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Agencies in this issue—

Agency for International Development  
Agricultural Research Service  
Agriculture Department  
Atomic Energy Commission  
Civil Aeronautics Board  
Commerce Department  
Consumer and Marketing Service  
Federal Aviation Administration  
Federal Communications Commission  
Federal Crop Insurance Corporation  
Federal Insurance Administration  
Federal Maritime Commission  
Fish and Wildlife Service  
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(Coal Mine Health and Safety)  
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Post Office Department  
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## Title 7—AGRICULTURE

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

#### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

##### Limited Inspection of Certain Off-Grade Raisins

Notice was published in the September 17, 1970, issue of the FEDERAL REGISTER (35 F.R. 14555) of a proposal to permit handlers to receive off-grade raisins for reconditioning under a limited inspection. Interested persons were afforded an opportunity to file written data, views, or arguments on the proposal and none were received.

The proposal was based on a unanimous recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Amendment of § 989.158, as hereinafter set forth, would permit handlers to accept raisins with obvious defects as off-grade raisins under a limited inspection for reconditioning on a separate lot basis. Further, if the category of off-grade raisins initially accepted under a limited inspection for disposition in eligible non-normal outlets is to be changed to category (iii)—received for reconditioning—as provided in § 989.58(e) of the order, no further inspection prior to reconditioning would be required.

The Committee has suggested that there may be some financial benefit accruing to producers if total inspection costs referable to off-grade raisins received by handlers could be reduced by the substitution of limited inspections for condition in lieu of full inspections when off-grade raisins are accepted by handlers for reconditioning. Such benefit could result irrespective of whether the acceptance of the raisins is for reconditioning, based on the initial acceptance for such purpose, or for reconditioning on the basis of a change in category from disposition in eligible non-normal outlets after acceptance under a limited inspection for condition.

After consideration of all relevant matter presented, including that in the notice, the information and recommen-

dation of the Committee, and other available information, amendment of subparagraph (3) of § 989.158(a) and subparagraph (2) of § 989.158(c) is hereby approved. Therefore, said subparagraphs are amended so as to read, respectively, as follows:

#### § 989.158 Natural condition raisins.

(a) \* \* \*

(3) For each lot of natural condition raisins received by a handler for acquisition, reconditioning, storage, inspection, or for disposition in eligible nonnormal outlets, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purposes of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the Committee. Any such raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall be, unless returned to the tenderer, either promptly acquired by the handler or received for storage on memorandum receipt: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection service to the effect that inspection cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and furnish weight certificates promptly. Any raisins received by a handler as off-grade for disposition in eligible nonnormal outlets or for reconditioning may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification of the off-grade raisins as to the particular category in which received. An application for such a limited inspection shall be submitted by the handler, on a form furnished by the Committee, to the inspection service prior to, or upon physical receipt of, such off-grade raisins. Such form shall provide for at least the name and address of the tenderer (equity holder), date,

number and type of containers, net weight of the raisins, and the particular defect(s) the handler indicates would cause the raisins to be off-grade. The handler shall complete and sign the form. The application for the limited inspection shall not be acceptable unless signed by the tenderer. Each lot of raisins so accepted by a handler shall be reconditioned separately from any other lot.

(c) \* \* \*

(2) *Change in off-grade categories.* After raisins have been classified as to the categories in § 989.58(e)(1), any lot of natural condition off-grade raisins held by a handler under subdivision (i) or (iii) of § 989.58(e)(1), may be changed to the other category, or to subdivision (ii). Prior to making such change the handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin such change. Any off-grade lot under subdivision (ii) of § 989.58(e)(1) which has not been removed from the handler premises and is identifiable with the original inspection, may be tendered to the handler for the purposes of subdivision (i) or (iii) of § 989.58(e)(1) and, if accepted, the handler shall so report to the Committee. It shall be the responsibility of the handler to establish and maintain the identity of the raisins in the changed categories in accordance with the applicable provisions of subparagraph (1) of this paragraph. Where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change, except for changes from subdivision (i) or subdivision (iii) to subdivision (ii) of § 989.58(e)(1).

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Handlers are aware of this action as recommended by the Committee and require no additional time to comply therewith; (2) raisins of the 1970 production are now being received and inspected; (3) this action relieves restrictions as to the kind of inspection required with respect to off-grade raisins received by handlers and with respect to changes in categories in which off-grade raisins are being held; and (4) this amendment should become effective promptly so that it will be applicable to as much of the off-grade raisins of the 1970 production as possible, thereby tending to maximize the benefits therefrom to producers and others.

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

Dated October 8, 1970, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-13216; Filed, Oct. 12, 1970;  
8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-277]

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

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

1. In § 76.2, paragraph (e) (16) relating to the State of Kansas is amended to read:

(16) *Kansas.* That portion of Wyandotte County bounded by a line beginning at intersection of U.S. Highway 73, 40, 24, and Secondary Road 761; thence, following Secondary Road 761 and continuing on Secondary Road 1648 in a northeasterly direction to Donohoo Road; thence, following Donohoo Road in a southeasterly direction to the southernmost end of the Wyandotte County Lake; thence, following Hurrelbrink Street and East Cerneck Street in an easterly direction to the western boundary of Kansas City limits; thence, following the western boundary of Kansas City limits in a generally southerly direction to U.S. Highway 73, 40, 24; thence, following U.S. Highway 73, 40, 24 in a westerly direction to its junction with Secondary Road 761.

2. In § 76.2, in paragraph (e) (9) relating to the State of North Carolina, subdivision (v) relating to Pitt County is amended to read:

(9) *North Carolina.* \* \* \*

(v) That portion of Pitt County bounded by a line beginning at the junction of Secondary Road 1426 and U.S. Highway 13, North Carolina Highway 11; thence, following U.S. Highway 13, North Carolina Highway 11 in a southeasterly direction to Secondary Road 1515; thence, following Secondary Road 1515 in a southeasterly direction to Secondary Road 1514; thence, following Secondary Road 1514 in a northeasterly direction to

Secondary Road 1518; thence, following Secondary Road 1518 in a generally southeasterly direction to Secondary Road 1512; thence, following Secondary Road 1512 in a generally southeasterly direction to Secondary Road 1519; thence, following Secondary Road 1519 in an easterly direction to Secondary Road 1517; thence, following Secondary Road 1517 in a generally southeasterly direction to Secondary Road 1541; thence, following Secondary Road 1541 in a southwesterly direction to Secondary Road 1529; thence, following Secondary Road 1529 in a westerly direction to Secondary Road 1523; thence, following Secondary Road 1523 in a southwesterly direction to Secondary Road 1537; thence, following Secondary Road 1537 in a southwesterly direction to North Carolina Highway 30; thence, following North Carolina Highway 30 in a northwesterly direction to U.S. Highway 13, North Carolina Highway 11; thence, following U.S. Highway 13, North Carolina Highway 11 in a southwesterly direction to the Tar River; thence, following the north bank of the Tar River in a generally northwesterly direction to Secondary Road 1400; thence, following Secondary Road 1400 in a northeasterly direction to Secondary Road 1401; thence, following Secondary Road 1401 in a southeasterly direction to Secondary Road 1402; thence, following Secondary Road 1402 in an easterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northwesterly direction to Secondary Road 1415; thence, following Secondary Road 1415 in a northeasterly direction to Secondary Road 1416; thence, following Secondary Road 1416 in a northeasterly direction to Secondary Road 1424; thence, following Secondary Road 1424 in a northerly direction to Secondary Road 1425; thence, following Secondary Road 1425 in a northeasterly direction to Secondary Road 1426; thence, following Secondary Road 1426 in a northeasterly direction to its junction with U.S. Highway 13, North Carolina Highway 11.

3. In § 76.2, the reference to the State of Arkansas in the introductory portion of paragraph (e) and paragraph (e) (15) relating to the State of Arkansas are deleted.

4. In § 76.2, in subparagraph (e) (7) relating to the State of Missouri, subdivisions (i) relating to Butler County; (iii) relating to Jackson County; and (iv) and (v) relating to Scott County are deleted.

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

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

The amendments quarantine a portion of Pitt County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement

of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude a portion of Wyandotte County, Kans.; portions of Jackson, Butler, and Scott Counties in Missouri; and a portion of Craighead County, Ark., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

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

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

Done at Washington, D.C., this 7th day of October 1970.

F. MULHERN,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-13745; Filed, Oct. 12, 1970;  
8:40 a.m.]

#### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

On May 16, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7652) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 109, 113, 114, and 121 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158). A correction notice which also extended the period to submit written data, views, or arguments to August 9, 1970, was published in the June 10, 1970, issue of the FEDERAL REGISTER (35 F.R. 8945).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21

U.S.C. 151-158), the proposed amendments of Parts 109, 113, 114, and 121 of Subchapter E, Chapter I, Title 9, of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth in full herein, subject to the following noted modifications:

Section 109.2: Relaxed the requirements to permit approval of recordkeeping systems other than recording gauges.

Section 109.3: Changed to permit larger units if heated to the required temperature. For clarification, "The" is changed to "Each" and "separate" is changed to "separated" in § 109.3(b).

"Yeasts" has been deleted from §§ 113.25, 113.26, and 113.27, as being covered by the term "fungi." The index has been corrected accordingly. Also, "test vessels" has been substituted for the words "tubes" or "flasks" where they appear in the text of §§ 113.25, 113.26, and 113.27.

Section 113.25(a): Clarified by specifying where the formulas for culture media in §§ 113.26 and 113.27 can be found.

Section 113.25(b): Rewritten for clarification of the requirements for testing medium.

Section 113.25(d): Relaxed requirements to permit application of tests results to comparable products.

Sections 113.26(a) (1) and (2): Clarifies the intent by specifying 0.5 percent beef extract and relaxes the requirements by providing an option for its use in certain tests.

Section 113.26(b) (2): Changed to provide for samples containing less than 1 ml. Spelling of "sufficient" has been corrected.

Section 113.26(b) (3): Reworded for clarification and changed the required incubator temperature to 30°-35° C.

Section 113.26(b) (4): Changed "11th" to read "eleventh" and deleted the extra "and."

Section 113.26(c): Relaxes the requirements to permit additional tests; specifies a satisfactory and an unsatisfactory test.

Section 113.27: Relaxed the requirements by adding an opening paragraph authorizing the Director to permit exceptions when indicated.

Section 113.27(a): Lead paragraph has been clarified by using the phrase "parenteral injection" as being more descriptive and accurate.

Section 113.27(a) (3): Reworded for clarification.

Section 113.27(a) (4): Clarified by inserting the words "a minimum of" before 120 ml. Changed the required incubator temperature to 30° to 35° C.

Section 113.27(a) (5): Clarified by inserting the words "a minimum of" before 40 ml.

Section 113.27(a) (6) and (7): Relaxes the requirements to permit additional tests; specifies a satisfactory and an unsatisfactory test.

Section 114.10 (b) and (c): Corrected the spelling of "nystatin."

**PART 109—STERILIZATION AND PASTEURIZATION AT LICENSED ESTABLISHMENTS**

1. Part 109 is amended by changing the title, by amending the table of contents, by revising § 109.2, and adding a new § 109.3 to read:

- Sec. 109.1 Equipment and the like.
- 109.2 Sterilizers.
- 109.3 Pasteurizers.

**AUTHORITY:** The provisions of this Part 109 issued under 37 Stat. 832-833; 21 U.S.C. 151-158.

**§ 109.2 Sterilizers.**

Steam and dry-heat sterilizers used in connection with the processing of biological products at licensed establishments shall be equipped with automatic temperature recording gauges: Provided, That other record keeping systems may be used when approved by the Director. When gauges are used, they shall be periodically standardized to assure accuracy. Charts and other temperature records made during production shall be available at all times for examination by inspectors. Such charts and records shall be kept in accordance with Part 116 of this chapter.

**§ 109.3 Pasteurizers.**

All pasteurizing equipment shall meet the requirements in paragraphs (a), (b), and (c) of this section and be acceptable to the Division.

(a) Metal serum containers shall be used in licensed establishments. During the heating process, each container shall be surrounded by a separate water jacket or equivalent so that the entire container, including its lid, is heated to the required temperature. Each serum container shall be equipped with a motor-driven agitator and a separate automatic recording thermometer.

(b) Each water bath shall have an automatic temperature control to limit the temperature of the water to a maximum of 62° C., an automatic recording thermometer, an indicating thermometer set in a fixed position, and circulating mechanism adequate to insure equal temperatures throughout the bath. The heating unit for the bath shall be separated from the serum container and the water jacket.

(c) Accurate thermometers at licensed establishments shall be used at frequent intervals to check temperatures of the serum as registered by recording thermometers.

**PART 113—STANDARD REQUIREMENTS**

2. Part 113 is amended by adding three new sections and amending the table of contents to read:

**APPLICABILITY**

- Sec. 113.1 Compliance.
- 113.2 Ingredients of biological products.
- 113.3 Sampling of biological products.
- 113.4 Outline of production.

- Sec. 113.5 General testing.
- 113.6 Division testing.
- 113.7 Multiple fractions.
- 113.8 Virus titrations in lieu of test for antigenicity.

**STANDARD PROCEDURES**

- 113.25 Culture media for detection of bacteria and fungi.
- 113.26 Detection of viable extraneous bacteria and fungi in all biological products except live vaccines.
- 113.27 Detection of viable extraneous bacteria and fungi in live vaccines.

**AUTHORITY:** The provisions of this Part 113 issued under 37 Stat. 832-833; 21 U.S.C. 151-158.

**STANDARD PROCEDURES**

**§ 113.25 Culture media for detection of bacteria and fungi.**

(a) Ingredients for which standards are prescribed in The United States Pharmacopeia or The National Formulary shall conform to such standards. In lieu of preparing the media from the individual ingredients, they may be made from dehydrated mixtures which, when reconstituted with distilled water, have the same or equivalent composition as such media and have growth-promoting buffering, and oxygen tension-controlling properties equal to or better than such media. The formulas for the composition of the culture media prescribed in § 113.26 and § 113.27 are set forth in The United States Pharmacopeia, 18th Edition.

(b) The licensee shall test each quantity of medium prepared at one time from individual ingredients and the first quantity prepared from each lot of commercial dehydrated medium for growth-promoting qualities. If any portion of a lot of commercial dehydrated medium is held for 90 days or longer after being so tested, it shall be retested before use. Two or more strains of micro-organisms that are exacting in their nutritive requirements shall be used. More than one dilution shall be used to demonstrate the adequacy of the medium to support the growth of a minimum number of micro-organisms.

(c) The sterility of the medium shall be confirmed by incubating an adequate number of test vessels and examining each for growth. Additional control may be used by incubation of representative uninoculated test vessels for the required incubation period during each test.

(d) A determination shall be made by the licensee for each biological product of the proportion of inoculum to medium which shall result in sufficient dilution of such product to prevent bacteriostatic and fungistatic activity. The determination may be made by tests on a representative biological product for each group of comparable products containing identical preservatives at equal or lower concentrations.

**§ 113.26 Detection of viable extraneous bacteria and fungi in all biological products except live vaccines.**

Each serial and subserial of biological product except live vaccines shall be

tested for the presence of viable forms of bacteria and fungi as prescribed in this section unless otherwise specified by the Director.

(a) The media to be used shall be as follows:

(1) Fluid Thioglycollate Medium with 0.5 percent beef extract shall be used to test for bacteria in biological products containing clostridial toxoids, bacterins, and bacterin-toxoids.

(2) Fluid Thioglycollate Medium with or without 0.5 percent beef extract shall be used to test for bacteria in biological products other than clostridial toxoids, bacterins, and bacterin-toxoids.

(3) Soybean-Casein Digest Medium shall be used to test biological products for fungi.

(b) Test procedure:

(1) Ten final container samples from each serial and subserial shall be tested using the media as prescribed in paragraph (a) of this section.

(2) Inoculate 1 ml., or entire contents if less than 1 ml., of material from each final container sample to a corresponding individual test vessel of culture medium. The quantity of medium shall be sufficient to negate bacteriostatic or fungistatic activity in the biological product as determined in § 113.25(d).

(3) Incubation shall be for an observation period of 14 days at 30° to 35° C. for Fluid Thioglycollate Medium with or without 0.5 percent beef extract and 14 days at 20° to 25° C. for Soybean-Casein Digest Medium.

(4) If the inoculum renders the medium turbid so that the absence of growth cannot be determined by visual examination, subcultures shall be made on the seventh to eleventh day from biological products prepared from clostridial toxoids, bacterins, and bacterin-toxoids and the third to seventh day for other biological products. Portions of the turbid medium in amounts of not less than 1.0 ml. shall be transferred to 20 to 25 ml. of fresh medium, and incubated the balance of the 14-day period.

(c) Examine the contents of all test vessels for macroscopic microbial growth during the incubation period. When demonstrated by adequate controls to be invalid, the test may be repeated.

For each set of test vessels representing a serial or subserial in a valid test, the following rules shall apply:

(1) If no growth is found in any test vessel, the serial or subserial meets the requirements of the test.

(2) If growth is found in any test vessel, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(3) If growth is found in any test vessel of the final test, the serial or subserial is unsatisfactory.

#### § 113.27 Detection of viable extraneous bacteria and fungi in live vaccines.

Unless otherwise specified by the Director, live vaccines shall be tested for the presence of viable forms of bacteria and fungi as prescribed in this section.

(a) *Live viral vaccines.* Each serial and subserial of a biological product composed of live virus shall be tested for viable extraneous bacteria and fungi according to procedures prescribed in this paragraph if such product is recommended for parenteral injection. Tests for bacteria and fungi shall be conducted as follows:

(1) Soybean Casein Digest Medium shall be used.

(2) Ten final container samples from each serial and subserial shall be tested.

(3) Immediately prior to starting the tests, frozen liquid vaccine shall be thawed, and desiccated vaccine shall be rehydrated with the accompanying diluent as recommended on the label. Sterile distilled water shall be used for those desiccated vaccines packaged without diluents.

(4) To test for bacteria, 0.2 ml. of vaccine from each final container sample shall be placed into a corresponding individual vessel containing a minimum of 120 ml. of Soybean Casein Digest Medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 30° to 35° C. for 7 days.

(5) To test for fungi, 0.2 ml. of vaccine from each final container sample shall be placed into a corresponding individual vessel containing a minimum of 40 ml. of Soybean Casein Digest Medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 20° to 25° C. for 14 days.

(6) Examine the contents of all test vessels for macroscopic microbial growth during the incubation period. If growth in a vessel cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both. When demonstrated by adequate controls to be invalid, the test may be repeated.

(7) For each set of test vessels representing a serial or subserial in a valid test, the following rules shall apply:

(i) If no growth is found in 9 or 10 of the test vessels in the initial test or a retest, the serial or subserial meets the requirements of the test.

(ii) If growth is found in 2 or 3 test vessels of the initial test, one retest to rule out faulty technique may be conducted using 10 unopened final container samples.

