

such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 23, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 26, 1970, through July 2, 1970, are hereby fixed as follows:

- (i) District 1: 202,000 cartons;
- (ii) District 2: 248,000 cartons;
- (iii) District 3: 73,703 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: June 24, 1970.

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

[P.R. Doc. 70-8153; Filed, June 24, 1970; 11:45 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 9, Amdt. 4]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Appeals; Correction

In F.R. Doc. 70-6190 appearing in the *FEDERAL REGISTER* of May 20, 1970, on page 7726, the words "or disposals" were inadvertently omitted immediately following the word "procurements" in the eighth line of the first sentence of revised § 121.3-6(b) (3) (i).

As corrected the first sentence of § 121.3-6(b) (3) reads as follows:

##### § 121.3-6 Appeals.

(b) *Method of appeal.* \* \* \*

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by an Area Administrator or his delegatee or by the Associate Administrator for Financial Assistance, may be taken at any time, except that, because of the urgency of pending procurements or disposals, appeals concerning the small business status of a bidder or offeror in a pending procurement may be taken within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator or his delegatee. \* \* \*

Dated: June 18, 1970.

HILARY SANDOVAL, Jr.,  
Administrator.

[P.R. Doc. 70-8081; Filed, June 25, 1970; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

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

[Docket No. 10394; Amdt. 708]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Miscellaneous Amendments

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$125.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective July 23, 1970.

Detroit, Mich.—Willow Run Airport; NDB (ADF) Runway 5R/L, Amdt. 21; Canceled.

Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAPs, effective July 23, 1970.

Detroit, Mich.—Willow Run Airport; Ter VOR-5R, Amdt. 4; Canceled.

Detroit, Mich.—Willow Run Airport; Ter VOR-23L, Amdt. 5; Canceled.

Detroit, Mich.—Willow Run Airport; Ter VOR-27L, Amdt. 4; Canceled.

Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 23, 1970.

Detroit, Mich.—Willow Run Airport; ILS Runway 5R/L, Amdt. 20; Canceled.

Detroit, Mich.—Willow Run Airport; ILS-23 R and L (BC), Amdt. 8; Canceled.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective July 23, 1970.

Alabaster, Ala.—Shelby County Airport; VOR-1, Amdt. 1; Revised.

Albion, N.J.—Albion Airport; VOR Runway 4, Amdt. 1; Revised.

Auburn, Ind.—Auburn-DeKalb Airport; VOR-1, Amdt. 2; Revised.

Auburn, Ind.—Auburn-DeKalb Airport; VOR Runway 9, Orig.; Established.

Detroit, Mich.—Willow Run Airport; VOR Runway 5R, Orig.; Established.

Detroit, Mich.—Willow Run Airport; VOR Runway 23L, Orig.; Established.

Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 9L, Amdt. 11; Revised.

Hammon, N.J.—Hammon Municipal Airport; VOR-1, Amdt. 1; Revised.

Kansas City, Kans.—Fairfax Municipal Airport; VOR-1, Orig.; Established.



Kansas City, Kans.—Fairfax Municipal Airport; VOR Runway 17, Amdt. 5; Revised.  
 Kansas City, Mo.—Municipal Airport; VOR-1, Amdt. 4; Revised.  
 Kansas City, Mo.—Municipal Airport; VOR Runway 3, Amdt. 5; Revised.  
 Kansas City, Mo.—Municipal Airport; VOR Runway 18, Amdt. 9; Revised.  
 Kansas City, Mo.—Municipal Airport; VOR Runway 21, Amdt. 4; Revised.  
 Kearney, Nebr.—Kearney Municipal Airport; VOR Runway 36, Orig.; Established.  
 Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 7L/R, Amdt. 4; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 25L/R, Amdt. 5; Revised.  
 Manitowoc, Wis.—Manitowoc Municipal Airport; VOR Runway 17, Amdt. 5; Revised.  
 Manitowoc, Wis.—Manitowoc Municipal Airport; VOR Runway 17, Amdt. 3; Revised.  
 Mankato, Minn.—Mankato Municipal Airport; VOR Runway 33, Orig.; Established.  
 Sellingsgrove, Pa.—Penn Valley Airport; VOR-1, Amdt. 1; Revised.  
 Spokane, Wash.—Spokane International Airport; VOR Runway 3, Amdt. 7; Revised.  
 Sussex, N.J.—Sussex Airport; VOR-1, Amdt. 2; Revised.

