

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421; 73 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 13, 1970.

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

[F.R. Doc. 70-4759; Filed, Apr. 30, 1970;
8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the position of Special Assistant to the Chairman and the positions of one Confidential Assistant to each of the two Members of the Council on Environmental Quality are excepted under Schedule C. Effective on publication in the *FEDERAL REGISTER*, paragraph (g) is added to § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

(g) *Council on Environmental Quality.*
(1) One Special Assistant to the Chairman.

(2) One Confidential Assistant to each Member of the Council.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5340; Filed, Apr. 30, 1970;
8:46 a.m.]

PART 213—EXCEPTED SERVICE

Federal Power Commission

Section 213.3329 is amended to show that one position of secretary to the Advisor on Environmental Quality is excepted under Schedule C. Effective on publication in the *FEDERAL REGISTER*, paragraph (j) is added to § 213.3329 as set out below.

§ 213.3329 Federal Power Commission.

(j) One Secretary to the Advisor on Environmental Quality.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5340; Filed, Apr. 30, 1970;
8:46 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity; Correction

In the *FEDERAL REGISTER* (F.R. Doc. 70-4866) of April 22, 1970, on page 6423 a new paragraph (e) was erroneously added. The items should have been added to paragraph (d) as set out below.

§ 213.3373 Office of Economic Opportunity.

(d) *Office of the Assistant Director for Special Programs.* * * *

(2) One Coordinator, Youth Affairs Program.

(3) One Coordinator, Older Persons Program.

(4) One Coordinator, Voluntary Action Program.

(5) One Coordinator, Rural Affairs Program.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5341; Filed, Apr. 30, 1970;
8:46 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Pears for Processing¹

On July 23, 1969, a notice of proposed rule making was published in the *FEDERAL REGISTER* (34 F.R. 12181) regarding the revision of U.S. Standards for Pears for Canning (7 CFR §§ 51.1345-51.1358). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards: Following publication of the *FEDERAL REGISTER*, copies were distributed to industry organizations and individuals for com-

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

ment. The period for submission of comments ended August 15, 1969.

The only comments submitted to the Hearing Clerk in response to the publication of the proposal were two from the same organization. These comments reflected a misunderstanding of the applicability of the new tolerances. Accordingly, the section covering tolerances and their application was rewritten and clarified to avoid further misunderstanding. The first two paragraphs of § 51.1350 are changed.

The title of the standards is changed from U.S. Standards for Pears for Canning to U.S. Standards for Grades of Pears for Processing. This clearly indicates that these standards apply to pears used in all processing methods, and is in line with the present format for titles.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Pears for Processing are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

GENERAL

Sec. 51.1345 General.

GRADES

51.1346 U.S. No. 1.

51.1347 U.S. No. 2

CULLS

51.1348 Culls.

SIZE

51.1349 Size.

APPLICATION OF STANDARDS

51.1350 Application of standards.

DEFINITIONS

51.1351 Mature.

51.1352 Handpicked.

51.1353 Firm.

51.1354 Well formed.

51.1355 Damage.

51.1356 Pears grown from late blooms.

51.1357 Seriously deformed.

51.1358 Serious damage.

51.1359 Diameter.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.1345 General.

All percentages shall be calculated on the basis of weight.

GRADES

§ 51.1346 U.S. No. 1.

"U.S. No. 1" consists of pears of one variety which are mature, handpicked, firm, well formed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes, and from damage caused by broken skins, limb-rubs, sprayburn, sunburn, scab, russetting, bruises, hail, frost, drought spot, disease, insects, mechanical or other means. Unless otherwise specified, the pears shall not be further advanced than yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See §§ 51.1349 and 51.1350.)

RULES AND REGULATIONS

§ 51.1347 U.S. No. 2.

"U.S. No. 2" consists of pears of one variety which are mature, handpicked, firm, not seriously deformed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes, and free from serious damage by any other cause. Unless otherwise specified, the pears shall not be further advanced than yellowish green. Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See §§ 51.1349 and 51.1350.)

CULLS

§ 51.1348 Culls.

"Culls" are pears which do not meet the requirements of either of the foregoing grades.

SIZE

§ 51.1349 Size.

Size may be specified in connection with a grade by agreement between buyer and seller and stated in terms of minimum diameter or minimum and maximum diameters. Diameters shall be specified in inches and not less than eighth-inch fractions thereof. In addition, size may be stated in terms of ratio of length to diameter.

APPLICATION OF STANDARDS

§ 51.1350 Application of standards.

