63 ... 14074

14 CFR—Continued

Page

65 ... 14074
67 ... 14074
71 ... 13822, 14076, 14077
73 ... 14077
97 ... 14078
141 ... 14074
143 ... 14074
298 ... 13983
385 ... 13822

PROPOSED RULES:
71 ... 13843, 13889, 13890, 14088, 14089
121 ... 13998
242 ... 13999

16 CFR

PROPOSED RULES:
254 ... 14002

17 CFR

239 ... 14083
274 ... 14083

18 CFR

101 ... 13985
141 ... 13986
201 ... 13987
260 ... 13988

PROPOSED RULES:
2 ... 14001
141 ... 14002, 14098
260 ... 14098

19 CFR

PROPOSED RULES:
4 ... 13843
19 ... 13843
111 ... 13843

20 CFR

PROPOSED RULES:
405 ... 13888

21 CFR

3 ... 13880
120 ... 13830
121 ... 13831
130 ... 14078
141 ... 13881
141b ... 13988
146b ... 13988
146c ... 13988
148i ... 13831

PROPOSED RULES:
3 ... 13887
146a ... 13998
146c ... 13998
146d ... 13998
191 ... 13887

24 CFR

1914 ... 13882
1915 ... 13883

26 CFR

301 ... 13989

29 CFR

520 ... 13884

32 CFR

Page

902 ... 14078

39 CFR

531 ... 13831

PROPOSED RULES:
151 ... 14003

41 CFR

1–19 ... 13989
5A–7 ... 13885

42 CFR

73 ... 13922, 13989

PROPOSED RULES:
81 ... 14087

43 CFR

PUBLIC LAND ORDERS:
4582 (modified by PLO 4884) ... 13821
4582 (modified by PLO 4885) ... 14083
4884 ... 13821
4885 ... 14083

PROPOSED RULES:
1850 ... 13887

45 CFR

121 ... 13885

47 CFR

0 ... 14078
2 ... 13990
97 ... 13990

PROPOSED RULES:
2 ... 13999
67 ... 14092
73 ... 13890, 14000, 14094, 14095
81 ... 14096
87 ... 13999

49 CFR

170 ... 13834
171 ... 13834
172 ... 13834, 13837
173 ... 13834, 13837
174 ... 13834
175 ... 13834
176 ... 13834
177 ... 13834
178 ... 13834
179 ... 13834
1033 ... 13837, 13838
1204 ... 13991

PROPOSED RULES:
170–189 ... 14090
571 ... 14091
1048 ... 13890
1201 ... 13844

50 CFR

10 ... 14055
28 ... 13992, 14059
32 ... 13883–13842, 13992–13995, 14059, 14060
250 ... 13996

PROPOSED RULES:
32 ... 13998