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

Decatur, Ill.—Decatur Airport; VOR Runway 36, Amdt. 7; Revised.

Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective July 23, 1970.

Detroit, Mich.—Willow Run Airport; LOC (BC) Runway 23L, Orig.; Established.  
 Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 6L, Amdt. 3; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Parallel LOC (BC) Runway 6L, Orig.; Established.  
 Los Angeles, Calif.—Los Angeles International Airport LOC (BC) Runway 6R, Amdt. 3; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; LOC (BC) Runway 7R, Amdt. 4; Revised.  
 Spokane, Wash.—Spokane International Airport; LOC (BC) Runway 3, Amdt. 5; Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 23, 1970.

Broken Bow, Nebr.—Broken Bow Municipal Airport; NDB (ADF) Runway 14, Orig.; Established.  
 Defiance, Ohio.—Defiance Memorial Airport; NDB (ADF) Runway 12, Amdt. 2; Revised.  
 Detroit, Mich.—Willow Run Airport; NDB (ADF) Runway 5R, Orig.; Established.  
 Kaiser, Mo.—Lee C. Fine Memorial Airport; NDB (ADF) Runway 21, Orig.; Established.  
 Kansas City, Kans.—Fairfax Municipal Airport; NDB (ADF)-1, Amdt. 6; Revised.  
 Kansas City, Mo.—Municipal Airport; NDB (ADF) Runway 18, Amdt. 8; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; NDB (ADF) Runway 24 L/R, Amdt. 4; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; NDB (ADF) Runway 25 L/R, Amdt. 32; Revised.

Morristown, N.J.—Morristown Municipal Airport; NDB (ADF) Runway 5, Amdt. 5; Revised.  
 Spokane, Wash.—Spokane International Airport; NDB (ADF) Runway 21, Amdt. 9; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 23, 1970.

Detroit, Mich.—Willow Run Airport; IRS Runway 5R, Orig.; Established.  
 Kansas City, Kans.—Fairfax Municipal Airport; ILS-1, Amdt. 9; Revised.  
 Kansas City, Mo.—Municipal Airport; ILS Runway 18, Amdt. 10; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 7L, Amdt. 2; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 7L, Orig.; Established.  
 Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24L, Amdt. 5; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24R, Amdt. 1; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 24R, Amdt. 2; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 24L/R, Amdt. 3; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25L, Amdt. 36; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 25L, Amdt. 1; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25R, Amdt. 13; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Parallel ILS Runway 25L/R, Amdt. 2; Revised.  
 Spokane, Wash.—Spokane International Airport; ILS Runway 21, Amdt. 12; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 2, 1970.

Decatur, Ill.—Decatur Airport; ILS Runway 6, Orig.; Established.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective July 23, 1970.

Detroit, Mich.—Willow Run Airport; Radar-1, Amdt. 1; Revised.  
 Los Angeles, Calif.—Los Angeles International Airport; Radar-1, Amdt. 26; Revised.  
 Spokane, Wash.—Spokane International Airport; Radar-1, Amdt. 6; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 8(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 17, 1970.

W. E. ROGERS,  
*Acting Director,  
 Flight Standards Service.*

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

[F.R. Doc. 70-8045; Filed, June 25, 1970; 8:45 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 108.622]

### PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

#### Priority Dates

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to further clarify the intent of § 42.62(a).

Paragraph (a) of § 42.62 is amended to read as follows:

§ 42.62 Priority date of individual applicants.

(a) The priority date of a preference visa applicant shall be the filing date of the approved petition which accorded him that preference.

*Effective date.* These amendments shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

(Sec. 104, 68 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,  
*Administrator, Bureau  
 of Security and Consular Affairs.*

JUNE 8, 1970.

