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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384(d) is amended to show that the Office of Assistant Secretary for Metropolitan Development is retitled Office of Assistant Secretary for Metropolitan Planning and Development and subparagraph (8) is amended accordingly and that the position of Director, Office of Planning Assistance and Standards, Office of the Assistant Secretary for Metropolitan Planning and Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (d) of § 213.3384 is amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

* * * * *

(d) *Office of Assistant Secretary for Metropolitan Planning and Development.* * * *

(8) Deputy Assistant Secretary for *Metropolitan Planning and Development.*

(9) Director, Office of Planning Assistance and Standards.

(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. 70-4070; Filed, Apr. 2, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 16]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

DATES FOR RELEASE AND REAPPORTIONMENT

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to change the closing dates for release and reapportionment of cotton acreage for all counties in Florida.

Since planting of cotton is imminent, affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, 19823; 34 F.R. 924, 2351, 3733, 5099, 7231, 12325, 18089, 19021; 35 F.R. 168, 2721) is hereby amended by amending the table in § 722.412(b)(7)(iv) by changing the closing dates for Florida to read as follows:

§ 722.412 **Release and reapportionment of cotton allotments.**

* * * * *

(b) * * *

(7) *Closing dates.*

(iv) * * *

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
Florida	April 3	April 3	April 10.

* * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 30, 1970.

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

[F.R. Doc. 70-4085; Filed, Apr. 2, 1970; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 3]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1970 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, Part 850 (34 F.R. 17155; 35 F.R. 177, 35 F.R. 3797) is amended as follows:

1. In § 850.218, paragraph (e) is amended by changing the date for "Arizona: Late planting area", from April 15, 1970, to May 1, 1970.

2. Section 850.230 (35 F.R. 3797) is amended by revising paragraph (g) to read as follows:

§ 850.230 **Use of acreage made available to States under § 850.214, as amended.**

* * * * *

(g) Use of supplemental acreage in Arkansas, Maine, Missouri, New Jersey, New York, Pennsylvania, the late planting area of Arizona (counties of Pinal and Maricopa), the area of Southern California as designated in § 891.2 and all of Michigan except the area served by the Northern Ohio Sugar Co. (counties of Lenawee and Monroe): The proration of the supplemental acreage to these allotment areas shall be made as provided in paragraph (b) of this section. Paragraphs (c), (d), (e), and (f) of this section shall not apply to these allotment areas, and the original area allotment, as increased by the supplemental acreage, shall be used in establishing farm proportionate shares as provided in the applicable §§ 850.215 through 850.229.

Statement of bases and considerations. Based on local cropping practices in the "late planting" area of Arizona (Maricopa and Pinal Counties), recommendations of the county committees involved and the Arizona State committee, this amendment changes the final date for filing requests for proportionate shares in such area from April 15, 1970, to May 1, 1970.

Section 850.230 provides the procedure for revising, adjusting and establishing proportionate shares to make use of the increased State allocations established by an amendment to § 850.214 (34 F.R. 17153, 35 F.R. 3797). Paragraph (g) of § 850.230 provides special instructions for the late planting area of Arizona and for Southern California, where 1970 crop proportionate shares have not yet been established.

Since it has been determined that the distribution of the original allocations have not been accomplished in certain other States and allotment areas, this amendment provides that such States and areas will also be covered by the special instructions heretofore applicable only to parts of Arizona and California.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1153)

Effective date. Date of publication.

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

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

[F.R. Doc. 70-4066; Filed, Apr. 2, 1970; 8:49 a.m.]

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, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of New Mexico.

2. In § 76.2, a new paragraph (e)(23) relating to the State of New Mexico is added to read:

(e) * * *

(23) New Mexico. That portion of Dona Ana County bounded by a line beginning at the junction of County Road 110 and State Road 273; thence, following State Road 273 in a generally northerly direction to La Union; thence, following State Highway 273 in an easterly direction to State Highway 28; thence, following State Highway 28 in a generally northerly direction to the Gadsden-Anthony Highway; thence, following the Gadsden-Anthony Highway in an easterly direction to the New Mexico-Texas State line; thence, following the New Mexico-Texas State line in a generally southeasterly direction to the United States-Mexico international boundary; thence, following the United States-Mexico international boundary in a westerly direction to Range Line 2–3 East; thence, following Range Line 2–3 East in a northerly direction to County Road 110; thence, following County Road 110 in an easterly direction to its junction with State Road 273.

3. In § 76.2, in paragraph (e)(10) relating to the State of Missouri, subdivision (i) relating to Dunklin and Stoddard Counties is amended to read:

(e) * * *

(10) *Missouri.* (i) That portion of Dunklin County bounded by a line beginning at the junction of the Butler-Dunklin County line and State Highway 53; thence, following State Highway 53 in a southeasterly direction to State Highway B; thence, following State Highway B in a generally westerly direction to State Highway BB; thence, following State Highway BB in a westerly direction to the Arkansas-Missouri State line; thence, following the Arkansas-Missouri State line in a generally northwesterly direction to the Butler-Dunklin County line; thence, following the Butler-Dunklin County line in a northeasterly direction to its junction with State Highway 53.