(iii) If growth is found in 4 or more test vessels in the initial test or 2 or more in a retest, the serial or subserial is unsatisfactory.

(b) *Live bacterial vaccines.* Each serial or subserial of live bacterial biological products shall be tested for purity by plating on appropriate medium depending upon the live bacteria contained in the product. A serial or subserial shall be considered unsatisfactory if there is any evidence of viable extraneous bacteria and fungi.

## PART 114 — MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by changing the title, by amending the table of contents, by adding a new § 114.6 and a new § 114.10 and by revising § 114.9 and § 114.12.

Sec.	
114.1	Products not prepared under license.
114.2	Biological products; preparation and handling.
114.3	Separation of establishments.
114.4	Biological products; preparation by another licensee.
114.5	Inspections of licensed establishments.
114.6	Admission of biological products to licensed establishments.
114.7	Composition of products.
114.8	Methods.
114.9	Mixing biological products.
114.10	Antibiotics as preservatives.
114.11	Temperature and light.
114.12	Production of serums and anti-serums.

**AUTHORITY:** The provisions of this Part 114 issued under 37 Stat. 832-833; 21 U.S.C. 151-158.

#### § 114.6 Admission of biological products to licensed establishments.

Except as specifically authorized by the regulations in Parts 101 through 121 of this subchapter, no biological product which has not been prepared, handled, stored, and marked in accordance with such regulations and no biological product which is worthless, contaminated, dangerous, or harmful shall be brought onto the premises of any licensed establishment.

#### § 114.9 Mixing biological products.

Each serial of biological product, when in liquid form, shall be mixed thoroughly in a single container and be constantly agitated during bottling operations at licensed establishments. A serial number, with any other markings that may be necessary for ready identification of the serial, shall be applied to identify it with the records of preparation and labeling.

#### § 114.10 Antibiotics as preservatives.

Antibiotics are authorized for use as preservatives for biological products if used within the limitations as to kinds and amounts prescribed in this section.

(a) When an antibiotic or combination of antibiotics, with or without a fungistat is to be used in the preparation of a biological product, the kind(s) and amount(s) of each shall be specified in the outline for such product in such a way that the concentration in the final product may be calculated. Except as may be approved by the Director, only those individual antibiotics or combinations of antibiotics listed in paragraphs (b) and (c) of this section shall be used.

(b) Permitted individual antibiotics:

(1) The antibiotic level of a specified individual antibiotic in one ml. of a biological product, when prepared as recommended for use, shall not exceed the amounts listed in this paragraph: *Provided*, That in the case a desiccated



biological product is to be used with an indefinite quantity of water or other menstruum, the determination shall be based on 30 ml. per 1,000 dose vial or equivalent.

(2) Except as prescribed in paragraph (c) of this section, only one antibiotic shall be used as a preservative in a biological product. The kind and maximum amount per ml. of such antibiotic shall be restricted to:

Amphotericin B.....	2.5 mcg.
Nystatin (Mycostatin).....	30.0 units
Tetracyclines.....	30.0 mcg.
Penicillin.....	30.0 units
Streptomycin.....	30.0 mcg.
Polymyxin B.....	30.0 mcg.
Neomycin.....	30.0 mcg.

(c) Permitted combinations:

(1) Either amphotericin B or nystatin, but not both, may be used with one of the other antibiotics listed in paragraph (b) of this section, or with a combination of penicillin and streptomycin, or with a combination of polymyxin B and neomycin.

(2) The maximum amount of each antibiotic in a combination shall be the amount prescribed for such antibiotic in paragraph (b) of this section.

(d) Antibiotics used in virus seed stock purification are not restricted as to kind or amounts provided carryover into the final product is controlled and specified in outlines of production.

§ 114.12 Production of serums and antisera.

(a) Serums and antisera prepared for inoculation into animals shall be obtained from the blood of healthy animals maintained at licensed establishments. Detailed records regarding tests made on the animals and the antigens given to the animals shall be maintained by the licensee.

(b) Serum and antiserum of equine origin shall be heated at 58.5° C. for 60 minutes, with a tolerance of 0.5° above and below that temperature. Serum and antiserum of bovine and porcine origin shall be heated in like manner for 30 minutes. Neither serum nor antiserum shall contain preservative at the time of heating.

(c) Serum and antiserum heated as provided in paragraph (b) of this section, shall be cooled immediately thereafter to 15° C. or lower, and thus held until properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(d) Licensees shall keep detailed records relative to each batch of antiserum or serum pasteurized and each serial prepared for marketing. Recording thermometer charts shall bear full information concerning the antiserum or serum heated and tests made of the equipment.

**PART 121—ADMISSION OF BIOLOGICAL PRODUCTS AND MATERIALS TO LICENSED ESTABLISHMENTS**

4. Part 121 of Chapter I of Title 9 of the Code of Federal Regulations is revoked.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER, except with respect to sections 113.25, 113.26, 113.27, and 114.10, which shall become effective 180 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of October 1970.

F. J. MULHERN,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-13744; Filed, Oct. 12, 1970; 8:49 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter I—Federal Aviation Administration, Department of Transportation**

[Docket No. 70-CE-10-AD; Amdt. 39-1092]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Continental Models IO-520, IO-470, IO-470-J, -U, -V, -VO, TSIO-470 and IO-360 Engines**

Amendment 39-1028 (35 F.R. 11384), AD 70-14-7, applicable to Teledyne Continental Models IO-520, IO-470, TSIO-470 and IO-360 engines, is an airworthiness directive which requires a visual inspection of the fuel bypass needle on these model engines and application of securing material to the needle. In addition, the AD requires replacement of the existing needle with a needle having a positive safety provision at the next engine or fuel injection pump overhaul, fuel inspection pump adjustment or before further flight if inspection reveals that the securing procedure will not provide an adequate level of safety.

The applicability statement of AD 70-14-7, as published, inadvertently did not include Teledyne Continental Models IO-470-J, -U, -V and -VO engines and must be amended to include these model engines.

Since this amendment corrects an error, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1028 (35 F.R. 11384), AD 70-14-7, is amended as follows:

The applicability statement is amended to read as follows:

CONTINENTAL. Applies to Teledyne Continental Models IO-360-A, -C, -D; IO-520-A, -B, -C, -D, -E, -F, -J, -K; IO-470-C, -D, -E, -F, -H, -K, -L, -M, -N, -S, -J, -U, -V, -VO; TSIO-470-B, -C and -D engines.

NOTE: Compliance with AD 70-14-7 on the Model IO-470-J, -U, -V, and -VO engines added to the applicability statement commences on the effective date of this amendment.

This amendment becomes effective October 13, 1970.

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

Issued in Kansas City, Mo., on October 2, 1970.

DANIEL E. BARROW,  
Acting Director, Central Region.

[F.R. Doc. 70-13707; Filed, Oct. 12, 1970; 8:46 a.m.]

[Docket No. 10078; Amdt. 121-67]

**PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

**Carriage of Persons Without Compliance With Passenger-Carrying Requirements; Correction**

The document amending Part 121 of the Federal Aviation Regulations, published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14611) is corrected by changing the paragraph designation "(d)" to "(e)" in the amendment to § 121.1.

Issued in Washington, D.C., on October 5, 1970.

J. H. SHAFFER,  
Administrator.

[F.R. Doc. 70-13706; Filed, Oct. 12, 1970; 8:46 a.m.]

**Title 21—FOOD AND DRUGS**

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

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 121—FOOD ADDITIVES**

**Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals**

**OXYTETRACYCLINE**

The Commissioner of Food and Drugs has evaluated a new animal drug application (38-200V) filed by Diamond Shamrock Chemical Co., formerly Nopco Chemical Co., 60 Park Place, Newark, N.J. 07102, proposing the safe and effective use of oxytetracycline in the drinking water of turkeys for the control of hexamitiasis. The application is approved.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (1), 82 Stat. 347; 21 U.S.C. 360b(1)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.251

is amended in Table 3 by designating the existing item therein as item 1 and adding a new item 2, as follows:

§ 121.251 Oxytetracycline.

(d) \* \* \*

TABLE 3—OXYTETRACYCLINE IN DRINKING WATER

Principal ingredient	Grams per gallon	Combined with—	Grams per gallon	Limitations	Indications for use
1. Oxytetracycline.....	* * *	* * *	* * *	For turkeys; administer for 2 weeks as follows:	For the control of betamitiasis.
2. Oxytetracycline.....	0.2-0.4				
				Weeks of age	Grams per gallon
				0-8.....	0.2
				9-16.....	0.3
				17 to market age.....	0.4
				Withdraw 3 days before slaughter; as oxytetracycline hydrochloride.	

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

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

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: October 2, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[P.R. Doc. 70-13699; Filed, Oct. 12, 1970; 8:45 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

#### ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2546) filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati, Ohio 45202, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of azelaic acid as a component of food packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act

(sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances the item azelaic acid and by revising the item "Polyamides derived from \* \* \*" as follows:

§ 121.2520 Adhesives.

(c) \* \* \*  
(5) \* \* \*

COMPONENTS OF ADHESIVES	
Substances	Limitations
Azelaic acid.....	* * *
Polyamides derived from reaction of one or more of the following acids with one or more of the following amines:	* * *
Acids:	
Azelaic acid.....	
Dimerized vegetable oil acids.....	
Amines:	
Bis(hexamethylene) triamine and higher homologues.....	
Diethylenetriamine.....	
Diphenylamine.....	
Ethylenediamine.....	
Hexamethylenediamine.....	
Tetraethylenepentamine.....	
Triethylenetetramine.....	

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

objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 5, 1970.

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

[P.R. Doc. 70-13698; Filed, Oct. 12, 1970; 8:45 a.m.]

## SUBCHAPTER C—DRUGS

### PART 148a—AMPHOMYCIN

Effective on publication in the FEDERAL REGISTER, Part 148a is republished as follows to incorporate editorial and non-restrictive technical changes. This order revokes all prior publications.

#### Sec.

148a.1 Calcium amphomycin.

148a.2 Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream.

**AUTHORITY:** The provisions of this Part 148a issued under sec. 507, 59 Stat. 483, as amended; 21 U.S.C. 357.

#### § 148a.1 Calcium amphomycin.

(a) **Requirements for certification—**  
(1) **Standards of identity, strength, quality, and purity.** Calcium amphomycin is the calcium salt of amphomycin. It is so purified and dried that:

- Its potency is not less than 868 micrograms of amphomycin per milligram.
- Its moisture content is not more than 10 percent.
- Its pH in a 2 percent aqueous suspension is not less than 6.0 and not more than 7.5.

(2) **Labeling.** It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) **Requests for certification.** In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

- Results of tests and assays on the batch for potency, moisture, and pH.
- Samples required on the batch: 10 packages, each containing approximately 300 milligrams.

(b) **Tests and methods of assay—**  
(1) **Potency.** Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Allow this stock solution to stand overnight at room temperature to assure that the sample is dissolved completely. Further dilute the stock solution with solution 3 to the reference concentration of 10.0 micrograms of amphomycin per milliliter (estimated).

(2) **Moisture.** Proceed as directed in § 141.502 of this chapter.

(3) **pH.** Proceed as directed in § 141.503 of this chapter, using a suspension

prepared by adding 20 milligrams per milliliter.

**§ 148a.2 Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream.**

(a) *Requirements for certification—*  
 (1) *Standards of identity, strength, quality, and purity.* Calcium amphomycin-neomycin sulfate-hydrocortisone acetate cream is calcium amphomycin, neomycin sulfate, and hydrocortisone acetate in a suitable and harmless water-soluble cream base containing suitable buffers, emulsifiers, and preservatives. Each gram contains 5 milligrams of amphomycin, 3.3 milligrams of neomycin, and 10 milligrams of hydrocortisone acetate. Its amphomycin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of amphomycin that it is represented to contain. Its neomycin content is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. The calcium amphomycin used in making the cream conforms to the standards prescribed by § 148a.1(a)(1). The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (v), (vi), and (vii) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 148.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:  
 (a) The calcium amphomycin used in making the batch for potency, moisture, and pH.

(b) The neomycin sulfate used in making the batch for potency, moisture, pH, and identity.

(c) The batch for amphomycin potency and neomycin sulfate potency.

(ii) *Samples required:*

(a) Calcium amphomycin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) Neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

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

(b) *Tests and methods of assay—*(1) *Amphomycin content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Accurately weigh approximately 2.0 grams of the sample and place in a high-speed blender, add 1.0 milliliter of polysorbate 80 and sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a final volume of 200 milliliters. Blend for 2 minutes. Further dilute with solution 3 to the reference concentration of 10 micrograms of amphomycin per milliliter (estimated).

(2) *Neomycin content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Blend the sample as described in subparagraph (1) of this paragraph and further dilute with solution 3 to the reference concentration of 1 microgram of neomycin per milliliter (estimated).

Dated: October 1, 1970.

SAM D. FINE,  
 Associate Commissioner  
 for Compliance.

[P.R. Doc. 70-13704; Filed, Oct. 12, 1970;  
 8:46 a.m.]

**PART 148z—DOXYCYCLINE**

**Doxycycline Monohydrate for Oral Suspension**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 148z.4 *Doxycycline monohydrate for oral suspension* is amended in paragraph (a)(1), to raise the upper pH limit, by changing in the fourth sentence "not less than 5.0 and not more than 6.0" to read "not less than 5.0 and not more than 6.5".

Since this order makes a minor technical change that is nonrestrictive and noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 2, 1970.

SAM D. FINE,  
 Associate Commissioner  
 for Compliance.

[P.R. Doc. 70-13705; Filed, Oct. 12, 1970;  
 8:46 a.m.]

**Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS**

**Chapter I—Patent Office, Department of Commerce**

**SUBCHAPTER A—GENERAL**

**PART 5—SECURITY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES**

**Defense Inspection of Patent Applications**

Notice of proposed rule making regarding the revision of § 5.1 of Title 37, Code

of Federal Regulations, dealing with defense inspection of patent applications, was published in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8290). Interested persons were invited to submit written views, objections, recommendations, or suggestions pertaining to the proposal.

Full consideration has been given to the comments received and changes have been made in the text of the original proposal where appropriate.

In consideration of the foregoing, and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), § 5.1 of Title 37, Code of Federal Regulations, is hereby revised as follows:

**§ 5.1 Defense inspection of certain applications.**

In accordance with the provisions of 35 U.S.C. 181, patent applications containing subject matter the disclosure of which might be detrimental to the national security are made available for inspection by defense agencies as specified in said section. Only applications obviously relating to national security, and applications within fields indicated to the Patent Office by the defense agencies as so related, are made available. The inspection will be made only by responsible representatives authorized by the agency to review applications. Such representatives are required to sign a dated acknowledgment of access accepting the condition that information obtained from the inspection will be used for no purpose other than the administration of 35 U.S.C. 181-188. Copies of applications may be made available to such representatives for inspection outside the Patent Office under conditions assuring that the confidentiality of the applications will be maintained, including the conditions that: (a) All copies will be returned to the Patent Office promptly if no secrecy order is imposed, or upon rescission of such order if one is imposed, and (b) no additional copies will be made by the defense agencies. A record of the removal and return of copies made available for defense inspection will be maintained by the Patent Office. Applications relating to atomic energy are made available to the Atomic Energy Commission as specified in § 1.14 of this chapter.

*Effective date.* This revision shall become effective upon publication in the FEDERAL REGISTER.

Issued: September 29, 1970.

WILLIAM E. SCHUYLER, JR.,  
 Commissioner of Patents.

Approved:  
 MYRON TRIBUS,  
 Assistant Secretary for  
 Science and Technology.

[P.R. Doc. 70-13720; Filed, Oct. 12, 1970,  
 8:47 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

#### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

#### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

##### List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

#### § 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area.
California	Los Angeles	Covina	E 06 037 0890 01 E 06 037 0890 02	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Clerk, 125 East College St., Covina, Calif. 91722.	October 9, 1970.
Do.	do	Glendale	E 06 037 1430 01 E 06 037 1430 02	do.	Civil Defense Office, City Hall, 613 East Broadway, Glendale, Calif. 91205.	Do.
Florida	Hillsborough	Unincorporated areas.	E 12 057 0000 01 through E 12 057 0000 04	Department of Community Affairs, 399 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	County Department of Engineering, Post Office Box 1110, Tampa, Fla. 33601.	Do.
Do.	Pinellas	Dunedin	E 12 103 0860 01 E 12 103 0860 02	do.	Planners Office, City Hall, 750 Milwaukee Ave., Dunedin, Fla. 33528.	Do.
North Dakota	Ransom	Enderlin	E 38 073 0970 01 through E 38 073 0970 03	State Water Commission, Bismarck, N. Dak. 58501.	Office of the City Auditor, Enderlin, N. Dak. 58027.	Do.
South Carolina	Beaufort	Unincorporated areas.	E 45 013 0000 01 E 45 013 0000 02	State Insurance Commission, State Capitol, Bismarck, N. Dak. 58501. South Carolina Water Resources Planning and Coordinating Committee, 141 Barnwell St., Columbia, S.C. 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201.	Office of the Planning Engineer, Beaufort County, Joint Planning Commission, Post Office Box 406, Beaufort, S.C. 29902.	Do.
Texas	Guadalupe	Seguin	E 48 187 0290 01 E 48 187 0290 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and Jacinto, Austin, Tex. 78701.	Municipal Bldg., 295 North River St., Seguin, Tex. 78155.	Do.
Do.	Hays	San Marcos	E 48 209 6170 01 E 48 209 6170 02	do.	Utilities and Tax Office, City Hall, San Marcos, Tex. 78666.	Do.
Do.	Kleberg	Kingsville	E 48 273 3700 01 through E 48 273 3700 03	do.	Office of the City Secretary, Box 1458, City Hall, Sixth St., Kingsville, Tex. 78363.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 49 U.S.C. 4001-4137; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: October 10, 1970.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[F.R. Doc. 70-13673; Filed, Oct. 12, 1970; 8:45 a.m.]

#### PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

##### List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

#### § 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Los Angeles	Covina	T 06 037 0890 01 T 06 037 0890 02	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Clerk, 125 East College St., Covina, Calif. 91722.	October 9, 1970.
Do.	do	Glendale	T 06 037 1430 01 T 06 037 1430 02	do.	Civil Defense Office, City Hall, 613 East Broadway, Glendale, Calif. 91205.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Hillsborough	Unincorporated areas.	T 12 057 0000 01. through T 12 057 0000 04	Department of Community Affairs, 209 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	County Department of Engineering, Post Office Box 1110, Tampa, Fla. 33601.	Do.
Do.	Pinellas	Dunedin	T 12 103 0860 01. T 12 103 0860 02	do.	Planner's Office, City Hall, 750 Milwaukee Ave., Dunedin, Fla. 33524.	Do.
North Dakota	Ransom	Enderlin	T 38 073 0070 01. through T 38 073 0070 03	State Water Commission, Bismarck, N. Dak. 58501. State Insurance Commission, State Capitol, Bismarck, N. Dak. 58501.	Office of the City Auditor, Enderlin, N. Dak. 58027.	Do.
South Carolina	Beaufort	Unincorporated areas.	T 45 013 0000 01. T 45 013 0000 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201.	Office of the Planning Engineer, Beaufort County, Joint Planning Commission, Post Office Box 406, Beaufort, S.C. 29902.	Do.
Texas	Guadalupe	Seguin	T 48 187 6290 01. T 48 187 6290 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and Jacinto, Austin, Tex. 78701.	Municipal Bldg., 205 North River St., Seguin, Tex. 78155.	Do.
Do.	Hays	San Marcos	T 48 209 6170 01. T 48 209 6170 02	do.	Utilities and Tax Office, City Hall, San Marcos, Tex. 78066.	Do.
Do.	Kleberg	Kingsville	T 48 273 3700 01. through T 48 273 3700 03	do.	Office of the City Secretary, Box 1458, City Hall, Sixth St., Kingsville, Tex. 78303.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: October 10, 1970.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[F.R. Doc. 70-13674; Filed, Oct. 12, 1970; 8:45 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior SUBCHAPTER H—ECONOMIC ENTERPRISES PART 80—INDIAN BUSINESS DEVELOPMENT FUND Application Submissions

OCTOBER 6, 1970.

This notice is published in the exercise of the rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9). Part 80, Subchapter H, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the revision of § 80.31. The revision changes the place to which applications may be submitted.

Part 80—Indian Business Development Fund, was published beginning at page 14652 in the September 19, 1970, issue of the FEDERAL REGISTER (35 F.R. 14652).

Since the addition involves a grant program and does not affect existing rights, advance notice and public hearing procedures thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (Supp. V, 1965-1969). This amendment will become effective upon publication in the FEDERAL REGISTER.

As amended, § 80.31 reads as follows:

#### § 80.31 Application submission.

Applications should be submitted to the Superintendent of the reservation on

or near where the project will be located. Applications may be submitted to the Area Director if the business site is located near two or more reservations. Applications may be submitted to the Commissioner if the business site is located near two or more reservations serviced by two or more Area Offices.

HAROLD B. COX,  
Acting Commissioner.

[F.R. Doc. 70-13723; Filed, Oct. 12, 1970; 8:47 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department PART 742—CODE OF ETHICAL CONDUCT

#### Miscellaneous Amendments

Part 742 is being amended in several respects due to the various reorganizations within the Department regarding the filing of statements of financial interests by certain employees and for purposes of clarification. These amendments were approved by the Civil Service Commission on October 5, 1970, and are effective upon publication in the FEDERAL REGISTER.

#### § 742.735-51 [Amended]

I. Section 742.735-51 is amended by deleting from the first sentence the word "section" and inserting in lieu thereof the word "part".

II. Section 742.735-52(c) is amended by deleting from the last sentence the following: "PFS-15 or above.", and in-

serting in lieu thereof "PFS-16 and above."

Paragraph (d) is amended as follows:  
§ 742.735-52 Specific classes of employees.

(d) In addition to the employees listed in 742.52 a-c, employees occupying the positions listed below in the Bureaus, Offices, and postal installations designated therein which are classified at GS-13 or above or PFS-16 or above, except as otherwise indicated.

#### (1) OFFICE OF THE POSTMASTER GENERAL

Executive Assistants to the Postmaster General.  
Deputy Executive Assistant to the Postmaster General.  
Assistants to the Executive Assistants to the Postmaster General.  
Special Assistant to the Postmaster General for Public Information.  
Deputy Special Assistant to the Postmaster General for Public Information.  
Special Assistant to the Postmaster General for International Postal Affairs.  
Deputy Special Assistant to the Postmaster General for International Postal Affairs.  
Special Assistant to the Postmaster General, Director, Special Projects.  
Chief, Philatelic Staff.  
Judicial Officer.

#### (2) OFFICE OF THE DEPUTY POSTMASTER GENERAL

Executive Assistant to the Deputy Postmaster General.  
Director, Office of Headquarters Services.  
Chief, Operating Services Branch, Office of Headquarters Services.  
Executive Secretary, National Management Selection Board.  
Special Assistant to the Deputy Postmaster General (Labor Relations).

## RULES AND REGULATIONS

## (3) BUREAU OF OPERATIONS

Executive Assistant to the Assistant Postmaster General.  
 Special and Confidential Assistant to the Assistant Postmaster General.  
 Special Assistant to the Assistant Postmaster General.  
 Budget Analyst.  
 Project and Program Officer.  
 Administrative Officer.  
 Staff Assistant to Deputy Assistant Postmaster General—Services.  
 Assistant Director, Maintenance Division.  
 Chief, Buildings Branch.  
 Chief, Operating Equipment Branch.  
 Chief, Vehicles Branch.  
 Maintenance Plans and Projects Manager.  
 Director, Vehicle Services Branch.  
 Director, Requirements Branch.  
 Director, Utilization Branch.  
 Director, Postal Management Branch.  
 Assistant Deputy, Assistant Postmaster General—Operations.  
 Special Assistant to Deputy Assistant Postmaster General—Logistics.  
 Assistant Director, Transportation Economics and Development Division.  
 Director, Transportation Economics Branch.  
 Director, Preferential Mail Traffic Branch.  
 Director, Performance Evaluation Branch.  
 Director, Bulk Mail Traffic Branch.  
 Director, International Service Branch.  
 Director, Air Branch.  
 Director, Highway Branch.  
 Director, Railway Branch.  
 Director, Mailbag Depositories and Repair Service Centers Branch.  
 Director, Mail Equipment Branch.  
 Assistant Director, Fiscal Management Office.

## (4) BUREAU OF FINANCE AND ADMINISTRATION

Deputy Assistant Postmaster General and Controller.  
 Deputy Assistant Postmaster General.  
 Executive Assistant to the Assistant Postmaster General.  
 Special Assistant to the Assistant Postmaster General.  
 Assistant Controller for Accounting.  
 Assistant Controller for Budget and Programs.  
 Assistant Controller for Field Operations.  
 Director, Office of ADP Management.  
 Director, Office of Mail Classification.  
 Director, Office of Cost Analysis.  
 Director, Office of Management Systems.  
 Director, Office of Postal Rates.  
 Director, Office of Statistical Programs and Standards.  
 Deputy Director, Office of ADP Management.  
 Computer Systems Administrator.  
 Financial Manager (Chief, Claims and Contract Review Branch).  
 Director, Automatic Data Processing Center.  
 Assistant Director, Automatic Data Processing Center.  
 Chief, Production and Quality Control Division, PFS-15.  
 Chief, Operations Division, PFS-15.  
 Chief, Implementation and Field Liaison Division, PFS-15.  
 Director, Postal Data Center.  
 Director, Data Operations Division, PFS-15.  
 Assistant Chief, Accounts Payable Branch, New York Postal Data Center, PFS-13.

## (5) BUREAU OF FACILITIES

Deputy Assistant Postmaster General, Acquisition.  
 Deputy Assistant Postmaster General, Construction Engineering.  
 Executive Assistant to the APMG.  
 Special Assistant to the APMG-Congressional.  
 Special Assistant to the APMG-Financial Affairs.  
 Director, Planning Staff.  
 Director, Office of Procurement.  
 Assistant Director, Office of Procurement.

Director, Procurement, Policy and Management Staff.  
 Director, Supply Division.  
 Director, Contract Division.  
 Director, Mailbag Equipment Division.  
 Assistant Director, Supply Division.  
 Assistant Director, Contract Division.  
 Assistant Director, Mailbag Equipment Division.  
 Quality Control Director.  
 Supervisory Contract Administrator.  
 Traffic Manager.  
 Mechanical Engineer (Automotive).  
 Contract Specialists.  
 Quality Control Specialist.  
 U.S. Stamped Envelope Agent.  
 Quality Control Specialists.  
 Equipment Production Specialists.  
 Quality Assurance Superintendent.  
 Director, Office of Real Estate.  
 Assistant to Director, Office of Real Estate.  
 Director, Acquisition and Review Division.  
 Realty Specialists in Acquisition and Review Division.  
 Director, Facility Contracts Division.  
 Realty Cost Officer.  
 Supervisory Realty Contract Specialists.  
 Director, Office of Design.  
 Director, Building Design Division.  
 Director, Utility Design Division.  
 Chief, Design Coordination.  
 Director, Office of Construction.  
 Director, Building Division.  
 Director, Mechanization Division.  
 Director, Construction Coordination Division.  
 Director, Structures Branch.  
 Director, Utilities Branch.  
 Director, Machinery Installations Branch.  
 Director, Electrical Controls Branch.  
 Director, Mechanization Support Branch.  
 Director, Estimating Branch.  
 Director, Office of Program Management.  
 Program Managers.  
 Director, Planning and Scheduling Division.  
 Assistant Program Managers.  
 Senior Management Engineers.  
 Management Engineers.

## (6) BUREAU OF PERSONNEL

Special Assistant to the Postmaster General.  
 Deputy Assistant Postmaster General.  
 Deputy Assistant Postmaster General for Manpower Resources and Development.  
 Director, Personnel Program Planning and Research.  
 Personnel Measurement and Evaluation Research Psychologist.  
 Special Assistant, Education Research and Development.  
 Personnel Program Officer.  
 Executive Assistant to Assistant Postmaster General.  
 Special Assistant.  
 Personnel Staffing and Employee Development Specialist.  
 Employee Services Officer.  
 Manpower Research and Development Specialist.  
 Equal Employment Opportunity Officer.  
 Personnel Officer.  
 Special Assistant (Industrial Relations).  
 Chairman, Board of Appeals and Review.  
 Appeals Officers.  
 Director, Labor Relations Division.  
 Associate Director, Labor Relations Division.  
 Director, Employee Benefits and Services Division.  
 Director, Compensation Division.  
 Director, Employment and Placement Division.  
 Supervisory Personnel Staffing Specialist.  
 Supervisory Personnel Staffing and Employee Relations Specialist.  
 Director of Safety.  
 Director of Health and Medical Services.  
 Director, Training and Development Division.

## (7) OFFICE OF GENERAL COUNSEL

Assistant General Counsels.  
 The second in command in each Division.

Attorneys in the Opinions and Real Property Divisions.  
 Special Assistant General Counsels.

## (8) BUREAU OF THE CHIEF POSTAL INSPECTOR

Deputy Chief Postal Inspector.  
 Assistant Chief Postal Inspector—Criminal Investigations.  
 Assistant Chief Postal Inspector—Administration.  
 Assistant Chief Postal Inspector—Service Investigations and Inspections.  
 Chief, Plans and Programs Staff.  
 Administrative Officer.  
 Director, Career Development Division.  
 Administrative Services Officer.  
 Director, Organized Crime Staff.  
 Director, Law Enforcement Science and Technology Division.  
 Director, Burglary and Mail Theft Investigations Division.  
 Director, Fraud and Prohibited Mailings Division.  
 Director, Service Investigations, Inspections and Contingencies Division.  
 Director, Personnel and Security Investigations Division.  
 Director, Crime Laboratory.  
 Assistant Director, Crime Laboratory.  
 Director, Internal Audit Division.  
 Deputy Director, Internal Audit Division.  
 Assistant Directors, Internal Audit Division.  
 Internal Audit Area Managers.  
 Internal Audit Assistant Area Managers.  
 Postal Inspectors in Charge.  
 Deputy Postal Inspectors in Charge.  
 Assistant Postal Inspectors in Charge.

## (9) BUREAU OF RESEARCH AND ENGINEERING

Staff Assistant to the Assistant Postmaster General.  
 Director, Letter Mail Program.  
 Director, Nonletter Mail Program.  
 Chief, Office of Program and Fiscal Control.  
 Chief, Budget Division.  
 Chief, Office of Technical Liaison.  
 Director, Office of Technical and Advanced Planning.  
 Technical Planner, of Technical and Advanced Planning.  
 General Engineers, Technical Proposal Evaluation Staff.  
 Director, Office of Contract Programs.  
 Chief, Policy and Program Staff.  
 Contract Specialists, Office of Contract Programs.  
 Director for Research and Development.  
 Deputy to the Director.  
 Assistant to the Director.  
 Technical Advisor.  
 Director, Engineering Services.  
 Director, Development Engineering.  
 Director, Technical Assistant.  
 Chief, Postal Laboratory Division.  
 Director, General Research.  
 Director, Technical Advisor.  
 Director, Technical Assistant.  
 Chief, Advanced Development Division.  
 Director for Engineering.  
 Deputy to the Director.  
 Assistant to the Director.  
 Director, Industrial Engineering.  
 Deputy Director, Industrial Engineering.  
 Chief, Letter Mail Division.  
 Chief, Nonletter Mail Division.  
 Chief, Field Industrial Engineering Division.  
 Chief, Chicago Field Office.  
 Director, Process Engineering.  
 Chief, Planning Division.  
 Chief, Mechanization Engineering Division.  
 Chief, Engineering Liaison Division.  
 Chief, Plant Technology Division.

## (10) REGIONAL POSITIONS

Regional Director.  
 Deputy Regional Director, Operations.  
 Deputy Regional Director, Services.  
 Special Assistant to the Regional Director.  
 Regional Council.

Production Planning Coordinator.  
Regional Programs Coordinator.  
Management Analysis Officer.  
Director, Personnel Division.  
Chief, Personnel Operations.  
Chief, Manpower Resources and Development Branch.  
Director, Post Office and Delivery Services Division.  
Chief, Organization and Management Branch.  
Chief, Delivery Services Branch.  
Chief, Organization and Management Branch.  
Chief, Performance Appraisal Branch.  
Director, Finance Division.  
Chief, Accounting Programs Branch.  
Chief, Budget and Programs Branch.  
Chief, Cost and Survey Branch.  
Director, Logistics Division.  
Chief, Transportation Planning and Distribution Branch.  
Chief, Traffic Management Branch.  
Director, Facilities Division.  
Chief, Engineering Branch.  
Chief, Real Estate Branch.  
Assistant Chief, Real Estate Branch.  
Real Estate Officers (PFS Level 13 and above).  
Chief, Procurement and Supply Branch.  
Director, Industrial Engineering Division.  
Director, Marketing Division.

(11) ALL POSTAL FACILITIES REPORTING AS PART I WMS AND WLRS INSTALLATIONS

Postmasters.  
Assistant Postmasters.  
Director of Operations Division.  
Director of Installation Division.  
Operations Manager.

(12) BUREAU OF PLANNING AND MARKETING

Executive Assistant to Assistant Postmaster General.  
Director, Office of Management and Administration.  
Deputy Assistant Postmaster General for Planning.  
Deputy Assistant Postmaster General for Marketing.  
Director, Planning Division.  
Director, Economic Analysis Division.  
Director, Systems Analysis Division.  
Director, Customer Service Division.  
Director, Marketing Operations Division.  
Director, Performance Evaluation Division.

(5 U.S.C. 301, 39 U.S.C. 501, Executive Order 11222, dated May 8, 1965)

DAVID A. NELSON,  
General Counsel.

OCTOBER 7, 1970.

[P.R. Doc. 70-13696; Filed, Oct. 12, 1970; 8:45 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 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Appendix D—United States List of Endangered Native Fish and Wildlife

There was published in the FEDERAL REGISTER of Tuesday, August 25, 1970 (35 F.R. 13519) beginning on page 13519, a proposal to amend Part 17 of Title 50,

Code of Federal Regulations by codifying as Appendix D thereto a list of the species of native fish and wildlife found to be threatened with extinction.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

All relevant matters presented have been considered and it is determined that the proposed amendment to be adopted with the following changes:

1. Delete the Utah prairie dog—*Cynomys parvidens*. (The 3d mammal listed in the proposal.)
2. Change Texas red wolf—*Canis rufus rufus* to Red Wolf—*Canis rufus*. (The 8th mammal listed in the proposal.)
3. Change Large Kauai thrush—*Phacornis obscurus obscurus* to Large Kauai thrush—*Phacornis obscurus myadestina*. (The 31st bird listed in the proposal.)

A new Appendix D is added to 50 CFR 17 as follows:

APPENDIX D—UNITED STATES LIST OF ENDANGERED NATIVE FISH AND WILDLIFE

(The use of a trinomial (third name) in the Scientific Name indicates there are one or more subspecies of the animal which are not endangered.)

MAMMALS

Hawaiian hoary bat—*Lasius cinereus semotus*.  
Indiana bat—*Myotis sodalis*.  
Delmarva Peninsula fox squirrel—*Sciurus niger cinereus*.  
Morro Bay kangaroo rat—*Dipodomys heermanni morroensis*.  
Salt-marsh harvest mouse—*Reithrodontomys raviventris*.  
Eastern timber wolf—*Canis lupus lycaon*.  
Red wolf—*Canis rufus*.  
San Joaquin kit fox—*Vulpes macrotis nictica*.  
Black-footed ferret—*Mustela nigripes*.  
Florida panther—*Felis concolor coryi*.  
Florida manatee (sea cow)—*Trichechus manatus latirostris*.  
Key deer—*Odocoileus virginianus clavium*.  
Columbian white-tailed deer—*Odocoileus virginianus leucurus*.  
Sonoran pronghorn—*Antilocapra americana sonoriensis*.

BIRDS

Hawaiian dark-rumped petrel—*Pterodroma phaeopygia sandwichensis*.  
California least tern—*Sterna albifrons browni*.  
Hawaiian goose (nene)—*Branta sandvicensis*.  
Aleutian Canada goose—*Branta canadensis leucopareia*.  
Laysan duck—*Anas laysanensis*.  
Hawaiian duck (kolou)—*Anas wyvilliana*.  
Mexican duck—*Anas diazi*.  
Brown pelican—*Pelecanus occidentalis*.  
California condor—*Gymnogyps californianus*.  
Florida everglade kite (snail kite)—*Rostrhamus sociabilis plumbeus*.  
Hawaiian hawk (io)—*Buteo solitarius*.  
Southern bald eagle—*Haliaeetus leucocephalus leucocephalus*.  
American peregrine falcon—*Falco peregrinus anatum*.  
Arctic peregrine falcon—*Falco peregrinus tundrius*.  
Attwater's greater prairie chicken—*Tympanuchus cupido attwateri*.  
Masked bobwhite—*Colinus virginianus ridgwayi*.