[F.R. Doc. 70-8100; Filed, June 25, 1970; 8:47 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 105—General Services Administration

### PART 105-735—STANDARDS OF CONDUCT

#### Inconsequential Financial Interests

Part 105-735, Standards of Conduct, is amended to provide that certain employee financial interests are exempt from 18 U.S.C. 208 because they are determined to be too remote or too inconsequential to affect integrity.

#### Subpart 105-735.2—Standards of Conduct for Employees

Section 105-735.204 is amended by amending paragraph (a)(1) and adding a new paragraph (d) to reflect exempted financial interests, as follows:



**§ 105-735.204 Financial interests.**

(a) An employee shall not:

(1) Subject to the exemptions contained in paragraph (d) of this section, have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his GSA duties and responsibilities; or

(d) The following financial interests are exempted from 18 U.S.C. 208, pursuant to 18 U.S.C. 208(b)(2), because they are deemed too remote or too inconsequential to affect the integrity of the employee's services:

(1) Financial interests in an enterprise, in the form of shares in the ownership thereof, including preferred and common stocks, whether voting or non-voting, and warrants to purchase such shares;

(2) Financial interests in an enterprise in the form of bonds, notes, or other evidences of indebtedness; and

(3) Investments in State or local government bonds and investments in shares of a widely held diversified mutual fund or regulated investment company:

*Provided*, That the total market value of the financial interest with respect to any individual enterprise under subparagraphs (1) and (2) of this paragraph does not exceed \$5,000 and the holdings in any class of shares, bonds, or other evidences of indebtedness of the enterprise do not exceed 1 percent of the dollar value of the outstanding shares, bonds, or other evidences of indebtedness in said class.

**Subpart 105-735.4—Statements of Employment and Financial Interests**

Section 105-735.407 is revised to exclude information exempted under § 105-735.204(d), as follows:

**§ 105-735.407 Information prohibited.**

(a) An employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's:

(1) Connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For this purpose, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests; or

(2) Financial interests exempted under § 105-735.204(d).

(b) The provisions of paragraph (a) of this section also apply to special Government employees.

(18 U.S.C. 208(b)(2); E.O. 11222, 3 CFR 1964-1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on June 16, 1970.

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

Dated: June 22, 1970.

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

[F.R. Doc. 70-8181; Filed, June 25, 1970; 8:49 a.m.]

**Chapter 114—Department of the Interior**

**PART 114-42—PROPERTY REHABILITATION SERVICES AND FACILITIES**

**Reclamation of Precious Metals and Critical Materials**

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. III, 1965-1967) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), new Subpart 114-42.3 is added to Chapter 114, Title 41 of the Code of Federal Regulations as set forth below.

This new subpart shall become effective on the date of publication in the **FEDERAL REGISTER**.

LAWRENCE H. DUNN,  
Assistant Secretary  
for Administration.

JUNE 19, 1970.

**Subpart 114-42.3—Reclamation of Precious Metals and Critical Materials**

Sec.

- 114-42.302 Recovery of silver from used photographic fixing solution and scrap film.
- 114-42.302-1 Agency surveys.
- 114-42.302-2 Reporting to GSA.
- 114-42.302-4 Agencies' responsibility.

*AUTHORITY:* The provisions of this Subpart 114-42.3 issued under 5 U.S.C. 301 (Supp. III, 1965-1967) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**Subpart 114-42.3—Reclamation of Precious Metals and Critical Materials**

**§ 114-42.302 Recovery of silver from used photographic fixing solution and scrap film.**

The head of each bureau and office which generates used photographic fixing solution and scrap film shall be responsible for establishing and pursuing a program for recovering silver from these articles in accordance with the provisions of FPMR 101-42.3.

**§ 114-42.302-1 Agency surveys.**

Bureaus and offices shall conduct an annual survey at each installation, facility, or activity which generates used photographic fixing solution and scrap film and which does not currently operate a recovery program, to determine the economic feasibility of implementing recovery procedures. The results of the survey should be recorded in the format set out in FPMR 101-42.4901, and serve as a basis for a determination as to whether recovery procedures are economically feasible.