(a) Tolerances shall not apply in the application of the standards to determine the percentages of U.S. No. 1 and U.S. No. 2 quality, culls and off-size in a lot of pears; for example, when determining compliance with a grower-processor contract.

(b) Tolerances: The following tolerances, by weight, shall apply when a lot of pears has been sorted to meet a specific grade, such as a shipment to a processor which is intended to meet the requirements of the U.S. No. 1 grade:

(1) For defects. 10 percent for pears which fail to meet the requirements of the grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

(i) 2 percent for pears which are affected by decay.

(ii) 5 percent for pears which are infested by worms or have worm holes.

(2) For off-size. 5 percent for pears which are smaller than any specified minimum size, and 10 percent for pears larger than any specified maximum size.

DEFINITIONS

§ 51.1351 Mature.

"Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

§ 51.1352 Handpicked.

"Handpicked" means that the pears do not show evidence of having been on the ground.

§ 51.1353 Firm.

"Firm" means that the pear is fairly solid and yields only very slightly to moderate pressure, and is not wilted, shriveled, rubbery or flabby.

§ 51.1354 Well Formed.

"Well formed" means that the pear has the shape characteristic of the variety, so that after paring, cutting in halves, and coring, each half of the pear shall be well formed. Bartlett pears shall have at least a fairly well developed neck.

§ 51.1355 Damage.

"Damage" means any injury or defect which materially affects the processing quality of the fruit. After paring, cutting in halves, and coring, each half of the pear shall be well formed or the pear is considered damaged. Pears showing surface blemishes shall be considered damaged when the injury cannot be completely removed in the ordinary process of paring for commercial use.

§ 51.1356 Pears grown from late blooms.

"Pears grown from late blooms". Such pears often have excessively long stems (commonly termed "rat tails"), or may be misshapen or slightly rough. Such pears do not ripen properly for ordinary canning use.

§ 51.1357 Seriously deformed.

"Seriously deformed" means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

§ 51.1358 Serious damage.

"Serious damage" means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

§ 51.1359 Diameter.

"Diameter" means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

These standards shall become effective on March 15, 1970 and will thereupon supersede the U.S. Standards for Pears for Canning which have been in effect since June 12, 1939 (7 CFR, § 51.1345-51.1358).

Dated: April 28, 1970.

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

[F.R. Doc. 70-3350; Filed, Apr. 30, 1970;
8:48 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—1970 Feed Grain Program

Correction

In F.R. Doc. 70-3322 appearing at page 5082 in the issue of Thursday, March 26, 1970, the following changes should be made in the table under § 775.25(c):

1. The projected yield of grain sorghum for Cochise County, Ariz., should read "105.6".

2. The rate for computing diversion payments for grain sorghum for Johnson County, Ark., should read "1.14".

3. The projected yield of corn for Gilmer County, Ga., should read "53.1".

4. The projected yield of corn for Jo Daviess County, Ill., should read "102.7".

5. The projected yield of grain sorghum for Montgomery County, Ill., should read "65.8".

6. The projected yield of grain sorghum for Decatur County, Iowa, should read "68.6".

7. The projected yield of corn for Ida County, Iowa, should read "95.5".

8. The entry reading "Gloden Valley" under Montana should read "Golden Valley".

9. The projected yield of grain sorghum for Adair County, Okla., should read "41.5".

10. The rate for computing diversion payments for barley for Pickett County, Tenn., should read "1.06".

11. The rate for computing diversion payments for corn for Trousdale County, Tenn., should read "1.49".

12. The State heading now reading "Viginria" should read "Virginia".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in subparagraph (e) (6) relating to the State of Massachusetts, a new subdivision (iii) relating to Essex County is added to read:

(e) * * *

(6) *Massachusetts.* * * *

(iii) That portion of Essex County comprised of Saugus Township.

2. In § 76.2, in subparagraph (e) (8) relating to the State of Mississippi, a new subdivision (vi) relating to Tippah and Prentiss Counties is added to read:

(e) * * *

(8) *Mississippi.* * * *

(vi) The adjacent portions of Tippah and Prentiss Counties bounded by a line beginning at the junction of State Road 2 and the Tippah-Alcorn County line; thence, following the Tippah-Alcorn County line in a south and thence easterly direction to the Alcorn-Prentiss County line; thence, following the Alcorn-Prentiss County line in an easterly direction to U.S. Highway 45; thence, following U.S. Highway 45 generally in a southwesterly direction to State Road 30; thence, following State Road 30 in a generally southwesterly direction to the Prentiss-Union County line; thence, following the Prentiss-Union County line in a northerly direction to the Union-Tippah County line; thence, following the Union-Tippah County line in a westerly direction to State Road 370; thence, following State Road 370 in a northwesterly direction to State Road 2; thence, following State Road 2 in a northeasterly direction to its junction with the Tippah-Alcorn County line.