Whooping crane—*Grus americana*.  
Yuma clapper rail—*Rallus longirostris yumanensis*.  
California clapper rail—*Rallus longirostris obsoletus*.  
Light-footed clapper rail—*Rallus longirostris levipes*.  
Hawaiian gallinule—*Gallinula chloropus sandvicensis*.  
Hawaiian coot—*Fulica americana alai*.  
Eskimo curlew—*Numenius borealis*.  
Hawaiian stilt—*Himantopus himantopus knudseni*.  
Puerto Rican plain pigeon—*Columba inornata wetmorei*.  
Puerto Rican parrot—*Amazona vittata*.  
Ivory-billed woodpecker—*Campephilus principalis*.  
Red-cockaded woodpecker—*Dendrocopos borealis*.  
Hawaiian crow (alala)—*Corvus tropicus*.  
Small Kauai thrush (puaiohi)—*Phacornis palmeri*.  
Large Kauai thrush—*Phacornis obscurus myadestina*.  
Molokai thrush (olomau)—*Phacornis obscurus rutra*.  
Nilhoa millerbird—*Acrocephalus kingi*.  
Kauai oo (oo aa)—*Moho braccatus*.  
Crested honeycreeper (akohekohe)—*Palmeria dolei*.  
Hawaii akepa (akepa)—*Lozops coccinea coccinea*.  
Maui akepa (akepule)—*Lozops coccinea ochraceus*.  
Oahu creeper (alauwhio)—*Lozops maculata maculata*.  
Molokai creeper (kakawahie)—*Lozops maculata flammea*.  
Akiapolaau—*Hemignathus wilsoni*.  
Kauai akiapolaau—*Hemignathus procerus*.  
Kauai and Maui nukupuu—*Hemignathus lucidus*.  
Laysan and Nihoa finches—*Psittirostra cantans*.  
Ou—*Psittirostra psittacea*.  
Pallia—*Psittirostra bailliei*.  
Maui parrotbill—*Pseudonestor xanthophrys*.  
Bachman's warbler—*Vermivora bachmani*.  
Kirtland's warbler—*Dendroica kirtlandii*.  
Dusky seaside sparrow—*Ammospiza nigrescens*.  
Cape Sable sparrow—*Ammospiza mirabilis*.

REPTILES AND AMPHIBIANS

American alligator—*Alligator mississippiensis*.  
Blunt-nosed leopard lizard—*Crotaphytus silus*.  
San Francisco garter snake—*Thamnophis sirtalis tetrataenia*.  
Puerto Rican boa—*Epicrates inornatus*.  
Santa Cruz long-toed salamander—*Ambystoma macrodactylum croceum*.  
Texas blind salamander—*Typhlomolge rathbuni*.  
Houston toad—*Bufo houstonensis*.

FISHES

Shortnose sturgeon—*Acipenser brevirostrum*.  
Longjaw cisco—*Coregonus alpenae*.  
Labontan cutthroat trout—*Salmo clarki henschawi*.  
Piute cutthroat trout—*Salmo clarki selenitris*.  
Greenback cutthroat trout—*Salmo clarki stomias*.  
Gila trout—*Salmo gilae*.  
Arizona (Apache) trout—*Salmo sp.*  
Humpback chub—*Gila cypha*.  
Mohave chub—*Siphateles mohavensis*.  
Pahrnagat bonytail—*Gila robusta jordani*.  
Moapa dace—*Moapa coriacea*.  
Woundfin—*Plagophorus argentissimus*.  
Colorado River squawfish—*Ptychocheilus lucius*.  
Kendall Warm Springs dace—*Rhinichthys osculus thermalis*.  
Cul-ul—*Chasmistes cujus*.  
Devil's Hole pupfish—*Cyprinodon diabolis*.

## RULES AND REGULATIONS

Comanche Springs pupfish—*Cyprinodon elegans*.  
 Tecopa pupfish—*Cyprinodon nevadensis calidae*.  
 Warm Springs pupfish—*Cyprinodon nevadensis pectoralis*.  
 Owens River pupfish—*Cyprinodon radiosus*.  
 Pahrump killifish—*Empetrichythis latos*.  
 Big Bend gambusia—*Gambusia gaigei*.  
 Clear Creek gambusia—*Gambusia heterochir*.  
 Pecos gambusia—*Gambusia nobolis*.  
 Unarmored threespine stickleback—*Gasterosteus aculeatus williamsoni*.

Gila topminnow—*Poeciliopsis occidentalis*.  
 Fountain darter—*Etheostoma fonticola*.  
 Watercress darter—*Etheostoma nuchale*.  
 Maryland darter—*Etheostoma sellare*.  
 Blue pike—*Stizostedion vitreum glaucum*.

Because the species listed herein have been found to be threatened with extinction, it is determined that notice and public procedure thereon are unnecessary, impracticable, and contrary to the public interest and this amendment shall

be effective upon publication in the FEDERAL REGISTER.

(16 U.S.C. 668aa(c))

Effective date: Upon publication.

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

OCTOBER 8, 1970.

[F.R. Doc. 70-13735; Filed, Oct. 12, 1970;  
 8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Parts 1, 301 ]

### RETURNS AND ANNUAL REPORTS OF EXEMPT ORGANIZATION

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6033, 6056, and 6104 of the Internal Revenue Code of 1954 to sections 101(d)(1), (2), and (3), 101(e)(1), (2), and (3), and 101(j)(30) and (36) of the Tax Reform Act of 1969 (83 Stat. 519), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) of § 1.6001-1 is amended to read as follows:

#### § 1.6001-1 Records.

(c) *Exempt organizations.* In addition to such permanent books and records as are required by paragraph (a) of this section with respect to the tax imposed by section 511 on unrelated business income of certain exempt organizations, every organization exempt from tax under section 501(a) shall keep such permanent books of account or records, in-

cluding inventories, as are sufficient to show specifically the items of gross income, receipts and disbursements. Such organizations shall also keep such books and records as are required to substantiate the information required by section 6033. See section 6033 and § 1.6033-1.

PAR. 2. Section 1.6033 is amended to read as follows:

Sec. 6033. *Returns by exempt organizations—(a) Organizations required to file—(1) In general.* Except as provided in paragraph (2), every organization exempt from taxation under section 501(a) shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the internal revenue laws as the Secretary or his delegate may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe; except that, in the discretion of the Secretary or his delegate, any organization described in section 401(a) may be relieved from stating in its return any information which is reported in returns filed by the employer which established such organization.

(2) *Exceptions from filing—(A) Mandatory exceptions.* Paragraph (1) shall not apply to—

(i) Churches, their integrated auxiliaries, and conventions or associations of churches,

(ii) Any organization (other than a private foundation, as defined in section 509(a)) described in subparagraph (C), the gross receipts of which in each taxable year are normally not more than \$5,000, or

(iii) The exclusively religious activities of any religious order.

(B) *Discretionary exceptions.* The Secretary or his delegate may relieve any organization required under paragraph (1) to file an information return from filing such a return where he determines that such filing is not necessary to the efficient administration of the internal revenue laws.

(C) *Certain organizations.* The organizations referred to in subparagraph (A)(ii) are—

(i) A religious organization described in section 501(c)(3);

(ii) An educational organization described in section 170(b)(1)(A)(ii);

(iii) A charitable organization, or an organization for the prevention of cruelty to children or animals, described in section 501(c)(3), if such organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions of the general public;

(iv) An organization described in section 501(c)(3), if such organization is operated, supervised, or controlled by or in connection with a religious organization described in clause (i);

(v) An organization described in section 501(c)(8); and

(vi) An organization described in section 501(c)(1), if such organization is a corporation wholly owned by the United States or any agency or instrumentality thereof, or a wholly-owned subsidiary of such a corporation.

(b) *Certain organizations described in section 501(c)(3).* Every organization described in section 501(c)(3) which is subject to the requirements of subsection (a) shall furnish annually information, at such time and in such manner as the Secretary or his delegate may by forms or regulations prescribe, setting forth—

(1) Its gross income for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements within the year for the purposes for which it is exempt,

(4) A balance sheet showing its assets, liabilities, and net worth as of the beginning of such year,

(5) The total of the contributions and gifts received by it during the year, and the names and addresses of all substantial contributors,

(6) The names and addresses of its foundation managers (within the meaning of section 4946(b)(1)) and highly compensated employees, and

(7) The compensation and other payments made during the year to each individual described in paragraph (6).

(c) *Cross reference.* For provisions relating to statements, etc., regarding exempt status of organizations, see section 6001.

For reporting requirements as to certain liquidations, dissolutions, terminations, and contractions, see section 6043(b). For provisions relating to penalties for failure to file a return required by this section, see section 6652(d).

(Sec. 6033 as amended by sec. 75(b), Technical Amendments Act 1958 (72 Stat. 1661); sec. 101(d), Tax Reform Act 1969 (83 Stat. 519))

PAR. 3. Section 1.6033-1 is amended by amending the title and by adding a new paragraph (j) at the end thereof. Such amended and added provisions read as follows:

§ 1.6033-1 Returns by exempt organizations; taxable years beginning before January 1, 1970.

(j) The provisions of this section shall apply with respect to returns filed for taxable years beginning before January 1, 1970.

PAR. 4. There is inserted immediately after section 1.6033-1 the following new section:

§ 1.6033-2 Returns by exempt organizations; taxable years beginning after December 31, 1969.

(a) *In general.* (1) Except as provided in section 6033(a)(2) and paragraph (g) of this section, every organization exempt from taxation under section 501(a) shall file an annual information return specifically setting forth its items of gross income, gross receipts and disbursements, and such other information as may be prescribed in the instructions issued with respect to the return. Except as provided in paragraph (d) of this section, such return shall be filed annually regardless of whether such organization is chartered by, or affiliated or associated with, any central, parent, or other organization.

(2) (1) Except as otherwise provided in this paragraph and paragraph (g) of this section, every organization exempt from taxation under section 501(a), and required to file a return under section 6033 and this section, other than an organization described in section 401(a) or 501(d), shall file its annual return on Form 990. Form 990 consists of several parts, not all of which are required to be completed by all organizations required to file such form. In general, (a) organizations (other than private foundations) which have gross receipts for the year of \$10,000 or less are required to provide less detailed information about their activities on the Form 990, and (b) organizations with gross receipts for the year of more than \$10,000, and private foundations, are required to document their activities more thoroughly. In addition, such organizations described in section 501(c)(3) (including private foundations) are required to provide the information required by section 6033(b).

If the Commissioner determines that more detailed information is not required of certain classes of organizations with gross receipts of more than \$10,000 for a taxable year for the efficient administration of the internal revenue laws, he may exclude these organizations from filing the more detailed information for such taxable years.

(ii) The information generally required to be furnished by an organization described in section 501(c)(3) pursuant to the requirements of section 6033(b) is:

(a) Its gross income for the year. For this purpose, gross income includes tax-exempt income, but does not include contributions, gifts, grants, and similar amounts received. Whether an item constitutes a contribution, gift, grant, or similar amount, depends upon all the surrounding facts and circumstances.

(b) Its expenses incurred within the year attributable to such income.

(c) Its disbursements (including prior years' accumulations) made within the year for the purposes for which it is exempt.

(d) A balance sheet showing its assets, liabilities, and net worth as of the beginning and end of such year. Detailed information relating to the assets, liabilities, and net worth shall be furnished on the schedule provided for this purpose on the Form 990. Such schedule shall be supplemented by attachments where appropriate.

(e) The total of the contributions and gifts received by it during the year, and the names and addresses of all persons who contributed, bequeathed, or devised \$100 or more (in money or other property) during the taxable year; a statement shall be included showing the gross amount of contributions and gifts collected by the organization, the expenses incurred by the organization in collecting such amount, and the net proceeds. In the case of a private foundation (as defined in section 509(a)) the names and addresses of all substantial contributors (as defined in section 507(d)(2)) shall be furnished.

(f) The names and addresses of all officers, directors, or trustees (or any person having responsibilities or powers similar to those of officers, directors or trustees) of the organization, and, in the case of a private foundation, all persons who are foundation managers, within the meaning of section 4946(b)(1); the names and addresses of the five employees (other than those whose services to the organization consist more than half of teaching) of the organization who receive the greatest amount of compensation from the organization during such organization's annual accounting period; and the names and addresses of any other employees (other than those whose services to the organization consist more than half of teaching) or independent contractors of the organization who receive \$15,000 or more in compensation from the organization during such period.

(g) The compensation and other payments made during the organization's annual accounting period which are includible in the gross income of each individual described in (f) of this subdivision.

(e) Every employee's trust described in section 401(a) which is exempt from taxation under section 501(a) shall file an annual return on Form 990-P. The return shall include the information required by paragraph (b)(5)(ii) of § 1.401-1. In addition, the trust must file the information required to be filed by the employer pursuant to the provisions of § 1.404(a)-2, unless the employer has notified the trustee in writing that he has filed or will timely file such information. If the trustee has received such notification from the employer, then such notification, or a copy thereof, shall be retained by the trust as a part of its records.

(b) Accounting period for filing return. A return on Form 990 shall be on the basis of the established annual accounting period of the organization. If the organization has no such established accounting period, such return shall be on the basis of the calendar year.

(c) Returns when exempt status not established. An organization claiming an exempt status under section 501(a) prior to the establishment of such exempt status under section 501 and § 1.501(a)-1, shall file a Form 990 in accordance with the instructions applicable thereto. In such case the organization must indicate on such Form 990 that the return is being filed in the belief that the organization is exempt under section 501(a), but that the existence of such exemption has not yet been determined by the Internal Revenue Service.

(d) Group returns. (1) A central, parent, or like organization (referred to in this paragraph as "central organization"), exempt under section 501(a), and described in section 501(c) (other than a private foundation), although required to file a separate annual return for itself under section 6033 and paragraph (a) of this section, may file annually, in addition to such separate annual return, a group return on Form 990. Such group return may be filed for

two or more of the local organizations, chapters, or the like (referred to in this paragraph as "local organizations") which are (i) affiliated with such central organization at the close of its annual accounting period, (ii) subject to the general supervision or control of the central organization, and (iii) exempt from taxation under the same paragraph of section 501(c) of the Code, although the local organizations are not necessarily exempt under the paragraph under which the central organization is exempt. Such group return may not be filed for a local organization which is a private foundation.

(2) (i) The filing of the group return shall be in lieu of the filing of a separate return by each of the local organizations included in the group return. The group return shall include only those local organizations which in writing have authorized the central organization to include them in the group return, and which have made and filed, with the central organization, their statements, specifically stating their items of gross income, receipts, and disbursements, and such other information relating to them as is required to be stated in the group return. Such an authorization by a local organization shall be made annually, under the penalties of perjury, and shall be signed by a duly authorized officer of the local organization in his official capacity and shall contain the following statement, or a statement of like import: "I hereby declare under the penalties of perjury that this authorization (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete and made in good faith for the taxable year stated." Such authorizations and statements shall be permanently retained by the central organization.

(ii) There shall be attached to the group return and made a part thereof a schedule showing the name, address, and employer identification number of each of the local organizations and the total number thereof included in such return, and a schedule showing the name, address, and employer identification number of each of the local organizations and the total number thereof not included in the group return.

(3) The group return shall be on the basis of the established annual accounting period of the central organization. Where such central organization has no established annual accounting period, such return shall be on the basis of the calendar year. The same income, receipts, and disbursements of a local organization shall not be included in more than one group return.

(4) The group return shall be filed in accordance with these regulations and the instructions issued with respect to Form 990, and shall be considered the return of each local organization included therein. The tax exempt status of a local organization must be established under a group exemption letter issued to the central organization before a group return including the local organization will be considered as the

return of the local organization. See § 1.501(a)-1 for requirements for establishing a tax-exempt status.

(e) *Time and place for filing.* The annual return on Form 990 shall be filed on or before the 15th day of the fifth calendar month following the close of the period for which the return is required to be filed. The annual return on Form 1065 required to be filed by a religious or apostolic association or corporation shall be filed on or before the 15th day of the fourth month following the close of the taxable year for which the return is required to be filed. Each such return shall be filed in accordance with the instructions applicable thereto.

(f) *Penalties and additions to tax.* For penalties and additions to tax for failure to file a return and filing a false or fraudulent return, see sections 6652, 7203, 7206, and 7207.

(g) *Organizations not required to file annual returns.* (1) (i) Annual returns required by this section are not required to be filed by an organization exempt from taxation under section 501(a) which is—

(a) A church, an interchurch organization or local units of a church, a convention or association of churches, or an integrated auxiliary of a church such as a men's or women's organization, religious school, mission society, or youth group;

(b) An exclusively religious activity of any religious order; or

(c) An organization (other than a private foundation) the gross receipts of which in each taxable year are normally not more than \$5,000, and which is—

(i) A religious organization described in section 501(c)(3);

(2) An educational organization described in section 170(b)(1)(A)(ii);

(3) A charitable organization, or an organization for the prevention of cruelty to children or animals, described in section 501(c)(3), which is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or which is primarily supported by contributions of the general public;

(4) An organization described in section 501(c)(3) which is operated, supervised, or controlled by or in connection with an organization which is organized and operated exclusively for religious purposes;

(5) An organization described in section 501(c)(8); or

(6) An organization described in section 501(c)(1), if such organization is a corporation wholly owned by the United States or an agency or instrumentality thereof or a wholly owned subsidiary of such a corporation.

(ii) For purposes of paragraph (g)(1)(i)(c)(3) of this paragraph, an organization organized and operated exclusively for charitable purposes or for the prevention of cruelty to children or animals is "primarily supported by contributions of the general public" for any accounting period if more than 50 percent of its income and receipts for such period is actually derived from voluntary contributions and gifts made by the gen-

eral public as distinguished from a few contributors or donors or from related or associated persons. For purposes of this subdivision, the words "related or associated persons" refer to persons of a particular group who are connected with or are interested in the activities of the organization, such as founders, incorporators, shareholders, members, fiduciaries, officers, employees, or the like, or who are connected with such persons by family or business relationships. An organization claiming an exception from the filing of an information return under this subdivision must maintain adequate records in order to substantiate such claim. Furthermore, if it is doubtful to an organization that it falls within this exception for filing annual information returns, it must file the return on Form 990.

(2) The provisions of section 6033(a) relieving certain specified types of organizations exempt from tax under section 501(a) from filing annual returns do not abridge or impair in any way the powers and authority of district directors or directors of service centers provided for in other provisions of the Code and in regulations thereunder to require the filing of such returns or notices by such organizations. See sections 6001 and § 1.6001-1.

(3) For purposes of subparagraph (1)(i)(c) of this paragraph, the gross receipts (as defined in subparagraph (4) of this paragraph) of an organization are normally not more than \$5,000 if—

(i) in the case of an organization which has been in existence for 1 year or less, the organization has received, or donors have pledged to give, gross receipts of \$7,500 or less during the first taxable year of the organization,

(ii) in the case of an organization which has been in existence for more than 1, but less than 3 years, the average of the gross receipts received by the organization in the first 2 taxable years is \$6,000 or less, and

(iii) in the case of an organization which has been in existence for 3 years or more, the average of the gross receipts received by the organization in the immediately preceding 3 taxable years, including the year for which the return would be required to be filed, is \$5,000 or less.

