(b) This suspension order does not adversely affect handlers and does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (35 F.R. 14655). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during September 1970.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended to be effective with respect to all milk deliveries during September 1970.

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

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 25, 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-13107; Filed, Sept. 30, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9486; Admt. Nos. 21-35, 37-25, 121-68, 127-20, 135-21, 145-12]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

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

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

PART 145—REPAIR STATIONS

Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects; Extension of Effective Date

The purpose of these amendments is to further extend the effective date of Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 to the Federal Aviation Regulations which require manufacturers to notify the FAA of any failure, malfunction, or defect in any product, part, or article manufactured by them that could result in a hazard to flight.

Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 were published in the FEDERAL REGISTER on February 19, 1970 (35 F.R. 3154) to become effective April 2, 1970. The effective date was first extended to July 2, 1970, by Amendments 21-30, 37-20, 121-59, 127-16, 135-16, and 145-10 (35 F.R. 5319, Mar. 31, 1970) and later extended to October 2, 1970 by Amendments 21-33, 33-22, 121-63, 127-18, 135-19, 145-11 (35 F.R. 10653, July 1, 1970).

Subsequently, however, it has come to the attention of the FAA that some of the reporting requirements set forth in Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9, are ambiguous and may also require duplicate reporting of certain failures, malfunctions and defects. For these reasons, the FAA considers it necessary to clarify the reporting requirements and to remove any requirement that could result in duplicate reporting. It is contemplated that the amendments necessary to accomplish the foregoing will be issued in the very near future.

In view of the foregoing and the imminence of the October 2, 1970, effective date, the FAA has determined that there is a need for a further extension of the effective date of the new regulations.

Since this amendment is an extension of the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 published in the FEDERAL REGISTER (35 F.R. 3154) on February 19, 1970, is extended to November 30, 1970.

(Secs. 313(a), 603, 604, and 607 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 28, 1970.

K. M. SMITH,
Acting Administrator.

[F.R. Doc. 70-13204; Filed, Sept. 30, 1970; 8:52 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Parole Board Directive 6]

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Revocation by Board

Under and by virtue of the authority vested in the United States Board of Parole and the Youth Correction Division thereof by Title 18 of the United States Code (particularly Chapter 311 and Part IV and Subpart V of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations), Parole Board Directive No. 2, 28 F.R. 10750, is hereby amended to read as follows:

§ 2.40 Revocation by the Board.

A prisoner who is retaken pursuant to a warrant issued by the Board or a member thereof shall, while being held in custody under authority of such warrant awaiting possible return to a Federal institution, be afforded a preliminary interview by an official designated by the Board. Following receipt of a summary or digest of the preliminary interview, the Board shall afford the prisoner an opportunity to appear before the Board, a member thereof, or an examiner designated by the Board. If the prisoner requests a local hearing prior to return to a Federal institution in order to facilitate the retention of counsel or the production of witnesses, and if he has not been convicted of a crime committed while under community supervision, and if he denies that he has violated any condition of his release, he shall be afforded a local revocation hearing reasonably near the place of the alleged violation (or one of the alleged violations if more than one is alleged). Otherwise, he shall be given a revocation hearing after he is returned to a Federal institution. Following the revocation hearing, the Board may then or at any time within its discretion revoke and terminate the order of parole or mandatory release or modify the terms and conditions thereof. Whenever a parole or mandatory release is thus revoked, the prisoner may be required to serve all or any part of the remainder of the term for which he was sentenced, less such good time as he may earn following his recommitment.

The amendment made by this directive shall be effective upon the publication of this directive in the FEDERAL REGISTER.

Dated: August 31, 1970.

GEORGE J. REED,
Chairman,
United States Board of Parole.

WILLIAM F. HOWLAND, Jr.,
Chairman, Youth Correction Division, United States Board of Parole.

[F.R. Doc. 70-13131; Filed, Sept. 30, 1970; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 785—HOURS WORKED

Miscellaneous Amendments

Pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and Secretary's Order No. 19-67 (32 F.R. 12980), Part 785 of Title 29, Code of Federal Regulations is amended to revoke § 785.51 and to make minor changes in § 785.1, § 785.4, and § 785.8.

This change shall be effective immediately upon publication.

1. Section 785.1 is amended to read as follows:

§ 785.1 Introductory statement.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage. Section 7 of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving at least one and one-half times their regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, or to any area or Regional Office of the Division.

2. Section 785.4 is amended to read as follows:

§ 785.4 Application to Walsh-Healey Public Contracts Act.

The principles set forth in this part are also followed by the Administrator of the Wage and Hour Division in determining hours worked by employees performing work subject to the provisions of the Walsh-Healey Public Contracts Act.

3. Section 785.8 is amended to read as follows:

§ 785.8 Effect of custom, contract, or agreement.

The principles are applicable, even though there may be a custom, contract, or agreement not to pay for the time so spent with special statutory exceptions discussed in §§ 785.9 and 785.26.