**§ 114-42.302-2 Reporting to GSA.**

The semiannual report prescribed in FPMR 101-42.302-2 should be prepared in the format illustrated in § 101-42.4902 of this title, consolidated for the bureau, and submitted, in duplicate, to the Director of Management Operations by the 25th of January and July of each year.

(a) The report is to be submitted if used photographic fixing solution and scrap film are generated, whether or not a silver recovery program is installed.

(b) The report is not required if your bureau or office does not generate a hypo solution or scrap film. In such cases, a memorandum one-time report to that effect will suffice.

**§ 114-42.302-4 Agencies' responsibility.**

FPMR 101-42.302-4 contemplates that consideration be given to installing a silver recovery unit regardless of the quantity of hypo solution generated at a given location. Where, after such consideration, it is determined locally, or as may be otherwise directed by the head of the bureau or office, that (a) installation of a local recovery unit is not economically feasible, and (b) processing by another agency in the area is impracticable, the advice of the appropriate GSA regional office should be sought as to possible alternative recovery procedures.

[F.R. Doc. 70-8088; Filed, June 25, 1970; 8:46 a.m.]

**PART 114-42—PROPERTY REHABILITATION SERVICES AND FACILITIES**

**PART 114-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY**

**Miscellaneous Amendments**

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, the following amendments are made to previously published regulations in Chapter 114 of Title 41 of the Code of Federal Regulations.

These amendments are effective upon publication in the **FEDERAL REGISTER**.

LAWRENCE H. DUNN,  
Assistant Secretary  
for Administration.

JUNE 19, 1970.

I. The following amends 41 CFR 114-42 as previously published at 34 F.R. 1020:

**Subpart 114-42.2—Property Rehabilitation Services Performed by Federal Facilities**

1. Subpart 114-42.2 is amended by changing the caption reading "Maintenance and Rehabilitation" to read as set forth above to conform with a recent revision of the Federal property management regulations.

**§ 114-42.203 [Amended]**

2. Section 114-42.203 is amended by changing the caption reading "Additional facilities" to read "Notifications" to conform with a recent revision of the Federal property management regulations.



II. The following amends 41 CFR 114-47 as previously published at 35 F.R. 295:

### Subpart 114-47.3—Surplus Real Property Disposal

1. The table of contents for Subpart 114-47.3 is amended to:

(a) Add the following new entries:

Sec.  
114-47.308 Special disposal provisions.  
114-47.308-3 Property for use as public parks, recreational areas, or historic monument sites.

(b) Change "114-47.302-8 Report of identical bids" to read "114-47.304-8 Report of identical bids".

2. The following text material is added to Subpart 114-47.3:

§ 114-47.308 Special disposal provisions.

§ 114-47.308-3 Property for use as public parks, recreational areas, or historic monument sites.

In the event title to surplus real property previously conveyed to a public agency pursuant to 50 U.S.C. 1622(h) reverts to the United States, the Department of the Interior will report such property to the General Services Administration for disposition. Whenever such a report is required, it will be made by the Bureau of Outdoor Recreation pursuant to the authority delegated in 248 DM 1.1C. The report will be in letter form and addressed to the General Services Administration regional office for the region in which the reverted property is located.

[F.R. Doc. 70-8087; Filed, June 25, 1970; 8:46 a.m.]

## Title 46—SHIPPING

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

[CGFR 70-29a]

### PART 401—GREAT LAKES PILOTAGE REGULATIONS

#### Miscellaneous Amendments

1. On February 28, 1970, a notice of proposed rule making regarding amendments to Part 401, Chapter III, Title 46, Code of Federal Regulations, was published in the FEDERAL REGISTER (35 F.R. 3919). In accordance with the notice, a public hearing regarding the proposed amendments was held on March 26, 1970, in Cleveland, Ohio. Interested parties were given the opportunity to participate in the rulemaking by submitting written data, views, arguments or comments regarding the proposed amendments before or at the public hearing and by making oral comments at the public hearing.