(4) For purposes of this paragraph, and paragraph (a)(2)(i) of this section, "gross receipts" means the gross amount received by the organization during its annual accounting period from all sources without reduction for any costs or expenses including, for example, cost of goods or assets sold, cost of operations, or expenses of earning, raising, or collecting such amounts. Thus "gross receipts" includes, but is not limited to, (i) the gross amount received as contributions, gifts, grants, and similar amounts without reduction for the expenses of raising and collecting such amounts, (ii) the gross amount received as dues or assessments from members or affiliated organizations without reduction for expenses attributable to the receipt of such amounts, (iii) gross sales or receipts from business activities (including

business activities unrelated to the purpose for which the organization qualifies for exemption, the net income or loss from which may be required to be reported on Form 990-T), (iv) the gross amount received from the sale of assets without reduction for cost or other basis and expenses of sale, and (v) the gross amount received as investment income such as interest, dividends, rents, and royalties.

(5) The Commissioner of Internal Revenue may relieve any organization or class of organizations from filing the annual return required by this section, where he determines that such returns are not necessary for the efficient administration of the internal revenue laws.

(h) *Records, statements, and other returns of tax-exempt organizations.*

(1) An organization which is exempt from tax under section 501(a) and is not required to file annually an information return on Form 990 shall immediately notify in writing the district director for the internal revenue district in which its principal office is located of any changes in its character, operations, or purpose for which it was originally created.

(2) Every organization which is exempt from tax, whether or not it is required to file an annual information return, shall submit such additional information as may be required by the Internal Revenue Service for the purpose of inquiring into its exempt status and administering the provisions of subchapter F (section 501 and following), chapter 1 of subtitle A of the Code, section 6033, and chapter 42 of subtitle D of the Code. See section 6001 and § 1.6001-1 with respect to the authority of the district director or directors of service centers to require such additional information and with respect to the permanent books of account or records to be kept by such organizations.

(3) An organization which has established its right to exemption from tax under section 501(a), including an organization which is relieved under section 6033 and this section from filing annual returns of information, is not, however, relieved from the duty of filing other returns of information. See, for example, sections 6041, 6043, and 6051 and the regulations thereunder.

(i) *Unrelated business tax returns.* In addition to the foregoing requirements of this section, certain organizations otherwise exempt from tax under section 501(a), which are subject to tax on unrelated business taxable income are also required to file returns on Form 990-T. See paragraph (e) of § 1.6012-2 and paragraph (a)(5) of § 1.6012-3 for requirements with respect to such returns.

PAR. 5. There are inserted immediately after § 1.6052-2 the following new sections:

§ 1.6056 Statutory provisions; annual reports by private foundations.

Sec. 6065. Annual reports by private foundations—(a) General. The foundation managers (within the meaning of section 4946 (b)) of every organization which is a private

foundation (within the meaning of section 509(a)) having at least \$5,000 of assets at any time during a taxable year shall file an annual report as of the close of the taxable year at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

(b) *Contents.* The foundation managers of the private foundation shall set forth in the annual report required under subsection (a) the following information:

(1) Its gross income for the year,  
 (2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements (including administrative expenses) within the year,  
 (4) A balance sheet showing its assets, liabilities, and net worth as of the beginning of the year,

(5) An itemized statement of its securities and all other assets at the close of the year, showing both book and market value,

(6) The total of the contributions and gifts received by it during the year,

(7) An itemized list of all grants and contributions made or approved for future payment during the year, showing the amount of each such grant or contribution, the name and address of the recipient, any relationship between any individual recipient and the foundation's managers or substantial contributors, and a concise statement of the purpose of each such grant or contribution,

(8) The address of the principal office of the foundation and (if different) of the place where its books and records are maintained,

(9) The names and addresses of its foundation managers (within the meaning of section 4946(b)), and

(10) A list of all persons described in paragraph (9) that are substantial contributors (within the meaning of section 507(d)(2)) or that own 10 percent or more of the stock of any corporation of which the foundation owns 10 percent or more of the stock, or corresponding interests in partnerships or other entities, in which the foundation has a 10 percent or greater interest.

(c) *Form.* The annual report may be prepared in printed, typewritten, or any other legible form the foundation chooses. The Secretary or his delegate shall provide forms which may be used by a private foundation for purposes of the annual report.

(d) *Special rules.* (1) The annual report required to be filed under this section is in addition to and not in lieu of the information required to be filed under section 6033 (relating to returns by exempt organizations) and shall be filed at the same time as such information.

(2) A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual reports), together with proof of publication thereof, shall be filed by the foundation managers together with the annual report.

(3) The foundation managers shall furnish copies of the annual report required by this section to such State officials and other persons, at such times and under such conditions, as the Secretary or his delegate may by regulations prescribe.

#### § 1.6056-1 Annual reports by private foundations.

(a) *In general.* (1) The foundation managers (as defined in section 4946(b)) of every private foundation (as defined in section 509(a)) the assets of which are at least \$5,000 at any time during a taxable year shall file an annual report setting forth the information prescribed in subparagraph (3) or (4) of this paragraph.

(2) *Form of annual report, time and place of filing.* The annual report required by this paragraph may be in printed, typewritten, or other form, provided that it readily and legibly discloses the information required by section 6056 and this section. The annual report may also be made by using Form 990. The annual report shall be filed at the place specified in the instructions applicable to Form 990 on or before the 15th day of the 5th calendar month following the close of the period for which the report is filed.

(3) *Foundations using Form 990.* A foundation may elect to have the Form 990 required to be filed by section 6033 treated as the annual report required by this paragraph, in accordance with the instructions applicable to such form. In order for such Form 990 to be so treated, however, the information required by section 6056 must be disclosed on the form or on attachments to the form as completed by the organization.

(4) *Foundations not using Form 990.* Foundation managers not electing to treat Form 990 as the annual report required by this paragraph shall file a report in accordance with subparagraphs (1) and (2) of this paragraph, setting forth the information required by section 6056(b), and a list of the States which have jurisdiction over the foundation (as defined in subparagraph (6) of this paragraph).

(5) *Notice to public of availability of annual report.* A copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual reports), and proof of publication thereof, shall be filed with the annual report required by this paragraph. A copy of such notice as published, and a statement signed by a foundation manager stating that such notice was published, setting forth the date of publication and the publication in which it appeared, shall be sufficient proof of publication for purposes of this subparagraph.

(6) *Furnishing of copies to State officers; listing of States which have jurisdiction.* (i) The foundation managers shall furnish to the Attorney General of each State which has jurisdiction over the foundation or its assets or activities, a copy of the annual report required by this section. Such report shall be so furnished on or before the due date for the filing of such report with the Internal Revenue Service. In addition, the foundation managers shall provide upon request a copy of the annual report to the Attorney General or other appropriate State officer of any State. For purposes of this paragraph and § 301.6104-3, the States which have jurisdiction over a private foundation include but are not limited to all those to which the foundation is required by provisions of State law to report in any manner on its activities or assets, and all those with which the foundation is required by State law to register in any manner.

(ii) The foundation managers shall list on the annual report all States—

(a) To which the organization is required in any fashion to report concerning its organization, assets, or activities, and

(b) With which the organization is required to register (or which it is otherwise required to notify in any other manner) that it intends to be, or is a charitable organization or a holder of property devoted to a charitable purpose.

PAR. 6. Section 301.6033 is amended to read as follows:

#### § 301.6033 Statutory provisions; returns by exempt organizations.

Sec. 6033. *Returns by exempt organizations—*(a) *Organizations required to file—*(1) *In general.* Except as provided in paragraph (2), every organization exempt from taxation under section 501(a) shall file an annual return, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the internal revenue laws as the Secretary or his delegate may by forms or regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe; except that, in the discretion of the Secretary or his delegate, any organization described in section 401(a) may be relieved from stating in its return any information which is reported in returns filed by the employer which established such organization.

(2) *Exceptions from filing—*(A) *Mandatory exceptions.* Paragraph (1) shall not apply to—

(i) Churches, their integrated auxiliaries, and conventions or associations of churches,  
 (ii) Any organization (other than a private foundation, as defined in section 509(a)) described in subparagraph (C), the gross receipts of which in each taxable year are normally not more than \$5,000, or  
 (iii) The exclusively religious activities of any religious order.

(B) *Discretionary exceptions.* The Secretary or his delegate may relieve any organization required under paragraph (1) to file an information return from filing such a return where he determines that such filing is not necessary to the efficient administration of the internal revenue laws.

(C) *Certain organizations.* The organizations referred to in subparagraph (A) (ii) are—

(i) A religious organization described in section 501(c)(3);

(ii) An educational organization described in section 170(b)(1)(A)(ii);

(iii) A charitable organization, or an organization for the prevention of cruelty to children or animals, described in section 501(c)(3), if such organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions of the general public;

(iv) An organization described in section 501(c)(3), if such organization is operated, supervised, or controlled by or in connection with a religious organization described in clause (i);

(v) An organization described in section 501(c)(8); and

(vi) An organization described in section 501(c)(1), if such organization is a corporation wholly owned by the United States or any agency or instrumentality thereof, or a wholly-owned subsidiary of such a corporation.

(b) *Certain organizations described in section 501(c)(3).* Every organization described in section 501(c)(3) which is subject to

the requirements of subsection (a) shall furnish annually information, as such time and in such manner as the Secretary or his delegate may, by forms or regulations prescribe, setting forth—

- (1) Its gross income for the year,
- (2) Its expenses attributable to such income and incurred within the year,
- (3) Its disbursements within the year for the purposes for which it is exempt,
- (4) A balance sheet showing its assets, liabilities, and net worth as of the beginning of such year,
- (5) The total of the contributions and gifts received by it during the year, and the names and addresses of all substantial contributors,
- (6) The names and addresses of its foundation managers (within the meaning of section 4945(b)(1)) and highly compensated employees, and
- (7) The compensation and other payments made during the year to each individual described in paragraph (6).

(c) *Cross reference.* For provisions relating to statements, etc., regarding exempt status of organizations, see section 6001.

For reporting requirements as to certain liquidations, dissolutions, terminations, and contractions, see section 6043(b). For provisions relating to penalties for failure to file a return required by this section, see section 6652(d).

(Sec. 6033 as amended by sec. 75(b), Technical Amendments Act 1958 (72 Stat. 1661); sec. 101(d), Tax Reform Act 1969 (83 Stat. 519))

PAR. 7. Section 301.6104 is amended by revising section 6104(b), by adding new sections 6104 (c) and (d), and by revising the historical note. These revised and added provisions read as follows:

**§ 301.6104 Statutory provisions; publicity of information required from certain exempt organizations and certain trusts.**

Sec. 6104. *Publicity of information required from certain exempt organizations and certain trusts.* \* \* \*

(b) *Inspection of annual information returns.* The information required to be furnished by sections 6033, 6034, and 6056, together with the names and addresses of such organizations and trusts, shall be made available to the public at such times and in such places as the Secretary or his delegate may prescribe. Nothing in this subsection shall authorize the Secretary or his delegate to disclose the name or address of any contributor to any organization or trust (other than a private foundation, as defined in section 509(a)) which is required to furnish such information.

(c) *Publication to State officials.*—(1) *General rule.* In the case of any organization which is described in section 501(c)(3) and exempt from taxation under section 501(a), or has applied under section 508(a) for recognition as an organization described in section 501(c)(3), the Secretary or his delegate at such times and in such manner as he may by regulations prescribe shall—

(A) Notify the appropriate State officer of a refusal to recognize such organization as an organization described in section 501(c)(3), or of the operation of such organization in a manner which does not meet, or no longer meets, the requirements of its exemption,

(B) Notify the appropriate State officer of the mailing of a notice of deficiency of tax imposed under section 507 or chapter 42, and

(C) At the request of such appropriate State officer, make available for inspection and copying such returns, filed statements, records, reports, and other information, relating to a determination under subparagraph (A) or (B) as are relevant to any determination under State law.

(2) *Appropriate state officer.* For purposes of this subsection, the term "appropriate state officer" means the State attorney general, State tax officer, or any State official charged with overseeing organizations of the type described in section 501(c)(3).

(d) *Public inspection of private foundations' annual reports.* The annual report required to be filed under section 6056 (relating to annual reports by private foundations) shall be made available by the foundation managers for inspection at the principal office of the foundation during regular business hours by any citizen on request made within 180 days after the publication of notice of its availability. Such notice shall be published, not later than the day prescribed for filing such annual report (determined with regard to any extension of time for filing), in a newspaper having general circulation in the county in which the principal office of the private foundation is located. The notice shall state that the annual report of the private foundation is available at its principal office for inspection during regular business hours by any citizen who requests it within 180 days after the date of such publication, and shall state the address of the private foundation's principal office and the name of its principal manager.

(Sec. 6104 as amended by sec. 75(a), Technical Amendments Act 1958 (72 Stat. 1660), secs. 101(e) and 101(j)(36), Tax Reform Act 1969 (83 Stat. 523))

PAR. 8. Section 301.6104-2 is amended to read as follows:

**§ 301.6104-2 Publicity of information on certain information returns and annual reports.**

(a) *In general.* The following information together with the name and address of the organization or trust furnishing such information, shall be a matter of public record:

(1) Except as otherwise provided in section 6104, the information furnished on Form 990.

(2) The information furnished pursuant to section 6034 (relating to annual information required of trusts claiming a charitable deduction under section 642(c)) on Form 1041-A.

(3) The information furnished on the annual report required by section 6056 (relating to annual reports by private foundations).

(b) *Place of inspection.* Information furnished on the public portion of returns and annual reports (as described in paragraph (a) of this section) shall be available to any person in the National Office, Office of the Director, Public Information Division, Internal Revenue Service, Washington, D.C. 20224, in the Office of the Director, Mid-Atlantic Regional Service Center, Philadelphia, Pa., and in the office of the district director of the district serving the principal place of business of the organization.

(c) *Procedure for public inspection.*—

(1) *Requests for inspection.* The information furnished on Form 990, Form 1041-A, and the annual report required by section 6056 shall be available for

public inspection only upon request. If inspection at the National Office is desired, the request shall be made in writing to the Commissioner of Internal Revenue, Attention: Director, Public Information Division, Washington, D.C. 20224. Requests for inspection in the office of a district director or Director of the Mid-Atlantic Regional Service Center shall be made in writing to the district director or Director of the Regional Service Center. All requests for inspection must include the name and address of the organization which filed the return or report, the type of return or report, and the taxable year for which filed.

(2) *Time and extent of inspection.*

A person requesting public inspection in the manner specified in subparagraph (1) of this paragraph shall be notified by the Internal Revenue Service when the material he desires to inspect will be made available for his inspection. Information on Form 990, Form 1041-A, and the annual report required by section 6056 will be made available for public inspection at such reasonable and proper times as not to interfere with their use by the Internal Revenue Service or to exclude other persons from inspecting them. In addition, the Commissioner, director of the regional service center, or district director may limit the number of returns to be made available to any person for inspection on a given date. Inspection will be allowed only in the presence of an internal revenue officer or employee and only during the regular hours of business of the Internal Revenue Service office.

(3) *Returns available.* Returns filed before January 1, 1970, shall be available for public inspection only if filed pursuant to the requirements of section 6033(b) or 6034 in effect for such years. The information furnished on all returns and reports filed after December 31, 1969, pursuant to the requirements of section 6033, 6034, or 6056, shall be available for public inspection in accordance with the provisions of section 6104.

(4) *Copies.* Notes may be taken of the material opened for inspection under this section. Copies may be made manually or photographically in the National Office subject to reasonable supervision by the Public Information Division with regard to the facilities and equipment to be employed; and copies may be made manually but not photographically in the offices of the district directors or directors of regional service centers (except that copies may be made photographically at the Mid-Atlantic Regional Service Center). Copies of the material opened for inspection will be furnished by the Internal Revenue Service to any person making request therefor. Request for such copies shall be made in the same manner as requests for inspection (see subparagraph (1) of this paragraph) to the office of the Internal Revenue Service in which such material is available for inspection as provided in paragraph (b) of this section. If made at the time of inspection, the request for copies need not be in writing. Any copies

furnished will be certified upon request. The Commissioner may prescribe a reasonable fee for furnishing copies of information pursuant to this section.

PAR. 9. There is inserted immediately after § 301.6104-2, as amended, the following new section:

**§ 301.6104-3 Disclosure of certain information to State officers.**

(a) (1) *State officers eligible for notification of determinations by the Internal Revenue Service.* Where the Internal Revenue Service makes a determination described in paragraph (c) of this section, the following State officers will be deemed appropriate State officers for purposes of notification and will be notified of such determination:

- (i) The State Attorney General, and
- (ii) The principal State tax officer (and any other State officer who, under the applicable State law, is charged with overseeing organizations of the type described in section 501(c)(3), or their assets or activities)—

(a) Of a State which has jurisdiction (as described in paragraph (c) (2) of this section) over the organization (or its assets or activities) with respect to which such determination was made, and

(b) Who requests, in the manner described in subparagraph (2) of this paragraph, that he be notified.

(2) *Requests for notification.* A State officer described in paragraph (a) (1) (ii) of this section will be notified of a determination described in paragraph (c) of this section after the Internal Revenue Service has received a request by him or submitted in his behalf setting forth the functions and authority of such State officer under State law, and the name of the organization or organizations, or the kinds of organizations, with respect to which such officer wishes to be notified.

(b) (1) *Appropriate State officers for purposes of inspection of Internal Revenue Service material.* A request for inspection of the material described in this subparagraph to the Internal Revenue Service may be made by a State officer of a State which has jurisdiction (as described in paragraph (c) (2) of this section) over the organization (or its assets or activities) with respect to which a determination was made (including, but not limited, to a State officer described in paragraph (a) (1) of this section), if he establishes (as described in subparagraph (2) of this paragraph) that a determination described in paragraph (c) (1) of this section is relevant to his authority under State law relating to organizations of the type described in section 501(c)(3). Such officer shall be deemed an appropriate State officer for purposes of inspection and, may, after such determination has been made, inspect—

(i) Returns, reports, statements, and other material submitted by the organization to the Internal Revenue Service, and

(ii) Factual information, including the factual portion of working papers of the Internal Revenue Service, which are relevant to such determination (as de-

scribed in paragraph (c) of this section) by the Internal Revenue Service and to a determination under State law relating to such organizations, which the State officer is charged with administering.

(2) *Requests for inspection.* In order to establish that he is entitled to inspect the material described in subparagraph (1) of this paragraph, a State officer must submit with his request for inspection a statement describing his functions and authority under State law in sufficient detail to demonstrate the relevance of the determination by the Internal Revenue Service to such functions or authority. Such statement must be accompanied by a statement by the State Attorney General that such description is an accurate statement of State law.

(c) *Definitions.*—(1) *Determination.* For purposes of this section, a determination by the Internal Revenue Service means a final determination by the Internal Revenue Service that—

(i) An organization is refused recognition as an organization described in section 501(c)(3) or that such an organization has been so operated that it will not, or will no longer, be recognized as meeting the requirements for exemption under that section, or

(ii) A deficiency of tax exists under section 507 or chapter 42.