4. Section 785.51 is revoked.

(52 Stat. 1060; 29 U.S.C. 201–219)

Signed at Washington, D.C., this 25th day of September 1970.

ROBERT D. MORAN,
Administrator,
Wage and Hour Division.

[F.R. Doc. 70-13132; Filed, Sept. 30, 1970; 8:49 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 34—MEDICAL EXAMINATION OF ALIENS

Dangerous Contagious Disease

A notice of proposed rulemaking regarding amendment of § 34.2(b) of Title 42, Code of Federal Regulations, was published in the FEDERAL REGISTER June 13, 1970, 35 F.R. 9292. The proposal was to eliminate certain diseases from the list of dangerous contagious diseases contained in § 34.2(b). Affliction with any disease eliminated from the list would no longer constitute a basis for issuance of a Class A certificate or notification under § 34.7 of Title 42.

Data, views, and arguments were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER and notice was given of the intention to make the regulations effective upon publication. No comments were received.

1. Paragraph (b) of § 34.2 *Definitions*, Title 42, Code of Federal Regulations, is amended to read as follows:

§ 34.2 Definitions.

* * * * *

(b) *Dangerous contagious disease.* Any of the following diseases:

(1) Chancroid.
(2) Gonorrhea.
(3) Granuloma inguinale.
(4) Leprosy, infectious.
(5) Lymphogranuloma venereum.
(6) Syphilis, infectious stage.
(7) Tuberculosis, active.

* * * * *

2. This amendment shall be effective upon publication.

(Sec. 215, 53 Stat. 690; Sec. 234, 66 Stat. 198; 42 U.S.C. 216, 8 U.S.C. 1224)

Dated: August 5, 1970.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: August 20, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13009; Filed, Sept. 30, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18244; FCC 70-1013]

PART 1—PRACTICE AND PROCEDURE

Nondiscrimination in Employment Practices of Broadcast Licensees

Memorandum opinion and order modifying report and order, 35 F.R. 8825.

In the matter of petition for rule making to require broadcast licensees to show nondiscrimination in their employment practices, RM-1144.

1. By report and order adopted May 20, 1970, released June 3, 1970, 23 F.C.C. 2d 430, 35 F.R. 8825, the Commission adopted a rule requiring broadcast licensees to file annual statistical reports of their employment makeup. These reports were to show the numbers of certain minority group employees and their sex in listed job categories. The job categories were those utilized by the Equal Employment Opportunity Commission in its form EEO-1.

2. On July 6, 1970, the United Church of Christ's Office of Communication, Board for Homeland Ministries, and Committee for Racial Justice Now, and The Board of National Missions of the United Presbyterian Church in the U.S.A., filed a petition for reconsideration. In this petition, it is urged that the EEOC job categories fall short of giving an adequate and effective profile of minority employment practices in the broadcast industry. Petitioners urge that the present EEOC job categories are irrelevant to the categories of work performed in the broadcast industry, and that, since only a small percentage of the radio broadcasters and 80–90 percent of television broadcasters now file EEO-1 forms, it is unrealistic to argue that stations would be overburdened by having to file a report requiring a different system of job categorization. They request that the Commission reconsider its use of the EEOC job categories and instead adopt the job categories recommended by petitioners in their reply comments dated October 3, 1969 (i.e., those of the NAEB).

3. In response to this petition, we have reviewed the question, including discussions with the EEOC. We do not believe that use of the NAEB job categories, which are themselves not a complete breakdown of jobs in commercial broadcasting, would be an improvement warranting a change. Since most television stations and many aural broadcasters now use the EEO-1 forms, there is a decided advantage in simplicity to our use of the same categories for racial data. We have determined to use that form (with slight instruction variations) in preference to the form attached to our June 3 order, primarily to give a better statistical picture of employment by sex and to avoid discrepancies in the two forms. Our revised instructions take into account certain special broadcast jobs, i.e., "comboman", and "on-the-air talent." They also utilize EEOC reporting periods. As time goes on and events warrant it, further revision and/or specific instructions may be issued. The revised form is attached hereto as an appendix.[1]

4. Along with the Report and Order, infra, we released tentative instructions which stated in paragraph 8 thereof that we would issue special instructions applicable to the annual employment statistics to be supplied by networks. We are taking this opportunity to revise paragraph 8 of the instructions to advise the networks of their reporting responsibilities under

[1] Filed as part of the original document.

this rule. We have determined that networks should use the same forms as are to be used for station statistics.[2]

5. To avoid any possible misconception that networks herein covered might not be required to file equal employment opportunity programs as described in appendix B of the Report and Order, infra,[3] we are hereby revising subsection I of the new section VI in FCC Forms 301, 303, 309, 311, 314, 315, 340, and 342 to read as follows:

I. Submit as Exhibit No. ____ the applicant's equal employment opportunity program for the station, and its network operation if the applicant operates a network, indicating specific practices to be followed in order to assure equal employment opportunity for Negroes, Orientals, American Indians, and Spanish Surnamed Americans in each of the following aspects of employment practice: Recruitment, selection, training placement, promotion, pay, working conditions, demotion, layoff and termination. The program should reasonably address itself to such specific practices as the following, to the extent they are appropriate in terms of station size, location, etc. A program need not be filed if the station has less than five full-time employees or if it is in an area where the relevant minorities are represented in such insignificant numbers that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

6. We wish to take this opportunity to comment again on the nature of the showing required under new section VI by the relatively small stations. Of course, such stations need not formulate elaborate or formal programs in hiring, promotion, etc. All that is required is that where the small station is operating in an area with substantial minority, it take appropriate and practical steps, in view of its size, to assure that it does afford an equal opportunity to the minority groups to obtain employment and to advance.