2. After the public hearing, the data, views, arguments, and comments submitted by interested parties regarding the proposed amendments were thoroughly considered by the Coast Guard. Thereafter, the representatives of the United States entered into discussions

with the representatives of Canada. As a result of these discussions, a new memorandum of arrangements concerning Great Lakes Pilotage was executed by the Secretary of Transportation and the Minister of Transport, to become effective July 7, 1970.

3. Certain changes have been made in the amendments proposed in the February 28, 1970, notice. In § 401.110 minor clarifying changes have been made in the proposed additional definitions. These minor clarifying changes in definitions, have been reflected in § 401.400. Further, § 401.400 has been made applicable to § 401.425. In § 401.405, the basic rates for pilotage in the designated waters have been decreased from the proposed. Also in § 401.410 the basic rates for pilotage in the undesignated waters have been modified slightly. Both of these adjustments have been made based on a detailed joint review of traffic projections and revenue requirements. The provisions of § 401.420 have been made applicable to both the undesignated and the designated waters, an upper limit of basic rates has been retained, and minor clarifying language changes have been incorporated. Finally, in § 401.425 the conditions under which an additional pilot may be required are more clearly delineated. It is intended that the provisions of § 401.425 will be utilized only after careful review of the need in each individual case.

4. Since these amendments involve a foreign affairs function of the United States, they can be made effective in less than 30 days.

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

#### Subpart A—General

I. Section 401.110 is amended by adding paragraph (a)(10) to read as follows:

#### § 401.110 Definitions.

(a) \* \* \*

(10) Rate computation definitions:

(i) "Length" means the distance between the forward and after extremities of the ship.

(ii) "Breadth" means the maximum breadth to the outside of the shell plating of the ship.

(iii) "Depth" means the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the ship. The continuity of a deck shall not be considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.

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

II. The table of sections of Part 401, Subpart D, is amended to read as follows:

Sec.  
401.400 Calculation of pilotage units and determination of weighting factor.  
401.405 Basic rates on designated waters.  
401.410 Basic rates on undesignated waters.

Sec.  
401.420 Cancellation, delay, or interruption in rendition of services.  
401.425 Provision for additional pilot.  
401.430 Prohibited charges.  
401.431 Disputed charges.  
401.440 Advance payment of charges.  
401.450 Pilot change points.  
401.451 Pilot rest periods.

III. Section 401.400 is revised to read as follows:

#### § 401.400 Calculation of pilotage units and determination of weighting factor.

The equivalent pilotage unit number and appropriate weighting factor for each ship shall be computed by utilizing the following formula and table:

(a) Pilotage unit computation:

$$\text{Pilotage Unit} = \frac{\text{Length} \times \text{Breadth} \times \text{Depth}}{10,000}$$

(b) Weighting factor table:

Range of pilotage units:	Weighting factor
0-99	.85
100-129	1.00
130-159	1.15
160 and over	1.30

(c) The charge for pilotage service is obtained by multiplying the weighting factor, obtained from paragraph (b) of this section by the appropriate basic rate specified in §§ 401.405, 401.410, 401.420, and 401.425.

IV. Part 401 is amended by adding § 401.405 to read as follows:

#### § 401.405 Basic rates on designated waters.

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

(a) District 1:

(1) Between Snell Lock and Cape Vincent or Kingston, whether or not undesignated waters are traversed—\$305.

(2) Between Snell Lock and Cardinal, Prescott, or Ogdensburg—\$155.

(3) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed—\$220.

(4) For pilotage commencing or terminating at any point above Snell Lock other than those named in subparagraph (1), (2), or (3) of this paragraph, \$3 per statute mile but with a minimum basic rate of—\$70.

(5) For a move in any harbor—\$120.

(b) District 2:

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

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

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

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto



as far as the northerly limit of the District—\$250.

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

(1) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor—\$125.

(2) Between Detroit/Windsor and the northerly limits—\$125.

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River—\$160.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River—\$160.

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

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

(7) Between any point on the Detroit River and any point of the St. Clair River or its approaches as far as the northerly limit of the District—\$160.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District—\$125.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. wharf at Sault Ste. Marie, Ontario—\$320.