For purposes of this paragraph, a determination by the Internal Revenue Service is not final until all administrative review with respect to such determination in the particular case has been completed. For example, a final determination that a deficiency of tax exists under section 507 or chapter 42 is not made until the organization is sent the notice of deficiency with respect to such taxes.

(2) *Jurisdiction.* For purposes of this section, the States which have jurisdiction, the officers of which will be notified and permitted inspection (as provided in paragraphs (a) and (b) of this section) are—

(i) The State which the organization lists as its address on its annual information return, or on its application for exemption, if it has not filed an annual information return,

(ii) In the case of a corporation, the State in which the organization was incorporated, or, in the case of a trust, the State in which the organization was created,

(iii) In the case of a private foundation which has filed an annual report as required by section 6056 with the Internal Revenue Service, all States which the foundation managers list in accordance with the provisions of § 1.6056-1(a)(6)(ii),

(iv) Any other State which has jurisdiction over the organization, its assets or activities, and which has requested that its appropriate officers be notified of determinations with respect to particular organizations, and

(v) Any other State which the Internal Revenue Service believes has jurisdiction over the organization, its assets or activities.

(d) *Effective date.* The State officers described in paragraphs (a) and (b) of

this section shall be notified in accordance with the provisions of this section of all determinations made after December 31, 1969.

[F.R. Doc. 70-13724; Filed, Oct. 12, 1970; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 919]

### PEACHES GROWN IN MESA COUNTY, COLO.

#### Notice of Proposed Change of Fiscal Period

Notice is hereby given that the Department is considering an addition, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 919.10 and other applicable provisions of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof, proposed a change in the fiscal period, as hereinafter set forth.

The proposal would extend the fiscal period which began November 1, 1969, and ends October 31, 1970, to include the period November 1, through November 30, 1970. With this inclusion, such fiscal period would cover a 13-month period. Also under the proposal, future fiscal periods would be established as the period December 1, through November 30 of the following year. A fiscal period ending November 30 would more nearly coincide with the committee's natural business year. Certain committee expenses, for a particular season, are not determinable until November 30 of that year.

The proposed addition to the rules and regulations is as follows:

#### Subpart—Rules and Regulations

##### § 919.102 Fiscal period.

The fiscal period specified in § 919.10 of this part which began November 1, 1969, and ends on October 31, 1970, is changed to include the period of November 1 through November 30, 1970. Thereafter, the fiscal period will begin on December 1 and end on November 30 of the following year.

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 10th 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)).

Dated: October 8, 1970.

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

[F.R. Doc. 70-13748; Filed, Oct. 12, 1970;  
8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 191 ]

### CHARCOAL BRIQUETTES AND OTHER FORMS OF CHARCOAL

#### Extension of Time for Filing Comments on Proposed Declaration of Haz- ardous Substances That Require Special Labeling

The notice published in the FEDERAL REGISTER of September 2, 1970 (35 F.R. 13887), proposing that charcoal briquettes and other forms of charcoal be declared to be hazardous substances that require special labeling (21 CFR 191.5, 191.7(b)(6)), provided for the filing of comments thereon within 30 days after said publication date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on the subject proposal is extended to November 1, 1970.

This action is taken pursuant to provisions of the Federal Hazardous Substances Act (sec. 3 (a), (b), 74 Stat. 374-75, as amended; 15 U.S.C. 1262) and the Federal Food, Drug and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 1, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-13703; Filed, Oct. 12, 1970;  
8:46 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-80-70]

### CONTROL ZONES

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that

would alter the Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field and NAS Saufley Field) control zones.

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, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMP Branch, Miami, Fla. 33159. 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, Air Traffic 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 following control zones described in § 71.171 (35 F.R. 2054) would be redesignated as:

#### PENSACOLA, FLA. (NAS PENSACOLA-FORREST SHERMAN FIELD)

Within a 5-mile radius of NAS Pensacola (Forrest Sherman Field) (lat. 30°21'15" N., long. 87°19'00" W.); within 3 miles each side of the 134° bearing from the NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of the 174° bearing from the NAS Pensacola UHP RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of the NAS Pensacola TACAN 235° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN; within 1.5 miles each side of the Saufley VOR 173° radial, extending from the 5-mile radius zone to 1.5 miles south of the VOR.

#### PENSACOLA, FLA. (NAS SAUFLEY FIELD)

Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 3 miles each side of the 214° bearing from NAS Saufley RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; excluding the portions within the Pensacola, Fla. (Municipal Airport and NAS Pensacola-Forrest Sherman Field) control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The application of Terminal Instrument Procedures (TERPs), current airspace criteria, and revised instrument approach procedures in the NAS Pensacola terminal complex requires the following actions:

#### PENSACOLA, FLA. (NAS PENSACOLA-FORREST SHERMAN FIELD)

1. Redesignate the extension predicated on the 219° bearing from NAS Pensacola LF

RBN to the 134° bearing and increase it from 4 to 6 miles in width and 8 to 8.5 miles in length.

2. Increase the extension predicated on the 174° bearing from the NAS Pensacola UHP RBN 2 miles in width and 0.5 mile in length.

3. Reduce the extension predicated on the NAS Pensacola TACAN 235° radial 1 mile in width.

4. Designate an extension predicated on the Saufley VOR 173° radial 3 miles in width and 1.5 miles in length.

#### PENSACOLA, FLA. (NAS SAUFLEY FIELD)

1. Increase the extension predicated on the 214° bearing from NAS Saufley RBN 2 miles in width and 0.5 mile in length.

2. Increase the extension predicated on the Saufley VOR 234° radial 2 miles in width and 0.5 mile in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the NAS Pensacola 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 October 5, 1970.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 70-13719; Filed, Oct. 12, 1970;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 18867]

### STANDARD BROADCAST STATIONS TO PRESCRIBE A LIMIT ON POSI- TIVE MODULATION

#### Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by Notice of Proposed Rule Making (FCC 70-539) adopted May 20, 1970, released May 23, 1970, and published in the FEDERAL REGISTER May 27, 1970, 35 F.R. 8282. The dates for filing comments and reply comments are presently October 5, 1970, and November 2, 1970, respectively.

2. On October 5, 1970, the National Association of Broadcasters (NAB), filed a request to extend the time for filing comments to and including November 5, 1970. NAB states that the Commission's proposal to prescribe a limit of 100 percent on positive modulation excursions has been under study for some time by the NAB Engineering Advisory Committee; however, due to numerous other technical questions facing this Committee and other demands upon its members, it has not been able to formulate a position as to a specific limit for positive peaks. NAB further states a special subcommittee will meet within the next 2 or 3 weeks to resolve the technical aspects of the proposal and arrive at a desired standard.

3. It appears that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered.* That the request filed by the National Association of Broadcasters for extension of time is granted to and including November 5, 1970, for comments and December 2, 1970, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: October 6, 1970.

Released: October 8, 1970.

[SEAL]

FRANCIS R. WALSH,  
Chief, Broadcast Bureau.

[F.R. Doc. 70-13726; Filed, Oct. 12, 1970;

8:47 a.m.]

#### [ 47 CFR Part 73 ]

[Docket No. 18882]

### TELEVISION BROADCAST STATIONS, CAMDEN AND ATLANTIC CITY, NEW JERSEY, AND PHILADELPHIA, PENNSYLVANIA

#### Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of proposed rule making (FCC 70-638) adopted June 17, 1970 and published in the FEDERAL REGISTER on June 25, 1970 (35 F.R. 10375). The dates for filing comments and reply comments, after several extensions, are presently October 5, 1970 and October 15, 1970, respectively.

2. One of the notice proposals was to remove Channel 23 from Philadelphia, Pa., to Camden, N.J., and reserve it for educational use. Just after the notice was issued, Vue-Metrics, Inc. (Vue-Metrics), filed an application (BPCT-4638) for use of the channel at Philadelphia. It is trying to work out an arrangement for use of Channel 40 for education in New Jersey instead of Channel 23. On October 5, 1970, Vue-Metrics filed a request to extend the time for filing comments to October 26, 1970, and reply comments to November 9, 1970. Vue-Metrics states it has received word that the FAA has informally advised that a tower of 749 feet above mean sea level could be cleared in a triangular area where Channel 40 could be assigned, and that clearance for a greater height might be possible. It further states it has ascertained that, within the triangular area (a) there is ample State land which might be used for a transmitter site, (b) the city of Vineland owns land which would be suitable for a site and which can be made available, and (c) there are also tracts of privately-owned land which can be purchased or leased for this purpose. Vue-Metrics states it has been informed that the license of WCMC-TV will not consent in advance to a modification of its license so as to change from Channel 40 to Channel 36. All of the foregoing information has been conveyed by Vue-Metrics to the New Jersey Public Broadcasting Authority, and Vue-Metrics has

been informed that the responsible officials of the agency will meet on October 9, 1970 to give consideration to this matter. Counsel for the New Jersey Public Broadcasting Authority has no objection to a grant of this extension.

3. It appears that the additional time requested is warranted and would serve the public interest. However, in view of the fact that there have been 4 previous extensions in this proceeding we feel the additional time now requested should be sufficient for the preparation of comments, and therefore no more extensions will be granted. *Accordingly, it is ordered.* That the request filed by Vue-Metrics, Inc. is granted to and including October 26, 1970 for comments and November 9, 1970 for reply comments.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: October 6, 1970.

Released: October 8, 1970.

[SEAL]

FRANCIS R. WALSH,  
Chief, Broadcast Bureau.

[F.R. Doc. 70-13727; Filed, Oct. 12, 1970;

8:47 a.m.]

#### [ 47 CFR Part 74 ]

[Docket No. 18891]

### DIVERSIFICATION OF CONTROL OF COMMUNITY ANTENNA TELEVISION SYSTEMS; AND INQUIRY WITH RESPECT THERETO TO FORMULATE REGULATORY POLICY AND RULEMAKING AND/OR LEGISLATIVE PROPOSALS

#### Order Extending Time for Filing Comments

1. In a letter filed October 1, 1970, the Storer Broadcasting Co., asked that the time for filing comments in this rule-making proceeding be extended from October 7, 1970, to October 22, 1970.

2. Storer notes that the date for filing comments in Docket 18397-A has already been extended to October 22, 1970, and the requested extension would permit parties to prepare more organized comments in these closely related dockets.

3. It being in the public interest to afford full opportunity for the submission of comments, pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.289(c) of the Commission's rules, 47 C.F.R. 0.289(c), the time for filing comments herein is extended to October 22, 1970, and the time for filing reply comments is extended to November 23, 1970.

Adopted: October 5, 1970.

Released: October 6, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] SOL SCHILDHAUSE,  
Cable Television Bureau.

[F.R. Doc. 70-13728; Filed, Oct. 12, 1970;  
8:48 a.m.]

#### [ 47 CFR Part 74 ]

[Docket No. 18894]

### TECHNICAL STANDARDS FOR COMMUNITY ANTENNA TELEVISION SYSTEMS

#### Order Extending Time for Filing Comments

1. In a letter filed October 2, 1970, the National Cable Television Association asked that the time for filing comments in this rulemaking proceeding be extended from October 7, 1970, to October 22, 1970.<sup>1</sup>

2. The date for filing comments in Docket 18397-A has been extended to October 22, 1970, and it appears desirable to make the filing dates in these closely related dockets uniform.

3. It being in the public interest to afford full opportunity for the submission of comments, pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.289(c) of the Commission's rules, 47 C.F.R. 0.289(c), the time for filing comments herein is extended to October 22, 1970, and the time for filing reply comments is extended to November 23, 1970.

Adopted: October 5, 1970.

Released: October 6, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] SOL SCHILDHAUSE,  
Cable Television Bureau.

[F.R. Doc. 70-13729; Filed, Oct. 12, 1970;  
8:48 a.m.]

#### [ 47 CFR Part 74 ]

[Docket No. 18892]

### FEDERAL-STATE OR LOCAL RELATIONSHIPS IN THE COMMUNITY ANTENNA TELEVISION SYSTEMS FIELDS; AND/OR FORMATION OF LEGISLATIVE PROPOSALS IN THIS RESPECT

#### Order Extending Time for Filing Comments

1. In a letter filed October 1, 1970, the Storer Broadcasting Co., asked that the time for filing comments in this rule-making proceeding be extended from October 7, 1970, to October 22, 1970.

2. Storer notes that the date for filing comments in Docket 18397-A has already been extended to October 22, 1970, and the requested extension would permit parties to prepare more organized comments in these closely related dockets.

3. It being in the public interest to afford full opportunity for the submission of comments, pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.289(c) of the Commission's rules, 47 C.F.R. 0.289(c), the time for filing comments herein is extended to October 22, 1970.

<sup>1</sup> Similar requests have been received from Storer Broadcasting Co. and Manhattan Cable Television.



Adopted: October 5, 1970.

Released: October 6, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] SOL SCHILDHAUSE,  
Cable Television Bureau.

[P.R. Doc. 70-13730; Filed, Oct. 12, 1970;  
8:48 a.m.]

[ 47 CFR Part 74 ]

[Docket No. 18397-A; FCC 70-1076]

**COMMUNITY ANTENNA TELEVISION  
SYSTEMS; AND INQUIRY INTO DE-  
VELOPMENT OF COMMUNICA-  
TIONS TECHNOLOGY AND SER-  
VICES TO FORMULATE REGULATORY  
POLICY AND RULEMAKING AND/  
OR LEGISLATIVE PROPOSALS**

**Order Extending Time for Filing  
Comments**

1. On July 1, 1970, the Commission released its second further notice of proposed rule making in this proceeding (FCC 70-676, 24 FCC 2d 580) in which it proposed for comments a new and somewhat different solution to the problem of permitting importation of distant television signals into major markets. This second notice specified that interested persons may file comments on the proposal on or before October 7, 1970, and reply comments on or before November 23, 1970. In this regard the Commission stated,

21. We have specified a 90-day period for comments and a 45-day period for reply comments. We believe that this provides a full and fair opportunity to comment on this im-

portant matter. We plan therefore to adhere to this timetable. Interested persons should not follow what has all too often been the practice in these complex rule making proceedings—doing nothing for several months and then seeking extensions when the third month deadline looms upon them. The public interest calls for both fair and expeditious treatment of these matters.

2. The program suppliers<sup>1</sup> now urge that the time within which the comments and reply comments may be filed be extended to and including November 9, 1970, and December 24, 1970, respectively. In support of their request, the program suppliers urge that there was slight delay in issuance of the text of the second report; that the Commission then released a relevant staff report which did not become available until later; that they have retained consulting economists to engage in the study of the impact of the alternative proposal; that the consulting economists are still researching relevant data; and that it is therefore necessary that further time be provided. Accordingly, the previously noted extension of filing dates is urged.

3. Although we are hopeful of receiving the best documented and supported statements of views of interested parties

<sup>1</sup> Allied Artists Television Corp.; Columbia Pictures Industries, Inc.; Independent Television Corp.; Metro-Goldwyn-Mayer, Inc.; MetroMedia, Inc.; Paramount Pictures Corp.; Twentieth Century-Fox Film Corp.; United Artists Television, Inc.; Walt Disney Productions; Walter Reade Organization, Inc.; Warner Brothers, Inc.; Motion Picture Association of America, Inc.; Association of Motion Picture & Television Producers, Inc. (representing 72 member producing companies); and Motion Picture Export Association of America, Inc.

obtainable, at the same time we are concerned that other equally interested parties will have expended time and money in an effort to comply with our stated deadlines. Further, we are not persuaded that full grant of the requested relief is necessary to protect the program suppliers' position in this proceeding. In order to avoid the risk of unfairness, however, we will extend the filing time for comments until October 22, 1970. In view of the time periods involved we see no need to extend the present November 23 date for filing reply comments. In this regard, we believe it appropriate to note that the Commission staff has been instructed to brief the Commission on December 7, 1970, regarding comments then on file. Subsequent to the staff briefing, the Commission presently plans to conduct an en banc hearing dealing with cable policy. The procedures for this hearing will be announced in an order to be released subsequently.

Accordingly, it is ordered, That the "Petition of Program Suppliers for an Extension of Time within which to File Comments and Reply Comments" filed September 15, 1970 is granted to the extent indicated above, and otherwise is denied.

Adopted: September 30, 1970.

Released: October 7, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 70-13731; Filed, Oct. 12, 1970;  
8:48 a.m.]

<sup>2</sup> Commissioner Wells absent.

# Notices

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WELLMORE COAL CORP. AND  
JEWELL RIDGE COAL CORP.

### Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m. 3) have been accepted for consideration as follows:

(1) ICP Docket No. 11262, Wellmore Coal Corp., Mine No. 21, USBM ID No. 44 01637 0, Grundy, Buchanan County, Va., section ID No. 001 (No. 1 Main).

(2) ICP Docket No. 10598, Jewell Ridge Coal Corp., Patten Coal Co., USBM ID No. 44 01504 0, Council, Buchanan County, Va., section ID No. 001 (Mains).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (33 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

OCTOBER 7, 1970.

[F.R. Doc. 70-13725; Filed, Oct. 12, 1970;  
8:47 a.m.]

## DEPARTMENT OF STATE

Agency for International Development

[AFR No. 118]

MISSION DIRECTOR AND DEPUTY  
MISSION DIRECTOR, USAID/  
NIGERIA

### Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to each of the individuals named above for the country within their responsibility, and to any person

acting in their official capacity, authority to perform the following functions, subject to instructions otherwise by me or my designee and retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 in accordance with the terms of the authorization of such loan;

2. Authority to execute and deliver loan agreements and amendments thereto with respect to loans authorized under the Foreign Assistance Act of 1961, provided, however, that the foregoing authority may not be utilized to approve amendments to such loan agreements which could increase the maximum total amount of the loan;

3. Authority to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements; and

(d) Authority to review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph (2) may not be redelegated.

The authorities enumerated above in paragraph (2) are also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Nigeria.

The Redelegation of Authority No. 77, dated February 16, 1965, from Edmond C. Hutchinson, Assistant Administrator, Bureau for Africa to the Mission Director of the U.S.A.I.D. Mission, Lagos, Nigeria is hereby rescinded.

This redelegation of authority is effective immediately.

Dated: June 4, 1970.

DAVID SHEAR,  
Acting Assistant Administrator,  
Bureau for Africa.

[F.R. Doc. 70-13722; Filed, Oct. 12, 1970;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-581]

### CALIFORNIA

### Notice of Amendment to Classification of Public Land for Multiple Use Management

OCTOBER 2, 1970.

The notice appearing in F.R. Doc. 68-143, pages 156 and 157 of the issue of January 5, 1968, is changed as follows:

Paragraph 4: Add the following described lands to provide for their segregation from the mining laws but not the mineral leasing laws:

MOUNT DIABLO MERIDIAN, CALIF.

SHASTA COUNTY

T. 34 N., R. 6 W.,  
Sec. 31, lots 5 to 16, inclusive, S $\frac{1}{2}$ ,  
S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ .

The lands described above aggregate 360.55 acres.

All the above lands are found to have high recreational values and require the protection afforded by the above segregations. The lands are proper for campsite development.

Public comments and the record of public discussion on these additional segregations are of record in the Redding District Office.

For a period of 30 days from the date of publication of this notice of amendment in the FEDERAL REGISTER, the classification amendment shall be subject to the exercise of administrative review and modification by the Secretary of the Interior.

E. J. PETERSEN,  
Acting State Director.

[F.R. Doc. 70-13708; Filed, Oct. 12, 1970;  
8:46 a.m.]

[Montana 16437]

### MONTANA

### Order Providing for the Opening of Public Lands

OCTOBER 5, 1970.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONT.

T. 8 N., R. 48 E.,  
Sec. 10, S $\frac{1}{2}$ ;  
Sec. 13, Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and W $\frac{1}{2}$   
SE $\frac{1}{4}$ ;  
Sec. 15, All;  
Sec. 23, All.

The area described contains 2,094.24 acres.

2. The land is situated in Custer County and presently provides habitat for mule deer and sharp tailed grouse. The lands have been acquired to further Federal programs. It possesses high multiple use values including livestock grazing, wildlife habitat, and outdoor recreation. Public lands in this area have been classified for multiple use management and retention in Federal ownership under serial number M 12081.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m. November 10, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands are in private ownership and their status is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

EUGENE H. NEWELL,  
Land Office Manager.

[F.R. Doc. 70-13738; Filed, Oct. 12, 1970;  
8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

[Notice No. 56]

#### WHEAT IN MONTANA

#### Extension of the Closing Date for Filing of Applications for the 1971 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance for the 1971 crop year in all counties in Montana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on October 16, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,  
Manager, Federal  
Crop Insurance Corporation.

[F.R. Doc. 70-13718; Filed, Oct. 12, 1970;  
8:47 a.m.]

#### Office of the Secretary

#### COLORADO

#### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration

Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Colorado natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

#### COLORADO

Archuleta	Montezuma
Conejos	Montrose
Delta	Ouray
Dolores	Rio Grande
Hinsdale	Saguache
La Plata	San Juan
Mineral	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of October 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-13746; Filed, Oct. 12, 1970;  
8:49 a.m.]

#### OKLAHOMA

#### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

#### OKLAHOMA

Dewey	Washita
Ellis	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of October 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-13747; Filed, Oct. 12, 1970;  
8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### DOW CHEMICAL CO. AND SHELL CHEMICAL CO.

#### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec.

408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), notice is given that a petition (PP 0F1004) has been filed by the Dow Chemical Co., Midland, Mich. 48640 and the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for residues of inorganic bromides (calculated as Br) from use of the nematocide 1,2-dibromo-3-chloropropane in or on the raw agricultural commodities soybeans at 125 parts per million and lima beans at 50 parts per million.

The analytical method proposed in the petition for determining residues of the nematocide is the method of S. A. Shrader, A. W. Beshgetoor, and V. A. Stenger, Industrial and Engineering Chemistry, 14:1, January 15, 1942.

Dated: October 2, 1970.

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

[F.R. Doc. 70-13700; Filed, Oct. 12, 1970;  
8:46 a.m.]

#### M&T CHEMICALS, INC.

#### 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 1B2582) has been filed by M&T Chemicals, Inc., Rahway, N.J. 07065, proposing that § 121.2527 *Antistatic and/or anti-fogging agents in food-packaging materials* (21 CFR 121.2527) be amended to provide for the safe use of glyceryl monoricinoleate as an antifogging agent for polyvinyl chloride in food-contact articles.

Dated: October 1, 1970.

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

[F.R. Doc. 70-13701; Filed, Oct. 12, 1970;  
8:46 a.m.]

#### SHELL CHEMICAL CO.

#### Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1B2591) has been filed by Shell Chemical Co., a division of Shell Oil Co., 2525 Murworth Drive, Houston, Tex. 77025, proposing the issuance of a regulation (21 CFR 121) to provide for the safe use of styrene-butadiene-block copolymers as articles or components of articles intended to contact food.

Dated: October 1, 1970.

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

[F.R. Doc. 70-13702; Filed, Oct. 12, 1970;  
8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Organization Order 45-1;  
Transmittal 38]

### ECONOMIC DEVELOPMENT ADMINISTRATION

#### Appendix A—Public Information Appendix

SEPTEMBER 18, 1970.

This material supersedes the material appearing at 32 F.R. 13340 of September 21, 1967.

A. *Purpose.* 1. Describes, in general, the public information services of the Economic Development Administration (EDA), and the places at which, and the methods whereby, the public may obtain information.

2. Informs the public of the sources or availability of rules, regulations, procedures, instructions, forms, and requirements established by the Economic Development Administration which affect the public.

3. Complies with the public information requirements of section 552 of title 5, United States Code.

B. *Public information services.* 1. EDA publications are listed in the annual Catalog of Commerce Publications and the weekly Business Service Checklist. In addition, EDA's monthly magazine, Economic Development, lists new EDA publications. These publications are available from the Superintendent of Documents, U.S. Government Printing Office, or from any Business Service Center of the Bureau of Domestic Commerce, Department of Commerce.

2. Information about the availability of reports of economic research studies and technical assistance projects, conducted or supported by EDA may be obtained from the Office of Public Affairs, EDA. (See address in paragraph B.3. of this appendix.)

3. The Office of Public Affairs, EDA, has available a variety of pamphlets, bulletins, and announcements describing EDA programs, accomplishments, and activities. This Office maintains a reference file of photographs, newspaper clippings, announcements of grants, loans, and other projects, and material of general interest concerning EDA and economic development. Requests for free publications, all general inquiries from the public, and initial inquiries from representatives of news or other media should be directed to this Office, which is located in Room 7327, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. The telephone number is 967-5113; Area Code 202.

4. Inquiries concerning specific EDA projects, or the status of individual project applications, should be directed to the appropriate Regional Director, at the address shown in paragraph F.2. of this appendix. The geographic areas covered by each Regional Office are shown in section 12 of Department Organization Order 45-1. Where appropriate, the Regional Director will transmit these

inquiries to the Office of Public Affairs, Washington, D.C., in accordance with section D of this appendix.

C. *Guide to published rules and regulations.* Rules and regulations pertaining to the grant, loan, and technical assistance programs of the Economic Development Administration, issued to implement the Public Works and Economic Development Act of 1965, as amended, are contained in Title 13, Chapter III, Code of Federal Regulations. These rules, as published, contain the matters required by 5 U.S.C. 552.

D. *Submission of requests and applications.* 1. Instructions for making any request or application for assistance from EDA, including an identification of the established places at which such submissions should be made, are contained in the regulations cited in section C. of this appendix.

2. Any member of the Public desiring to make any other submittals, or to obtain information with regard to any of the activities or functions of the Economic Development Administration, should direct such submissions or requests to the Director, Office of Public Affairs, EDA, at the address indicated in paragraph B.3. of this appendix.

E. *Final delegation of authority.* The EDA officers and employees to whom there has been delegated or redelegated the authority to take final actions or make final decisions, on project applications or other matters affecting the public, are identified in the rules and regulations cited in section C. of this appendix.

F. *Inspection and copying of opinions and orders.* 1. All final opinions of the Economic Development Administration made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Publications Division, Office of Public Affairs, EDA, Room 6814-B, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in section 301.63, Title 13, Code of Federal Regulations, and may also be obtained from the Publications Division.

2. For the convenience of the public, most of the materials available for public inspection and copying in the Publications Division, Office of Public Affairs, EDA, are also made available in the following EDA Regional Offices:

a. EDA Atlantic Regional Office, 320 Walnut Street, Philadelphia, Pa. 19106. Telephone: 597-2325; Area Code 215.

b. EDA Mid-Eastern Regional Office, 517 Ninth Street, Huntington, W. Va. 25701. Telephone: 529-2311; Ext. 591; Area Code 304.

c. EDA South Eastern Regional Office, 904 Bob Wallace Avenue, Huntsville, Ala. 35801. Telephone: 534-0661; Area Code 205.

d. EDA Midwestern Regional Office, 1000 Civic Tower Building, 32 West Randolph Street, Chicago, Ill. 60601. Telephone: 353-7706; Area Code 312.

e. EDA South Western Regional Office, 702 Colorado Street, Austin, Tex. 78701. Telephone: 475-5433; Area Code 512.

f. EDA Western Regional Office, 415 First Avenue North, Seattle, Wash. 98109. Telephone: 583-4740; Area Code 206.

G. *Inspection of records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Economic Development Administration which are not available to the public as part of the regular public information services of an EDA Office, are contained in section 301.63, Title 13, Code of Federal Regulations. Application forms and instructions are available from the Publications Division, Office of Public Affairs, EDA, or from any Business Service Center of the Bureau of Domestic Commerce, Department of Commerce.

LARRY A. JOBS,  
Assistant Secretary  
for Administration.

[P.R. Doc. 70-13711; Filed, Oct. 12, 1970;  
8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-341]

### DETROIT EDISON CO.

#### Notice of Availability of Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that The Detroit Edison Co. has submitted an environmental report, dated September 1970, which discusses environmental considerations relating to the proposed construction of the Enrico Fermi Atomic Power Plant Unit No. 2. A copy of the report is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. The Detroit Edison Co. has applied for a construction permit for its proposed Enrico Fermi Atomic Power Plant Unit No. 2 to be located on its site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich.

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the proposed action and on the report. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of The Detroit Edison Co.'s report and the comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 30th day of September 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-13692; Filed, Oct. 12, 1970;  
8:45 a.m.]

[Dockets Nos. 50-253, 50-234, 50-240]

### GULF ENERGY & ENVIRONMENTAL SYSTEMS, INC.

#### Notice of Amendments for Corporate Name Change of Facility Licenses

The Atomic Energy Commission has issued, effective as of the date of issuance, amendments to Facility License Nos. R-105, CX-23 and R-104 to change the corporate name of the holder of these licenses to Gulf Energy & Environmental Systems, Inc. The licenses were previously issued to Gulf General Atomic Inc., for authorization to possess, use and operate the APFA III and ECF facilities and to possess, but not to operate, the HTGR facility, all located on the corporation's Torrey Pines Mesa site in San Diego, Calif.

By letter dated August 4, 1970, Gulf General Atomic Inc. (GGA), advised that the corporate name had been changed to Gulf Energy & Environmental Systems, Inc. (GE&ES). GGA has become an operating division of GE&ES. By applications dated September 4 and September 8, 1970, GE&ES requested that the Facility License Nos. R-105, CX-23, and R-104 be amended to reflect this change. There are no changes to the operating staff for the facilities or in the uses which will be made of the facilities.

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

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request

for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these amendments, see (1) the licensee's letter of August 4, 1970, and applications for license amendments dated September 4 and September 8, 1970, and (2) the amendments to the facility licenses which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendments may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of September 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,  
Assistant Director for Reactor  
Operations, Division of Reactor  
Licensing.

[F.R. Doc. 70-13693; Filed, Oct. 12, 1970;  
8:45 a.m.]

[Docket Nos. 50-348, 50-364]

### JOSEPH M. FARLEY NUCLEAR PLANT UNITS 1 AND 2

#### Notice of Availability of Environmental Information and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Alabama Power Co. has submitted by letter (with enclosure) dated September 11, 1970, information for preparation of an Environmental Statement. A copy of the letter (with enclosure) is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Chairman of the Board of Revenue and Control of Houston County in Alabama. This proceeding involves the application by Alabama Power Co. for construction permits for its Joseph M. Farley Nuclear Plant Units 1 and 2 nuclear power reactors located on its site in Houston County, Ala. A notice of application for construction permit and facility license for Joseph M. Farley Nuclear Plant Unit 1 was published in the FEDERAL REGISTER on October 30, 1969 (34 F.R. 17531), and for Unit 2 was published in the FEDERAL REGISTER on August 25, 1970 (35 F.R. 13548).

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the environmental impact of the proposed construction and operation of the Joseph M.

Farley Nuclear Plant Units 1 and 2 on the information submitted for preparation of an Environmental Statement. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of Alabama Power Co.'s letter dated September 11, 1970 (with enclosure), and the comments thereon of Federal agencies (whose comments have been separately requested by the Commission) will be supplied to affected State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 5th day of October 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-13721; Filed, Oct. 12, 1970;  
8:47 a.m.]

[Docket No. 50-259]

### TENNESSEE VALLEY AUTHORITY

#### Order Extending Provisional Construction Permit Completion Date

By application dated September 1, 1970, the Tennessee Valley Authority requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-29. The permit authorizes the construction of a single cycle, forced circulation, boiling water nuclear reactor, known as the Browns Ferry Nuclear Power Station Unit No. 1, on the Tennessee Valley Authority's site at Wheeler Lake, Limestone County, Ala., about 10 miles southwest of Athens, Ala.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and section 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-37 is extended from October 1, 1970, to April 15, 1972.

Dated at Bethesda, Md., this 29th day of September 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-13691; Filed, Oct. 12, 1970;  
8:45 a.m.]

[Docket No. 50-356]

### UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

#### Notice of Proposed Issuance of Construction Permit and Facility License

The Atomic Energy Commission (hereinafter "the Commission") is considering

the issuance of a construction permit and subsequently a facility license to the University of Illinois which would authorize the construction and operation of a low power reactor assembly (LOPRA) for educational and research purposes on the University's campus at Urbana, Ill. The proposed reactor will be installed in the bulk shielding tank of the Illinois Advanced TRIGA Reactor, and will be operated at steady-state power levels up to 10 kilowatts (thermal).

Upon completion of the construction of the LOPRA in compliance with the terms and conditions of the construction permit, and in the absence of good cause to the contrary, the Commission will issue to the University of Illinois without prior notice, a facility license authorizing the operation of the LOPRA since the application is complete enough to permit evaluation of the safety of the proposed operation of the LOPRA.

The Commission has found that the application for construction permit complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter I.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of the construction permit may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) the application dated February 18, 1970, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the proposed construction permit and facility license, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of October 1970.

For the Atomic Energy Commission:

RICHARD H. VOLLMER,  
Acting Assistant Director for  
Reactor Operations, Division  
of Reactor Licensing.

[F.R. Doc. 70-13694; Filed, Oct. 12, 1970;  
8:45 a.m.]

[Docket No. 50-266]

**WISCONSIN ELECTRIC POWER CO.  
AND WISCONSIN MICHIGAN  
POWER CO.**

**Notice of Issuance of Facility  
Operating License**

Notice is hereby given that in accordance with the Notice of Proposed Issuance of Facility Operating License published in the FEDERAL REGISTER on July 15, 1970, 35 F.R. 11329, the Atomic Energy Commission (the Commission) has issued Facility Operating License DPR-24 to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. (the applicants) authorizing the licensees to possess, use, and operate the Point Beach Nuclear Plant Unit No. 1, a pressurized water nuclear reactor, on the applicants' site in the town of Two Creeks, Manitowoc County, Wis. The license authorizes the applicants to operate the reactor at steady state thermal power levels not to exceed 1,518 megawatts, in accordance with the provisions of the license and the Technical Specifications (Appendix A) appended thereto.

Following the publication of the notice of proposed issuance a request by Mr. John P. Wilson and Mr. Vance J. Van Laanen, both of Green Bay, Wis., for leave to intervene and for a hearing in this matter was received on August 14, 1970. This request for both leave to intervene and a hearing was withdrawn on October 5, 1970. No other petitions for leave to intervene have been filed nor have the applicants requested a hearing.

The Commission has inspected the facility and has determined that it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-32, as amended. The Commission has made the findings which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The facility operating license was issued as proposed except for the revisions of subparagraphs 2.B. and 2.C. of the conditions and requirements of the license to reflect (a) authorization of receipt, possession, and storage, of 75 milligrams of uranium 238 and 120 milligrams of neptunium 237 as contained in sealed dosimeters, previously licensed by Amendment No. 1 to special nuclear material License No. SNM-1155, and (b) additional byproduct material licensed by Amendment No. 4 to byproduct material License No. 48-13334-01.

A copy of License No. DPR-24, complete with Technical Specifications, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the license may be obtained

upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of October 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,

Division of Reactor Licensing.

[F.R. Doc. 70-13695; Filed, Oct. 12, 1970;  
8:45 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket No. 22581; Order 70-10-40]

**APOLLO AIRWAYS, INC.**

**Order To Show Cause Regarding  
Establishment of Service Mail Rate**

Issued under delegated authority October 7, 1970.

The Postmaster General filed a notice of intent September 22, 1970, pursuant to 14 CFR, Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 91 cents per great circle aircraft mile for the transportation of mail by aircraft between Mojave and Los Angeles, Calif., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noted, it is proposed to issue an order<sup>1</sup> to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Apollo Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful

<sup>1</sup> This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

therefor, and the services connected therewith, shall be 91 cents per great circle aircraft mile between Mojave and Los Angeles, Calif., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.16(f),

*It is ordered, That:*

1. Apollo Airways, Inc., the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Apollo Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served upon Apollo Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,  
Secretary.

[P.R. Doc. 70-13739; Filed, Oct. 12, 1970; 8:49 a.m.]

[Dockets Nos. 21322, 21866; Order 70-10-38]

**DOMESTIC TRUNKLINE CARRIERS**  
**Order Regarding Passenger-Fare Revisions**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of October 1970.

Passenger-fare revisions proposed by the domestic trunkline carriers, Docket 21322, and domestic passenger-fare investigation, Docket 21866.

By Order 70-7-128 dated July 28, 1970, the Board, inter alia, ordered the domestic trunkline and local service air carriers to establish an expiration date of October 14, 1970, for their then existing passenger tariffs so that new tariffs could be filed by them free of the element of Board compulsion which had been found to exist by the Court of Appeals in its decision in *Moss, et al v. C.A.B.*, 23, 627. The carriers established such expiration date and thereafter filed new tariffs marked to become effective on October 15, 1970. By Order 70-9-123 entered on September 24, 1970, the Board suspended all those newly proposed tariffs which would have increased the rate level. The intent of this action, coupled with the earlier establishment of the October 14, 1970, expiration date of the prior tariffs, as contemplated in Order 70-7-128, was to permit those carriers whose tariffs were suspended to file such new tariff proposals as then seemed proper to them even on short notice. The basic intent of the Board was to set in motion a procedure whereby new and lawful tariffs could be put in effect to replace those which the court had found unlawful.

However, Order 70-9-123 inadvertently failed to suspend the effectiveness of that portion of the tariff revisions which canceled the expiration date of October 14, 1970, for the presently existing tariffs. Owing to this inadvertence, as a technical matter, those carriers whose tariff proposals were suspended will be able to continue their present tariffs in force, without a new filing with the Board. In these circumstances, and for purposes of correcting the technical inadvertency, we are hereby amending our Order 70-9-123 to provide for the suspension of the cancellation of the October 14 expiration date for all carriers whose fare proposals were otherwise suspended, as we intended originally. This will have the effect of reinstating the October 14 expiration date for such carriers so that they will have to propose new tariffs to replace those currently in effect in order to have effective tariffs on October 15. To facilitate this result we are prepared to grant short notice filings as was contemplated by Order 70-7-128.