3. In § 76.2, in subparagraph (e) (20) relating to the State of Virginia, a new subdivision (xiii) relating to York County is added to read:

(e) * * *

(20) *Virginia.* * * *

(xiii) The northeastern portion of York County bounded by a line beginning at the junction of U.S. Highway 17 and the south bank of the York River; thence, following the south bank of the York River in a generally easterly direction to the eastern boundary of York County (Chesapeake Bay Coastline); thence, following the eastern boundary of York County (Chesapeake Bay Coastline) in a generally southerly direction to Secondary Road 621; thence, following Secondary Road 621 in a generally westerly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a south-easterly direction to State Primary Highway 173; thence, following State Primary Highway 173 in a generally westerly direction to the York-City of Newport News County line; thence, following the York-City of Newport News County line in a northwesterly direction to Secondary Road 637; thence, following Secondary Road 637 in a generally northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a northeasterly direction in its junction with the south bank of the York River.

(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 Essex County, Mass.; portions of Tippah and Prentiss Counties in Mississippi; and a portion of York County, Va., 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 areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable 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 27th day of April 1970.

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

[F.R. Doc. 70-5821; Filed, Apr. 30, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. U and G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS OR DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Credit Extended To Carry Mutual Fund Shares

§ 207.107 Status after July 8, 1969, of credit extended prior to that date to purchase or carry mutual fund shares.

For the text of interpretation, see § 221.119 of this subchapter.

§ 221.119 Status after July 8, 1969, of credit extended prior to that date to purchase or carry mutual fund shares.

(a) Prior to July 8, 1969, the margin and other requirements of Regulations G and U applied to credit extended to purchase or carry shares of a mutual

fund (secured by certain described collateral), if (1) the portfolio of the fund did "customarily include" securities that would themselves have been subject to the regulations and (2) the fund was included in a list of such funds that the Board published for this purpose.

(b) It was found that virtually all mutual funds met the "customarily include" test. Accordingly, for administrative reasons, the Board discontinued publication of the list and restated the rule to cover all mutual funds except those at least 95 percent of whose assets are continuously invested in exempted securities.

(c) The Board made these changes, effective July 8, 1969, in Regulation G (Code of Federal Regulations, Title 12, Part 207) by adding a new § 207.2(d) (while eliminating former § 207.2(c)(3) and § 207.4(b)), and in Regulation U (Code of Federal Regulations, Title 12, Part 221) by adding a new § 221.3(v) (while eliminating former § 221.3(b)(3) and § 221.3(d)).

(d) The Board has received several questions respecting the effect of the amendments on certain stock-secured credits that were extended prior to July 8, 1969, to purchase or carry mutual fund shares and were treated as not subject to Regulations G or U at the time of extension on the ground that the funds were not on the Board's published list.

(e) The Board has held that whether a loan is for the purpose of purchasing or carrying a stock not registered on a national securities exchange depends on the present status of the stock. Thus, a credit is treated as one for such a purpose if used to purchase or carry a stock that became registered after the loan was made. (1937 Federal Reserve Bulletin 955; Published Interpretations Par. 6435). The converse is also true (1938 Federal Reserve Bulletin 90; Published Interpretations Par. 6445).

(f) The same principle applies to the closely parallel question in the present case. Credits extended before July 8, 1969, to purchase or carry shares in the mutual funds in question were for the purpose of purchasing or carrying "margin stocks" (Regulation U) or "margin securities" (Regulation G) even though, at the time of extension, the funds were not on the Board's published list. Accordingly, if collateralized as specified in the regulations, the credits were subject to the pertinent regulation from the effective date of the amendments, July 8, 1969.

(g) In applying the above interpretation, it should be borne in mind that the Board's margin regulations are based on (1) the requirement of an initial deposit in connection with the original extension of a credit, and (2) limitations on substitutions or withdrawals of the collateral securing a credit.

(h) In the latter category, the Board's margin regulations apply a retention requirement to proceed of a sale of collateral in an undermargined loan (except for a same-day sale-and-purchase substitution) in order to strengthen the margin status of the loan (§ 207.1(j) of