(2) Between the southerly limit of the District and Sault Ste. Marie, Michigan, or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf—\$260.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Michigan—\$120.

(4) For a moorage in any harbor—\$125.

V. Section 401.410 is revised to read as follows:

§ 401.410 Basic rates on undesignated waters.

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

- In Lake Ontario—\$60;
- In Lake Erie—\$65;
- In Lakes Huron and Michigan—\$45;
- In Lake Superior—\$65;

for each 6-hour period or part thereof that the pilot is on board, plus \$60 for each time the pilot performs the docking or undocking of the ship on entering or leaving a harbor or performs a moorage of the ship within a harbor.

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

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

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

VI. Section 401.420 is revised to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is

interrupted for the purpose of loading or discharging cargo or for any reason and the services of the registered pilot are retained during such interruption or when a pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of \$10 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of \$160 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st day of December and ending on the 8th day of the following April. Additionally, no charge shall be made for any interruption if the total interruption is ended during the 6-hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or the moorage of a ship for which a registered pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, the ship shall pay an additional charge calculated on a basic rate of \$10 for each hour or part of an hour after the first hour of such delay, with a maximum basic rate of \$160 for each 24-hour period of such delay.

(c) When, in designated or undesignated waters, a registered pilot reports for duty as ordered and the order is canceled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of \$60;

(2) If the cancellation is more than 1 hour after the pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of \$10 for each hour or part of an hour after the first hour, with a maximum basic rate of \$160 for each 24-hour period of such cancellation.

VII. Part 401 is amended by adding § 401.425 to read as follows:

§ 401.425 Provision for additional pilot.

The Director, Great Lakes Pilotage Staff, U.S. Coast Guard, or the Regional Superintendent of Pilots, Ministry of Transport, may require the assignment of two pilots to a ship upon request of the ship or when in his judgment because of anticipated long transit, uncommon ship size, adverse weather and sea conditions or other abnormal circumstances the assignment of two pilots is considered necessary for the safe navigation of the ship. Additionally, he shall direct which of the pilots is to be in charge, as circumstances may require. The charge to the ship shall be one and one-half the charge provided for in §§ 401.405, 401.410, and 401.420. This section does not apply to a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne unless the ship is required by law to have a registered pilot on board in these waters.

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

Effective date. These amendments shall be effective on July 7, 1970.

Dated: June 24, 1970.

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

[F.R. Doc. 70-8215; Filed, June 25, 1970;  
8:49 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 18556; FCC 70-630]

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Miscellaneous Amendments

Report and order. In the matter of amendment of Part 21 of the rules and regulations applicable to the domestic public radio services (other than maritime mobile), Docket No. 18556; RM-1341.

1. On June 4, 1969, the Commission released a memorandum opinion and order and notice of proposed rule making (FCC 69-581, 34 F.R. 9126), setting out proposed revisions of Part 21 of the rules. We noted as our purpose for the proceeding the need for an overall examination of Part 21 in order to make the processing of applications and handling of pleadings and proceedings more efficient and expeditious. To pinpoint the problem areas and aid in evaluating a most equitable solution, informal opinions and/or formal comments were solicited from interested parties—operators, potential operators, equipment and parts manufacturers, etc. On the basis of their most helpful responses, we issued the above referenced notice of proposed rule making. We could not of course, albeit the attempt, accommodate all of the requests.<sup>1</sup> The supporting comments<sup>2</sup> however, convince the Commission that we did accomplish the ultimate objective, and that adoption of the rules as set forth in appendix A below would be in the public interest.

2. The proposed amendments to §§ 21.109 and 21.121(d) would authorize the licensee of a station to inter alia change or replace certain equipment without prior authorization "if, after such change or addition the effective

<sup>1</sup> Requests were made for clarification of several of the proposed rule changes. The following sections were modified to accommodate such requests and the changes appropriately reflected in appendix A: sections 21.15(a); 21.15(b); 21.27(c); 21.118(d); 21.121(d); 21.204; 21.516(b)(4). Because the amendments are clarifying in nature, the prior notice provision of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, does not apply.

<sup>2</sup> List of parties filing comments appears in appendix B below.