*It is ordered, That:*

1. Order 70-9-123, is amended to add thereto the following:

1a. Pending hearing and decision by the Board, the tariff matter described in Appendix D attached hereto<sup>1</sup> is suspended and its use deferred to and including January 11, 1971, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special tariff permission of the Board.

2. A copy of this order will be filed with the aforesaid tariffs and be served upon all parties in Dockets 21322 and 21866, and the complainants herein.

This order will be published in the FEDERAL REGISTER.

<sup>1</sup> Filed as part of the original document.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

[P.R. Doc. 70-13741; Filed, Oct. 12, 1970; 8:49 a.m.]

[Docket No. 22582; Order 70-10-41]

**EUREKA AERO INDUSTRIES, INC.**

**Order To Show Cause Regarding Establishment of Service Mail Rate**

Issued under delegated authority October 7, 1970.

The Postmaster General filed a notice of intent September 22, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 70 cents per great circle aircraft mile for the transportation of mail by aircraft between Bakersfield and San Francisco, via Fresno, Calif., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order<sup>1</sup> to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Eureka Aero Industries, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 70 cents per great circle aircraft mile between Bakersfield and San Francisco, via Fresno, Calif., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

*It is ordered, That:*

1. Eureka Aero Industries, Inc., the Postmaster General, Delta Air Lines, Inc., Hughes Air Corp., National Airlines, Inc., Trans World Airways, Inc., United Air Lines, Inc., Western Air Lines, Inc., and

<sup>1</sup> This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eureka Aero Industries, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served upon Eureka Aero Industries, Inc., the Postmaster General, Delta Air Lines, Inc., Hughes Air Corp., National Airlines, Inc., Trans World Airways, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[P.R. Doc. 70-13740; Filed, Oct. 12, 1970;  
8:49 a.m.]

[Docket No. 20291; Order 70-10-39]

#### MOHAWK AIRLINES, INC.

##### Order Dismissing Petition

Issued under delegated authority October 7, 1970.

On June 18, 1970, there was filed with the Board certain amendments to sections II, VII, and VIII of the Provisions for the Regulation and Conduct of the IATA Traffic Conference (Agreement CAB 1175-A27) which were adopted by the Executive Committee at its 77th meeting held in Geneva on May 26-27, 1970. By order 70-7-21, July 6, 1970, the Board deferred action thereon and directed each United States certificated air carrier member of IATA to file comments with respect to the agreement and also invited comments thereon from any other interested persons.

Prior to that date, on June 30, 1970, Mohawk Airlines, Inc. (Mohawk), peti-

tioned the Board to disapprove the amendments to sections II and VII which would have substituted an 80 percent majority agreement procedure in situations where unanimous vote of the IATA members was not forthcoming.<sup>1</sup>

On September 9, 1970, the Board by Order 70-9-51, disapproved the amendments to sections II and VII. Consequently, it now appears that Mohawk's petition is moot and should be dismissed.

Accordingly, pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3, it is concluded that the petition of Mohawk Airlines in Docket 20291 should be dismissed.

Accordingly, it is ordered, That: The petition of Mohawk in Docket 20291 be and it hereby is dismissed.

Persons entitled to petition the Board for Review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,  
Secretary.

[P.R. Doc. 70-13742; Filed, Oct. 12, 1970;  
8:49 a.m.]

[Order 70-10-45]

#### AMERICAN ENSIGN VAN SERVICE, INC., ET AL.

##### Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1970.

Temporary relief of certain unauthorized indirect air carriers to perform household goods services for the Department of Defense.

At the request of the Department of Defense (DOD), the Board, by Order 69-10-60, October 13, 1969, granted temporary relief from provisions of the Federal Aviation Act of 1959 to permit eight unauthorized indirect air carriers<sup>2</sup> to transport by air used household goods<sup>3</sup>

<sup>1</sup> Subsequently, on July 21, 1970, Mohawk filed an amendment to petition and requested that such be considered as its comments in response to Order 70-7-21, supra.

<sup>2</sup> American Ensign Van Service, Inc., Asiatic Forwarder, Inc., CTI—Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., International Sea Van, Inc., North American Van Lines, Inc.

<sup>3</sup> The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

of Department of Defense (DOD) personnel. The relief granted will expire October 14, 1971.

By letter dated August 10, 1970, as amended, the Department of the Army (acting on behalf of DOD) states that, in addition to the eight already exempted carriers, it now has a requirement that similar relief be granted to nine additional unauthorized indirect air carriers and requests that such relief also terminate no later than October 14, 1971. The carriers whose services are requested by DOD are listed in Appendix A hereto.<sup>4</sup>

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act those carriers whose services have been requested by DOD to transport by air used household goods of personnel of DOD.<sup>5</sup>

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of title IV and section 610(a) (4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall expire October 14, 1971, unless sooner terminated by the Board;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[P.R. Doc. 70-13743; Filed, Oct. 12, 1970;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19034, 19035; FCC 70-1069]

#### ULYSSES SHERMAN BARTMESS AND W. H. HANSEN

##### Order Designating Applications for Consolidated Hearing on Stated Issues

In regard to applications of Ulysses Sherman Bartmess, Burney, Calif., requests: 106.1 mcs., No. 291; 100 kw.; 1055

<sup>4</sup> Filed as part of the original document.

<sup>5</sup> All of the carriers relieved herein are applicant parties to the Household Goods Airfreight Forwarder Investigation, Docket 20812. The Board's action herein should not be construed as a determination of the final disposition to be made of the applications for air freight forwarder authority filed by the carriers relieved by this order or as an approval of control and interlocking relationships or agreements involving the carriers relieved by this order, or their affiliates.



feet, Docket No. 19034, File No. BPH-6689, and W. H. Hansen, Fall River Mills, Calif., requests: 106.1 mcs., No. 291; 100 kw.; 1084 feet, Docket No. 19035, File No. BPH-6918; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to his application Ulysses S. Bartmess would require \$23,000 to construct and operate his proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on cash on hand and in banks totalling \$20,000 and a bank loan for \$25,000. Since the bank loan fails to set forth all applicable terms and conditions, no credit can be given for this item. Accordingly, a financial issue will be specified.

3. According to his application, W. H. Hansen would require \$31,750 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on a bank loan, but he has not established the availability of such a loan. As a result, the above cost figure does not include any amounts for interest and first-year amortization. Accordingly, a financial issue will be specified.

4. In *Suburban Broadcasters*, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d, 1903, and *City of Camden (WCAM)*, 18 FCC 2d 412 (1969), and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case W. H. Hansen does not appear to have contacted a representative cross section of the area nor adequately provided the comments regarding community problems obtained from such contacts. In addition, he has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether W. H. Hansen is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

5. Several applications, including renewal applications for stations KCNO-AM, Alturas, Calif., and KDOV-AM, Medford, Oreg., were designated for hearing on various issues relating to the connection of W. H. Hansen with these stations. In designating the matter for hearing (FCC 68-1013; Docket No. 18349, et al.) the Commission specified issues to determine, *inter alia*, whether W. H. Hansen had participated in misrepresentation to the Commission and an unauthorized transfer of control of station KDOV-AM. In an initial decision, released November 25, 1969, the hearing examiner found against W. H. Hansen on these issues and denied the renewal applications. Because of these

matters, serious questions arise regarding his qualifications to be a licensee, and an appropriate issue will be specified.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Ulysses S. Bartmess proposes essentially all duplicated programming while W. H. Hansen proposes independent programming. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programming is proposed, the showing permitted under the contingent comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Ulysses S. Bartmess has available from a bank loan or otherwise<sup>1</sup>, the additional \$3,000 required for construction and first-year operation of his proposed station without reliance on revenues to thus demonstrate his financial qualifications.

2. To determine whether W. H. Hansen has available the \$31,750 required for construction and first-year operation of his proposed station without reliance on revenues to thus demonstrate his financial qualifications.

3. To determine the efforts made by W. H. Hansen to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine, in the light of a final Commission decision in Docket No. 18349 et al., whether W. H. Hansen possesses the requisite qualifications to be a licensee of the Commission and, if so, the impact of such final decision on his comparative qualifications.

5. To determine the areas and populations which would receive FM service of 1 mv./m. or greater intensity from the respective proposals together with the availability of other primary aural services in such areas.

6. To determine, in the light of section 307(b) of the Communications Act

of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

8. To determine which of the proposals would, on a comparative basis, better serve the public interest.

9. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

10. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 30, 1970.

Released: October 7, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 70-13734; Filed, Oct. 12, 1970;  
8:48 a.m.]

[Docket Nos. 19029, 19030; FCC 70-1053]

GEORGE E. KITCHEN & ASSOCIATES

Memorandum Opinion and Order  
Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Richard L. Monroe and George E. Kitchen doing business as George E. Kitchen & Associates for a Public Coast Class III-B radio station to serve the Benton Harbor, Mich., locality, Docket No. 19029, File No. 630-M-L-30, Docket No. 19030, File No. 601-M-L-60.

1. On March 27, 1970, Richard L. Monroe filed an application, amended on April 20, 1970; and on June 1, 1970, George E. Kitchen doing business as George E. Kitchen & Associates, filed an application, for a Public Coast Class III-B radio station to serve the Benton Harbor, Mich., locality on the lower east

<sup>1</sup> Commissioner Wells absent.

coast of Lake Michigan. This class of station provides VHF radio-communication service to ships. Both applicants request authority to use the working frequency 161.8 Mc./s. Except for the issues hereinafter specified, both applicants are otherwise qualified.

2. The Commission does not, ordinarily, authorize two stations of this class to serve the same geographical area, nor, pursuant to section 81.303 of the rules, do we grant an application for a station of this class to serve an area already served, unless a satisfactory showing of need for additional service is made. In the instant case, neither applicant has made any showing of the need for more than one station. Also, since both applications are for the same working frequency, they are mutually exclusive. Therefore, a hearing is needed to determine which application should be granted.

3. Accordingly, it is ordered, That the above-entitled applications of Monroe and Kitchen are designated for hearing at a time and place to be specified in a subsequent order on the following issues.

a. To determine comparatively which applicant will provide the public with the better public coast station service based on the following considerations:

- (1) Coverage area and its relation to the greatest number of potential users;
- (2) Hours of operation;
- (3) Ability to effectively participate in the maritime mobile radio safety system;
- (4) Rates and charges;
- (5) Qualifications of management, operators and other personnel;
- (6) Interconnection with landline facilities; and
- (7) Reliability and efficiency of service.

b. To determine in the light of the evidence adduced on all the foregoing issues, which application should be granted.

4. It is further ordered, That the burden of proceeding with the introduction of evidence on issue a is placed on each applicant insofar as the respective items pertain to each of these parties. Issue b is conclusory.

5. It is further ordered, That the guide and reference source for the preparation of exhibits showing the geographical area in which satisfactory ship-shore maritime communications can be technically exchanged will be the criteria contained in the Commission's notice of proposed rule making released August 28, 1970, in Docket 18944, which proposes technical standards for the computation of service areas for public coast Class III-B stations.

6. It is further ordered, That to avail themselves of an opportunity to be heard, Monroe and Kitchen, pursuant to § 1.221(c) of the rules, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Pursuant to § 1.221(b) of the rules, the Chiefs of the Safety and

Special Radio Services Bureau and the Common Carrier Bureau are parties to this proceeding.

Adopted: September 30, 1970.

Released: October 7, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-13732; Filed, Oct. 12, 1970;  
8:48 a.m.]

[Docket Nos. 19032, 19033; FCC 70-1066]

### SUN BROADCASTING, INC., AND JERRY J. COLLINS

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Sun Broadcasting, Inc., Sun Prairie, Wis., requests: 92.1 mc., No. 221; 3 kw.(H); 3 kw.(V); 300 feet, Docket No. 19032, File No. BPH-7108, and Jerry J. Collins, Sun Prairie, Wis., requests: 92.1 mc., No. 221; 2.9 kw.(H); 2.9 kw.(V); 300 feet, Docket No. 19033, File No. BPH-7172; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969) and our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969. We indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case Jerry J. Collins does not appear to have contacted a representative cross section of the area nor adequately provided the comments regarding community problems obtained from such contacts. Likewise, he has not submitted a listing of specific programs responsive to specific community problems, as evaluated. Sun Broadcasting on the other hand does not appear to have contacted a representative cross section of the area, but it has provided satisfactory comments from those it has contacted. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are

<sup>1</sup> Commissioner Wells absent.

designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by Sun Broadcasting to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine the efforts made by Jerry J. Collins to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications for construction permit should be granted.

5. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 30, 1970.

Released: October 7, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-13733; Filed, Oct. 12, 1970;  
8:48 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket No. 70-38]

### HONOLULU FREIGHT SERVICE

#### Order of Investigation and Suspension

Honolulu Freight Service—Increased noncontainerized freight, all kinds rate, Hawaiian delivery rates and charges and minimum charge per shipment in the U.S. Pacific/Hawaii trade.

There have been filed with the Federal Maritime Commission by Honolulu Freight Service, 4th revised page 32; 3d revised page 33; 1st revised page 34 and original page 35 to Tariff FMC-F

<sup>1</sup> Commissioner Wells absent.

No. 1, scheduled to become effective October 12, 1970, containing increased non-containerized freight, all kinds, rate; Hawaiian delivery rates and charges and minimum charge per shipment in the U.S. Pacific/Hawaii trade.

Upon consideration of said schedules, there is reason to believe that the above designated increased rates and charges should be placed under investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. It further appears that the practice of publishing two levels of freight, all kinds, rates, one level on containerized freight and a higher level on noncontainerized freight, when Note 2 of the rate item states that the rates apply only when the carrier has been furnished containers for loading by the underlying water carrier, should be investigated to determine whether such rates and practices are unjust, unreasonable, or unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. It further appears that the practice of publishing conflicting wharfage provisions, the freight, all kinds, rate item implying that the rate on containerized freight, all kinds, does not include wharfage and Item 30 of the tariff stating that rates named in the tariff include wharfage, should be investigated to determine whether such practices and conflicting tariff provisions are unjust and unreasonable under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore;

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted to determine (1) whether said increased rates and charges are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, (2) whether the practice of publishing two levels of freight, all kinds, rates, one level on containerized freight and a higher level on noncontainerized freight when Note 2 of the rate item states that the rates apply only when the carrier has been furnished containers for loading by the underlying water carrier, is unjust, unreasonable or otherwise unlawful under said sections, and (3) whether the practice of publishing conflicting wharfage provisions is unjust, unreasonable or otherwise unlawful under said sections with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 4th revised page 32; 3d revised page 33; 1st revised page 34 and original page 35 to Tariff FMC-F No. 1 are suspended and

the use thereof be deferred to and including February 11, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Honolulu Freight Service, a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until February 12, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

It is further ordered, That Honolulu Freight Service be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent; (II) the said respondent be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-13737; Filed, Oct. 12, 1970;  
8:48 a.m.]

### SOUTH CAROLINA STATE PORTS AUTHORITY AND SEATRAN LINES CONTAINER DIVISION

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Marion S. Moore, Jr., General Traffic Manager, South Carolina State Ports Authority, Post Office Box 817, Charleston, S.C. 29402.

Agreement No. T-2458, between South Carolina State Ports Authority (Charleston), and Seatrain Lines Container Division (Seatrain), is an interim lease agreement whereby Seatrain will lease certain terminal facilities from Charleston pending the completion of Charleston's container terminal. Seatrain will pay a fixed rental for the leased area plus dockage, wharfage, and crane usage charges as set forth in Charleston's tariff.

Dated: October 8, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-13736; Filed, Oct. 12, 1970;  
8:48 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2975]

### HYDRO-MISER CORP.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 6, 1970.

I. Hydro-Miser Corp. (Hydro-Miser), 5832 Old York Road, Philadelphia, Pa., incorporated in the State of Delaware on April 18, 1969, filed with the Commission on January 28, 1970, a notification on Form 1-A and an offering circular relating to an offering of 73,500 shares of its \$0.10 par value common stock at \$4 per share for an aggregate offering price of \$294,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on the basis of information provided by its staff, has reasonable cause to believe that:

A. The Offering Circular of Hydro-Miser contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The loss of Hydro-Miser's franchise distributorship;
2. A lawsuit instituted against Hydro-Miser; and
3. Hydro-Miser's inability to refund moneys held by it as refundable franchise deposits.

B. The offering, if made, would be in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.  
[F.R. Doc. 70-13697; Filed, Oct. 12, 1970;  
8:45 a.m.]

## DEPARTMENT OF LABOR

### Office of the Secretary

#### CERTIFICATION OF ELIGIBILITY OF WORKERS TO APPLY FOR ADJUSTMENT ASSISTANCE

##### Notice of Investigations

After reviewing the Tariff Commission's reports on its investigations of six petitions for adjustment assistance filed by groups of workers in the rubber-soled footwear, electrical components and automotive soft trim industries under section 301(c)(2) of the Trade Expansion Act of 1962 (Reports Nos. TEA-W-21, TEA-W-23, TEA-W-24, TEA-W-25, TEA-W-26 and TEA-W-27), the Presi-

dent decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has authorized the Secretary of Labor that he may certify as eligible to apply for adjustment assistance the involved group of workers of the Mishawaka, Ind., plant of UniRoyal, Inc.; the Watertown, Mass., plant of B. F. Goodrich Footwear Co.; the Rock Island, Ill., plant of Servus Rubber Co.; the Chicopee and Ludlow, Mass., plants to the F. W. Sickles Division of the General Instrument Corp.; and the Wyoming, Mich., plant of American Motors Corp.

In view of the Tariff Commission reports, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 P.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before October 23, 1970.

Signed at Washington, D.C., this 8th day of October 1970.

EDGAR I. EATON,  
Director, Office of  
Foreign Economic Policy.

[F.R. Doc. 70-13749; Filed, Oct. 12, 1970;  
8:50 a.m.]

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4852 (corrected by PLO 4912)	15644
4912	15644
4913	15925
4914	15997
4915	15997
4916	15597

## 45 CFR

177	15290
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## 47 CFR

0	15386
1	15289, 15387
2	15644
73	15644, 15811, 15814
74	15388

## PROPOSED RULES:

1	15304
2	15305
67	15648
73	15304, 15765, 16055, 16056
74	16056, 16057

## 49 CFR

1	15996
571	15290, 15293, 15757
1033	15294, 15295, 15394, 15395
1300	15444

## PROPOSED RULES:

173	16005
571	15304, 15764

## 50 CFR

10	15815
17	16047
32	15296,
	15299-15301, 15301, 15443, 15644-
	15646, 15759, 15815, 15816, 15998
33	15300, 15301, 15646
260	15925