* * * * *

4. In § 76.2, paragraph (f) is amended by deleting the reference to "New Mexico."

(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 portions of Dona Ana County in New Mexico 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 such county.

The amendments also exclude portions of Dunklin and Stoddard Counties in Missouri from the areas heretofore 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 from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The foregoing amendments also delete the State of New Mexico from the list of hog cholera eradication States as set forth in § 76.2(f).

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 30th day of March 1970.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 70-4087; Filed, Apr. 2, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-12]

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

Alteration of Control Zone and Transition Area

On February 13, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 2997), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Greenwood, S.C., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 28, 1970, as hereinafter set forth.

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

GREENWOOD, S.C.

Within a 5-mile radius of Greenwood County Airport (lat. 34°15'00" N., long. 82°09'35" W.); within 3 miles each side of Greenwood VORTAC 099° and 259° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VORTAC. 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.

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

GREENWOOD, S.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenwood County Airport (lat. 34°15'00" N., long. 82°09'35" W.).

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

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

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 70-4034; Filed, Apr. 2, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-15]

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

Alteration of Control Zone and Transition Area

On February 13, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 2996), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Augusta, Ga., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 28, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Augusta, Ga., control zone is amended to read:

AUGUSTA, GA.

Within a 5-mile radius of Bush Field (lat. 33°22'10" N., long. 81°57'55" W.); within 2 miles each side of Augusta ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of the LOM; within a 5-mile radius of Daniel Field (lat. 33°27'55" N., long. 82°02'25" W.); within 2 miles each side of Augusta VORTAC 135° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

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

AUGUSTA, GA.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (lat. 33°22'10" N., long. 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within 9.5 miles southwest and 4.5 miles northeast of Augusta VORTAC 321° radial, extending from the 11-mile radius area to 18.5 miles northwest of the VORTAC; within 9.5 miles west and 4.5 miles east of the 166° and 346° bearings from Emory RBN, extending from the 11-mile radius area to 18.5 miles north of the RBN; excluding the portion within R-6004.

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

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

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-4035; Filed, Apr. 2, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-25]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Smyrna, Tenn., control zone.

The Smyrna control zone is described in § 71.171 (35 F.R. 2054).

The Department of the Air Force advised that Sewart Air Force Base, Smyrna, Tenn., will be closed on March 31, 1970; therefore, the associated control tower and navigational aids are no longer required and will be decommissioned on that date. It is necessary to revoke the control zone which was established to accommodate prescribed instrument approach procedures. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 1, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Smyrna, Tenn., control zone is revoked.

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

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

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-4036; Filed, Apr. 2, 1970; 8:46 a.m.]

[Airspace Docket No. 69-CE-101]

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

Alteration of Control Zone and Transition Area

On January 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 632) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the International Falls, Minn., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 28, 1970, as hereinafter set forth.

1. In § 71.171 (35 F.R. 2054), the International Falls, Minn., control zone is amended to read:

INTERNATIONAL FALLS, MINN.

Within a 5-mile radius of International Falls Airport (lat. 48°33'55" N., long. 93°24'05" W.); within 2½ miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 7 miles southeast of the VOR; and within 2½ miles each side of the International Falls VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR, excluding the portion outside the United States.

2. In § 71.181 (35 F.R. 2134), the International Falls, Minn., transition area is amended to read:

INTERNATIONAL FALLS, MINN.

That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VOR 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VOR; and within 4½ miles southwest and 9½ miles northeast of the International Falls VOR 129° and 309° radials, extending from 6 miles northwest to 18½ miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the International Falls VOR, excluding the portions outside the United States.

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

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

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

[F.R. Doc. 70-4037; Filed, Apr. 2, 1970; 8:46 a.m.]

[Docket No. 9444; Amdts. 65-14; 147-2]

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

Name, Operations, and Curriculum

The purpose of these amendments to Part 147 of the Federal Aviation Regulations is to change the name of mechanic schools certificated under that part to "aviation maintenance technician schools"; provide more specific guidelines for the certification and operations of these schools; and provide new minimum curriculum requirements, for both certification and operations purposes, that reflect technological advancements of the aviation industry. The amendments to Part 65 reflect the changed name of the schools, and remove inconsistent or obsolete provisions.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 69-6) issued on February 26, 1969, and published in the FEDERAL REGISTER on March 4, 1969 (34 F.R. 3751). Due consideration has been given to all comments presented in response to that notice.

Fifty-nine comments were received on the notice, the majority of which favored the proposals. A number of the comments either objected to particular items proposed, or suggested alternatives.