7. For the reasons set forth in the foregoing paragraphs, and considerations discussed in prior Commission opinions, the petition for reconsideration is denied; effective upon further instruction: *It is further ordered*, That Form 395 and its accompanying instructions are amended as a set forth in the appendix hereto[4] and *it is further ordered*, That subsection I of new section VI in FCC Forms 301, 303, 309, 311, 314, 315, 340, and 342 is revised as set forth in paragraph 5 above.

Adopted: September 23, 1970.

Released: September 28, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70-13133; Filed, Sept. 30, 1970; 8:50 a.m.]

[2] In addition to those networks which are also licensees, we believe that under section 403, we should obtain information as to equal employment programs and reports, and statistical information for those networks such as Mutual Broadcasting Co., which are not licensees. We will notify those networks separately as to the appropriate time for filing this material.

[3] Filed as part of the original document.

[4] Commissioner Bartley dissenting and issuing a statement which is filed as part of the original document; Commissioner Robert E. Lee concurring and issuing a statement which is filed as part of the original document; Commissioner Wells dissenting.

Title 45—PUBLIC WELFARE

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

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (c) of § 177.4 *Special allowances*, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period July 1, 1970, through September 30, 1970, inclusive.

As so amended § 177.4 reads as follows:

§ 177.4 **Special allowances.**

* * * * *

(c) *Promulgation of special allowances.* * * *

(5) For the period July 1, 1970, through September 30, 1970, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 2 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: September 24, 1970.

T. H. BELL, *Acting Commissioner of Education.*

Approved: September 29, 1970.

ELLIOT L. RICHARDSON, *Secretary.*

[F.R. Doc. 70-13195; Filed, Sept. 30, 1970; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter V—National Highway Safety Bureau, Department of Transportation

[Docket No. 2-12; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 207—Seating Systems—Passenger Cars, Multipurpose Passenger Vehicles, Trucks and Buses

The purpose of this amendment to Motor Vehicle Safety Standard No. 207 is to extend its application to multipurpose passenger vehicles, trucks and buses, to require a seat to remain in its adjusted position during load application, and to clarify and restructure the standard.

A notice of proposed rulemaking on the subject of amending Motor Vehicle Safety Standard No. 207, and extending it to multipurpose passenger vehicles, trucks and buses was published on September 20, 1969 (34 F.R. 14661).

The need for adequately anchored seating is clear. A seat that tears loose on impact adds to the hazards that are inherent in crash situations. Each seat must remain in place if it is to afford any protection to its occupant. Standard No. 207 accordingly established strength requirements for the anchorage of occupant seats, required that a means be provided for keeping folding seats and seat backs in place, and prescribed strength requirements for seat backs and seat back restraints. The proposal to extend the standard's application to additional types of vehicles is part of an overall effort to afford occupants of these vehicles protection equal to that now available to occupants of passenger cars. The extension of Standard No. 207 is closely allied with the extension of standards for seat belt installation (208) and anchorages (210) to these other vehicle types.

Most of the comments favored the extended application of the standard. Some persons who objected voiced the fear that the seat system requirements would eliminate some seating configurations in multipurpose passenger vehicles and walk-in van-type trucks. Although manufacturers of these vehicles may have to make design changes, it has been determined that strength and convenience in this case are not incompatible, and that the provision of adequate seats is not impracticable for such vehicles. It should also be noted that if a seat is not intended for use while the vehicle is in motion, and therefore provides no designated seating position under the amended definition of that term in section 571.3 of Title 49 CFR, the requirements of this standard do not apply to it.

Several respondents observed that the requirements of S4.2 that a seat sustain the required force "in each position to which it can be adjusted" would impose a substantial burden on power seats, whose "positions" may be very numerous. The intent of the paragraph is to insure that a seat would be able to sustain the specified force in any position that is usable in actual operations, although the manufacturer may choose to test it only in its most vulnerable positions. Thus, the manufacturer may use whatever means are at his disposal to meet the minimum requirements; the standards are not intended to dictate either the nature or the quantity of manufacturer testing. The requirement has been reworded slightly and language has been added to make it clear that the force specified by subparagraph (d) is applied to the seat only in the rearmost position.

The requirement that the seat withstand the load without leaving its adjusted position has been retained, but in response to another group of comments it has been decided to allow nonlocking suspension type seats to travel normally during application of the loads required by S4.2. Any other method