(1) *Change in name.* As proposed in the notice, these amendments substitute the designation "aviation maintenance technician school" for "mechanic school" in the title and text of Part 147. Most of the commentators favored this change of name, stating that it will reflect a

more professional image and be more descriptive of the mechanic's job in today's advanced technology. One commentator proposed adding the phrase "FAA approved course" to distinguish this course from nonapproved courses. However, this change is considered to be unnecessary.

(2) *More specific guidelines for certification and operations of schools*—(a) *As to certification.* Two commentators opposed eliminating the requirement for test clubs for running-in engines, in § 147.15, asserting that test clubs are required to properly perform certain engine maintenance testing functions. The reason given in the notice for the proposed rule change is that current engine manufacturers' overhaul procedures do not require using test clubs for running-in engines after overhaul. It was not intended to preclude the use of test clubs in properly performing engine maintenance testing functions. However, to avoid possible confusion and accommodate the use of test clubs, where related to schools' specific curriculum in use, the term "suitable facilities for running engines" is substituted in these amendments for the proposed requirement of "separate space with permanent, portable, or mobile test stands."

Four commentators disapproved of the use of the word "suitable" (proposed for use in additional paragraphs of § 147.15), asserting that the word lacks specificity and therefore is subject to a wide range of individual interpretations. The term "suitable" has previously appeared in six paragraphs of this section. As issued, the notice merely proposed application of this flexibility to the other requirements for facilities and equipment.

One commentator stated that the proposed changes do not place enough emphasis on the regulation of the classroom noise level. The noise level problem is met by the new requirement for an enclosed separate classroom suitable for teaching theory classes. Two commentators stated that the proposed changes should allow for provision of a space consisting of a classroom and a laboratory. However, to have laboratory and classroom space together would not improve the capability for noise control at the classroom level.

A number of comments were directed to the proposal that under § 147.23 a school must provide at least one instructor, holding appropriate mechanic certificates and ratings, for each 25 students in each shop or laboratory class. Thus, one commentator suggested that the ratio be no more than 20 students to one instructor in theory classes and 12 students to one instructor in shop and laboratory classes, asserting that a ratio of 25 students to one instructor in a shop or laboratory class is too many students for the instructor to control. On the other hand, several commentators opposed any limitation of this kind, characterizing it as too restrictive. The decision to have a specified ratio of students to instructors resulted from research and study, as well as from practical experience. The 25 to 1 ratio represents an upper limit, and it is not meant to suggest an ideal ratio. In fact, some schools normally employ ratios ranging from 20 to 1 down to 12 to 1.

(b) *As to operations.* Most of the commentators agreed with the proposed amendments to § 147.31 providing that a school may not credit a student with training received at that school prior to certification, and that a student may receive credit for previous experience to the extent that the experience is comparable to the required curriculum subjects. A few comments disagreed. However, as stated in the notice, this amendment should encourage schools to seek certification without delay.

A large number of commentators favored the proposed Admendment to § 147.31 requiring schools to use an approved system for determining final course grades, and for recording and controlling student attendance. Some commentators expressed concern that the FAA standard of acceptability might not be standard among all inspectors; or that it is difficult to have a rigid accounting of student class attendance at a collegiate-type school. The proposed changes, requiring only that each school establish an approved system that is capable of controlling and recording attendance, without complete standardization, is considered sufficient to assure uniformity, as stated in the notice.

A number of comments concerned the proposal to add to § 147.31 a provision that a school may not allow a student to attend classes of instruction more than 8 hours in any day or more than 6 days or 40 hours in any 7-day period. Several commentators asserted that this provision would prevent the student from attending make-up sessions, and other comments asserted that it would be desirable to allow the schools to give instruction for 48 hours in any 7-day period, as many students do not work and can carry the load. Other commentators suggested that the only limitation on student attendance should be the student's ability to maintain a 70-percent grade in all required subjects, or that students should not be allowed to receive course credit for attendance at courses other than during regularly scheduled hours of instruction, or that it should be possible to make up absences occurring because of sickness, strikes, holidays, and snow days. After further consideration, and in view of the comments and the fact that the schools may not require a student to attend classes of instruction for more than a specified number of hours, it has been determined not to implement this proposal.

Three commentators on the proposal to strike from § 147.35 the present requirement that the certificate issued (whether a certificate of completion or graduation) show the student's average grades, but to provide that the certificate reflect the student's standards of performance during the entire curriculum, asserted that such a showing is unnecessary since such a record is available from other sources. After further consideration and in view of these comments, it has been determined not to require the certificate to show either the average grades or standard of performance.

(3) *Minimum curriculum requirements.* The majority of the commentators agreed with the proposal, by amendment to § 147.21 and addition of appendices, to increase the number and type of items and subjects taught, and to indicate the levels of proficiency at which the items of subjects must be taught. Several comments questioned whether the general curriculum subjects must be taught as a separate curriculum from the airframe and powerplant curriculum subjects. This is not intended. The purpose of listing the general curriculum subjects separately is merely to avoid repetition.

A number of commentators opposed increasing the required numbers of hours of instruction. Principal comments stated that postgraduate high schools, technical institutes, and community colleges that operate on a 2-year curriculum would have problems with the increase in curriculum hours; and that the requirement that the curriculum show the required practical projects to be completed will be hard to enforce, and that it is impractical to list required projects for each school because of the changing nature of the aeronautical industry and the equipment involved.

As stated in the notice, a national study of the aviation mechanics occupations was used as the basis for developing these curriculums. Approximately 507 tasks commonly performed by mechanics were analyzed along with the results of a survey. The information collected showed the proportion of over 18,000 certificated mechanics who performed each task, the frequency with which the task was performed, and the degree of industry training involved. A National Advisory Committee, consisting of 15 members representing a broad segment of the aviation community, assisted in determining the tasks to be performed and the level of proficiency required of a student at a certificated school.

After careful review of all these suggestions, Appendix A is adopted as proposed. Appendix B is adopted with a change under the subject "Basic Electricity" that strikes out the words "conductivity and," so that the sentence reads "calculate and measure electrical power." Appendix C is adopted with the following changes: Item 36 is redesignated as Item 37 and the teaching level is raised to level 2, Item 37 is redesignated as Item 36 and the teaching level remains at level 1. Appendix D is adopted with one change: The teaching level of Item 1 is changed from level 2 to level 1.

The notice proposed that each school have a maximum of 2 years from the effective date of these amendments to change to the new curriculum. Two commentators felt that a 2-year period would be inadequate for a school to decide whether it desires to retain its certification, and suggested a 5-year period. However, the 2-year period is considered a sufficiently long period for the purpose.

The amendments to Part 65 remove obsolete or inconsistent provisions. These amendments are minor in nature, effect no substantive change and are ones in

which the public is not particularly interested. Notice and public procedure thereon are therefore unnecessary. The words "certificated mechanic school" are changed to "aviation maintenance technician school" in §§ 65.77 and 65.80, to conform with the new name in Part 147. In addition, these amendments add the words "or a certificate of completion" after the words "graduation certificate" in § 65.77 to conform with the change in Part 147. Also, the words "final phase of his training in the course curriculum" in § 65.80 are changed to "final subjects of his training in the approved curriculum" to conform with the change in Part 147.

In consideration of the foregoing, Parts 65 and 147 of the Federal Aviation Regulations are amended, effective May 3, 1970, as follows:

1. By amending Part 65 as follows:

a. By amending the introductory language in § 65.77 to read as follows:

§ 65.77 Experience requirements.

Each applicant for a mechanic certificate or rating must present either an appropriate graduation certificate or certificate of completion from a certificated aviation maintenance technician school or documentary evidence, satisfactory to the Administrator, of—

* * * * *

b. By amending § 65.80 to read as follows:

§ 65.80 Certificated aviation maintenance technician school students.

Whenever an aviation maintenance technician school certificated under Part 147 of this chapter shows to an FAA inspector that any of its students has made satisfactory progress at the school and is prepared to take the oral and practical tests prescribed by § 65.79, that student may take those tests during the final subjects of his training in the approved curriculum, before he meets the applicable experience requirements of § 65.77 and before he passes each section of the written test prescribed by § 65.75.

2. By amending Part 147 as follows:

a. By amending the Part heading to read as set forth above.

b. By striking out the words "mechanic school" wherever they appear, and inserting the words "aviation maintenance technician school" in place thereof.

c. By amending § 147.3, redesignating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 147.3 Certificate required.

* * * * *

(b) After May 2, 1970, each person holding a valid mechanic school certificate shall be considered to hold an aviation maintenance technician school certificate.

d. By inserting the following new paragraph (c) in § 147.7:

§ 147.7 Duration of certificates.

* * * * *

(c) Each holder of an aviation maintenance technician school certificate issued before May 3, 1970, may, before May 3, 1972, change his approved curriculum to conform with § 147.21 and have it approved. If the holder does not sooner apply for approval, his certificate expires on the latter date.

e. By amending § 147.15 to read as follows:

§ 147.15 Space requirements.

An applicant for an aviation maintenance technician school certificate and rating, or for an additional rating, must have such of the following properly heated, lighted, and ventilated facilities as are appropriate to the rating he seeks and as the Administrator determines are appropriate for the maximum number of students expected to be taught at any time:

(a) An enclosed classroom, separate from other space and facilities, suitable for teaching theory classes.

(b) Suitable facilities, either central or located in training areas, arranged to assure proper separation from the working space for the segregation and protection of parts, tools, materials, and similar articles.

(c) Suitable separate space for doping and paint spraying.

(d) Suitable separate space equipped with washtank and degreasing equipment with air pressure, or other adequate cleaning equipment.

(e) Suitable facilities for running engines.

(f) Suitable separate space, with adequate equipment, including benches, tables, and instruments, to disassemble, repair, assemble, test, service, and inspect—

(1) Ignition, electrical equipment, and appliances;

(2) Carburetors and fuel systems; and

(3) Hydraulic and vacuum systems for aircraft, aircraft engines, and their appliances.

(g) Suitable space, with adequate equipment including tables, benches, horses, stands, and jacks, for disassembling, inspecting, and rigging aircraft.

(h) Suitable space, with adequate equipment, for disassembling, inspecting, overhauling, assembling, troubleshooting, and timing engines.

f. By amending paragraph (a)(1) of § 147.17 to read as follows:

§ 147.17 Instructional equipment requirements.

(a) * * *

(1) Various kinds of airframe structures, airframe systems and components, powerplants, and powerplant systems and components (including propellers), of a quantity and type suitable to complete the practical projects required by its approved curriculums.

* * * * *

g. By amending paragraphs (b), (c), (d), and (e) of § 147.21 to read as follows:

§ 147.21 General curriculum requirements.

* * * * *

(b) The curriculum must offer at least the following number of hours of instruction for the rating shown:

(1) Airframe—1,150 hours (400 general plus 750 airframe).

(2) Powerplant—1,150 hours (400 general plus 750 powerplant).

(3) Combined airframe and powerplant—1,900 hours (400 general plus 750 airframe and 750 powerplant).

(c) The curriculum must cover the subjects and items prescribed in Appendix B, and in Appendix C or D as applicable. Each item must be taught at the indicated level of proficiency, as defined in Appendix A.

(d) The curriculum must show—

(1) The required practical projects to be completed;

(2) For each subject, the proportions of theory and other instruction to be given; and

(3) A schedule of the required school tests to be given.

(e) The curriculum must be so designed that at least 50 percent of the total curriculum time is spent in shop and laboratory instruction.

h. By amending § 147.23 to read as follows:

§ 147.23 Instructor requirements.

An applicant for an aviation maintenance technician school certificate and rating, or for an additional rating, must provide the number of instructors holding appropriate mechanic certificates and ratings that the Administrator determines necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each shop or laboratory class. However, the applicant may provide specialized instructors, who are not certificated mechanics, to teach only mathematics, physics, drawing, and similar subjects.

i. By amending § 147.31 to read as follows:

§ 147.31 Attendance and enrollment, tests, and credit for prior instruction or experience.

(a) A certificated aviation maintenance technician school may not require any student to attend classes of instruction more than 8 hours in any day or more than 6 days or 40 hours in any 7-day period.

(b) Each school shall give an appropriate test to each student who completes a subject at that school.

(c) A school may not graduate a student unless he has completed all of the appropriate curriculum requirements. However, the school may credit a student with instruction or previous experience as follows:

(1) A school may credit a student with instruction he has satisfactorily completed at an accredited college, State-owned vocational or trade school, or military technical specialty school, or at an aviation maintenance technician school other than the crediting school before the latter was certificated. It may determine the amount of credit to be allowed by giving the applicant an entrance test equal to the one given to students who complete a comparable required curriculum subject at the school, or by an authenticated transcript of his grades from his former school, showing

the curriculum in which he was enrolled, the hours of attendance, and his grades in each subject. However, in the case of an applicant with military technical specialty training, it may determine the amount of credit only on the basis of an entrance test.

(2) A school may credit a student with previous mechanic experience comparable to required curriculum subjects. It must determine the amount of credit to be allowed by documents verifying that experience, and by giving the student a test equal to the one given to students who complete the comparable required curriculum subject at the school.

(d) A school may not have more students enrolled than the number stated in its application for a certificate, unless it amends its application and has it approved.

(e) A school shall use an approved system for determining final course grades, and for recording and controlling student attendance. The system must show hours of absence allowed, and makeup provisions for classes missed.

j. By striking out the words "phase of his course" in paragraph (b) of § 147.33 and inserting the word "subject" in place thereof, and by amending paragraph (a)(1) of that section to read as follows:

§ 147.33 Records.

(a) * * *

(1) His attendance, tests, and grades received on the subjects required by this part;

* * * * *

k. By striking out the words "and courses" wherever they appear in the third sentence of paragraph (a) of § 147.35, and by amending paragraph (b) of that section to read as follows:

§ 147.35 Transcripts and graduation certificates.

* * * * *

(b) Each school shall give a graduation certificate or certificate of completion to each student that it graduates. An official of the school shall authenticate the certificate. The certificate must show the date of graduation and the approved curriculum title.

l. By inserting the following new § 147.36:

§ 147.36 Maintenance of instructor requirements.

Each certificated aviation maintenance technician school shall, after certification or addition of a rating, continue to provide the number of instructors holding appropriate mechanic certificates and ratings that the Administrator determines necessary to provide adequate instruction and supervision of the students, including at least one such instructor for each 25 students in each shop or laboratory class. The school may continue to provide specialized instructors, who are not certificated mechanics, to teach only mathematics, physics, drawing, and similar subjects.

m. By inserting the following new §§ 147.38 and 147.38a:

§ 147.38 Maintenance of curriculum requirements.

(a) Each certificated aviation maintenance technician school shall adhere to its approved curriculum.

(b) A school may not change its approved curriculum unless the change is approved in advance.

§ 147.38a Quality of instruction.

Each certificated aviation maintenance technician school shall provide instruction of such quality that, of its graduates of a curriculum for each rating who apply for a mechanic certificate or additional rating within 60 days after they are graduated, the percentage of those passing the applicable FAA written test on their first attempt during any period of 24 calendar months is at least the percentage figured as follows:

(a) For a school graduating fewer than 51 students during that period—the national passing norm minus the number 20.

(b) For a school graduating at least 51, but fewer than 201, students during that period—the national passing norm minus the number 15.

(c) For a school graduating more than 200 students during that period—the national passing norm minus the number 10.

As used in this section, "national passing norm" is the number representing the percentage of all graduates (of a curriculum for a particular rating) of all certificated aviation maintenance technician schools who apply for a mechanic certificate or additional rating within 60 days after they are graduated and pass the applicable FAA written test on their first attempt during the period of 24 calendar months described in this section.

n. By inserting new Appendices A, B, C, and D after § 147.45, to read as follows:

APPENDIX A—CURRICULUM REQUIREMENTS

This appendix defines terms used in Appendices B, C, and D of this part, and describes the levels of proficiency at which items under each subject in each curriculum must be taught, as outlined in Appendices B, C, and D.

(a) *Definitions.* As used in Appendices B, C, and D:

(1) "Inspect" means to examine by sight and touch.

(2) "Check" means to verify proper operation.

(3) "Troubleshoot" means to analyze and identify malfunctions.

(4) "Service" means to perform functions that assure continued operation.

(5) "Repair" means to correct a defective condition. Repair of an airframe or powerplant system includes component replacement and adjustment, but not component repair.

(6) "Overhaul" means to disassemble, inspect, repair as necessary, and check.

(b) *Teaching levels.*

(1) Level 1 requires:

(i) Knowledge of general principles, but no practical application.

(ii) No development of manipulative skill.

(iii) Instruction by lecture, demonstration, and discussion.

(2) Level 2 requires:

(i) Knowledge of general principles, and limited practical application.

(ii) Development of sufficient manipulative skill to perform basic operations.

(iii) Instruction by lecture, demonstration, discussion, and limited practical application.

(3) Level 3 requires:

(i) Knowledge of general principles, and performance of a high degree of practical application.

(ii) Development of sufficient manipulative skill to accomplish return to service.

(iii) Instruction by lecture, demonstration, discussion, and a high degree of practical application.

APPENDIX B—GENERAL CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

Teaching level	
	A. BASIC ELECTRICITY
(1)	1. Measure capacitance and inductance.
(2)	2. Calculate and measure electrical power.
(3)	3. Measure voltage, current, resistance, continuity, and leakage.
(3)	4. Determine the relationship of voltage, current, and resistance in electrical circuits.
(3)	5. Read and interpret electrical circuit diagrams.
(3)	6. Inspect and service batteries.
	B. AIRCRAFT DRAWINGS
(2)	7. Use drawings, symbols, and schematic diagrams.
(3)	8. Draw sketches of repairs and alterations.
(3)	9. Use blueprint information.
(3)	10. Use graphs and charts.
	C. WEIGHT AND BALANCE
(2)	11. Weigh aircraft.
(3)	12. Perform complete weight-and-balance check and record data.
	D. FLUID LINES AND FITTINGS
(3)	13. Fabricate and install rigid and flexible fluid lines and fittings.
	E. MATERIALS AND PROCESSES
(1)	14. Identify and select appropriate nondestructive testing methods.
(2)	15. Perform penetrant, chemical etching, and magnetic particle inspections.
(2)	16. Perform basic heat-treating processes.
(3)	17. Identify and select aircraft hardware and materials.
(3)	18. Inspect and check welds.
(3)	19. Perform precision measurements.
	F. GROUND OPERATION AND SERVICING
(2)	20. Start, ground operate, move, service, and secure aircraft.
(2)	21. Identify and select fuels.
	G. CLEANING AND CORROSION CONTROL
(3)	22. Identify and select cleaning materials.
(3)	23. Perform aircraft cleaning and corrosion control.

Teaching level	
	H. MATHEMATICS
(1)	24. Extract roots and raise numbers to a given power.
(2)	25. Determine areas and volumes of various geometrical shapes.
(3)	26. Solve ratio, proportion, and percentage problems.
(3)	27. Perform algebraic operations involving addition, subtraction, multiplication, and division of positive and negative numbers.
	I. MAINTENANCE FORMS AND RECORDS
(3)	28. Write descriptions of aircraft condition and work performed.
(3)	29. Complete required maintenance forms, records, and inspection reports.
	J. BASIC PHYSICS
(2)	30. Use the principles of simple machines; sound, fluid, and heat dynamics.
	K. MAINTENANCE PUBLICATIONS
(3)	31. Select and use FAA and manufacturer's aircraft maintenance specifications, data sheets, manuals, and publications, and related Federal Aviation Regulations.
(3)	32. Read technical data.
	L. MECHANIC PRIVILEGES AND LIMITATIONS
(3)	33. Exercise mechanic privileges within the limitations prescribed by Part 65 of this chapter.

APPENDIX C—AIRFRAME CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 750 hours of each airframe curriculum, in addition to at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

I. AIRFRAME STRUCTURES

	A. WOOD STRUCTURES
(1)	1. Service and repair wood structures.
(2)	2. Identify wood defects.
(2)	3. Inspect wood structures.
	B. AIRCRAFT COVERING
(1)	4. Select and apply fabric and fiberglass covering materials.
(3)	5. Inspect, test, and repair fabric and fiberglass.
	C. AIRCRAFT FINISHES
(1)	6. Apply trim, letters, and touch-up paint.
(2)	7. Identify and select aircraft finishing materials.
(2)	8. Apply paint and dope.
(2)	9. Inspect finishes and identify defects.
	D. SHEET METAL STRUCTURES
(2)	10. Install special rivets and fasteners.
(2)	11. Inspect bonded structures.
(2)	12. Inspect and repair plastics, honeycomb, and laminated structures.
(2)	13. Inspect, check, service, and repair windows, doors, and interior furnishings.
(3)	14. Inspect and repair sheet-metal structures.
(3)	15. Install conventional rivets.
(3)	16. Hand form, lay out, and bend sheet metal.
	E. WELDING
(1)	17. Weld magnesium and titanium.
(1)	18. Solder stainless steel.
(1)	19. Fabricate tubular structures.
(2)	20. Solder, braze, gas-weld, and arc-weld steel.
(2)	21. Weld aluminum and stainless steel.
	F. ASSEMBLY AND RIGGING
(1)	22. Rig rotary-wing aircraft.
(2)	23. Rig fixed-wing aircraft.
(2)	24. Check alignment of structures.
(3)	25. Assemble aircraft.
(3)	26. Balance and rig movable surfaces.
(3)	27. Jack aircraft.
	G. AIRFRAME INSPECTION
(3)	28. Perform airframe conformity and airworthiness inspections.

II. AIRFRAME SYSTEMS AND COMPONENTS

	A. AIRCRAFT LANDING GEAR SYSTEMS
(3)	29. Inspect, check, service, and repair landing gear, retraction systems, shock struts, brakes, wheels, tires, and steering systems.
	B. HYDRAULIC AND PNEUMATIC POWER SYSTEMS
(2)	30. Repair hydraulic and pneumatic power systems components.
(3)	31. Identify and select hydraulic fluids.
(3)	32. Inspect, check, service, troubleshoot, and repair hydraulic and pneumatic power systems.
	C. CABIN ATMOSPHERE CONTROL SYSTEMS
(1)	33. Repair heating, cooling, air-conditioning, pressurization, and oxygen system components.
(1)	34. Inspect, check, troubleshoot, service, and repair heating, cooling, air-conditioning, and pressurization systems.
(2)	35. Inspect, check, troubleshoot, service and repair oxygen systems.
	D. AIRCRAFT INSTRUMENT SYSTEMS
(1)	36. Inspect, check, service, troubleshoot and repair heading, speed, altitude, time, attitude, temperature, pressure and position indicating systems.
(2)	37. Install instruments.
	E. COMMUNICATION AND NAVIGATION SYSTEMS
(1)	38. Inspect, check, and service auto-pilot and approach control systems.
(1)	39. Inspect, check, and service aircraft electronic communication and navigation systems.
(2)	40. Inspect and repair antenna and electronic equipment installations.
	F. AIRCRAFT FUEL SYSTEMS
(1)	41. Check and service fuel dump systems.
(1)	42. Perform fuel management, transfer, and defueling.
(1)	43. Inspect, check, and repair pressure fueling systems.
(2)	44. Repair aircraft fuel system components.
(2)	45. Inspect and repair fluid quantity indicating systems.
(2)	46. Troubleshoot, service, and repair fluid pressure and temperature warning systems.
(3)	47. Inspect, check, service, troubleshoot, and repair aircraft fuel systems.
	G. AIRCRAFT ELECTRICAL SYSTEMS
(2)	48. Repair aircraft electrical system components.
(3)	49. Install, check, and service airframe electrical wiring, controls, switches, indicators, and protective devices.
(3)	50. Inspect, check, troubleshoot, service, and repair alternating current and direct current electrical systems.
	H. POSITION AND WARNING SYSTEMS
(1)	51. Inspect, check, and service speed- and takeoff-warning systems, electrical brake controls, and antiskid systems.
(3)	52. Inspect, check, troubleshoot, service, and repair landing gear position indicating and warning systems.
	I. ICE AND RAIN CONTROL SYSTEMS
(2)	53. Inspect, check, troubleshoot, service, and repair airframe ice and rain control systems.
	J. FIRE PROTECTION SYSTEMS
(1)	54. Inspect, check, and service smoke and carbon monoxide detection systems.
(3)	55. Inspect, check, service, troubleshoot, and repair aircraft fire detection and extinguishing systems.

APPENDIX D—POWERPLANT CURRICULUM SUBJECTS

This appendix lists the subjects required in at least 750 hours of each powerplant curriculum, in addition to at least 400 hours in general curriculum subjects.

The number in parentheses before each item listed under each subject heading indicates the level of proficiency at which that item must be taught.

I. POWERPLANT THEORY AND MAINTENANCE

	A. RECIPROCATING ENGINES
(1)	1. Inspect and repair 14-cylinder or larger radial engine.
(2)	2. Overhaul reciprocating engine.
(3)	3. Inspect, check, service, and repair opposed and radial engines and reciprocating engine installations.
(3)	4. Install, troubleshoot, and remove reciprocating engines.
	B. TURBINE ENGINES
(2)	5. Overhaul turbine engine.
(2)	6. Inspect, check, service, and repair turbine engines and turbine engine installations.
(2)	7. Install, troubleshoot, and remove turbine engines.
	C. ENGINE INSPECTION
(3)	8. Perform powerplant conformity and air worthiness inspections.

II. POWERPLANT SYSTEMS AND COMPONENTS

	A. ENGINE INSTRUMENT SYSTEMS
(2)	9. Troubleshoot, service, and repair fluid rate-of-flow indicating systems.

Teaching level	
(3)	10. Inspect, check, service, troubleshoot, and repair engine temperature, pressure, and r.p.m. indicating systems.
	B. ENGINE FIRE PROTECTION SYSTEMS
(3)	11. Inspect, check, service, troubleshoot, and repair engine fire detection and extinguishing systems.
	C. ENGINE ELECTRICAL SYSTEMS
(2)	12. Repair engine electrical system components.
(3)	13. Install, check, and service engine electrical wiring, controls, switches, indicators, and protective devices.
	D. LUBRICATION SYSTEMS
(2)	14. Identify and select lubricants.
(2)	15. Repair engine lubrication system components.
(3)	16. Inspect, check, service, troubleshoot, and repair engine lubrication systems.
	E. IGNITION SYSTEMS
(2)	17. Overhaul magneto and ignition harness.
(2)	18. Repair engine ignition system components.
(3)	19. Inspect, check, service, troubleshoot, and repair reciprocating and turbine engine ignition systems.
	F. FUEL METERING SYSTEMS
(1)	20. Inspect, check, and service water injection systems.
(2)	21. Overhaul carburetor.
(2)	22. Repair engine fuel metering system components.
(3)	23. Inspect, check, service, troubleshoot, and repair reciprocating and turbine engine fuel metering systems.
	G. ENGINE FUEL SYSTEMS
(2)	24. Repair engine fuel system components.
(3)	25. Inspect, check, service, troubleshoot, and repair engine fuel systems.
	H. INDUCTION SYSTEMS
(2)	26. Inspect, check, troubleshoot, service, and repair engine ice and rain control systems.
(2)	27. Inspect, check, service, and repair heat exchangers and superchargers.
(3)	28. Inspect, check, service, and repair carburetor air intake and induction manifolds.
	I. ENGINE COOLING SYSTEMS
(2)	29. Repair engine cooling system components.
(3)	30. Inspect, check, troubleshoot, service, and repair engine cooling systems.
	J. ENGINE EXHAUST SYSTEMS
(2)	31. Repair engine exhaust system components.
(3)	32. Inspect, check, troubleshoot, service, and repair engine exhaust systems.
	K. PROPELLERS
(1)	33. Inspect, check, service, and repair propeller synchronizing and ice control systems.
(2)	34. Identify and select propeller lubricants.
(2)	35. Balance propellers.
(2)	36. Repair propeller control system components.
(3)	37. Inspect, check, service, and repair fixed-pitch, constant-speed, and feathering propellers, and propeller governing systems.
(3)	38. Install, troubleshoot, and remove propellers.

(Secs. 313(a), 601, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1427; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-4038; Filed, Apr. 2, 1970; 8:45 a.m.]

[Docket No. 10245; Amdt. 151-39]

PART 151—FEDERAL AID TO AIRPORTS

Replacement Housing for Persons Displaced Under FAAP Projects

The purpose of these amendments to Part 151 of the Federal Aviation Regulations is to implement, with respect to the Federal-Aid Airport Program, the policy of the Secretary of the Department of Transportation that no DOT project involving displacement and relocation of persons will be approved unless and until adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, has already been provided for (built, if necessary) and offered on the same nondiscriminatory basis to all affected persons.

To implement the Secretary's policy, these amendments make the following changes in Part 151:

(1) In § 151.21(a), require the eligible sponsor seeking Federal aid to accompany his request with: (i) A statement as to whether the proposed project involves the displacement and relocation of persons residing on land physically acquired or to be acquired for the project development; and (ii) the sponsor's written assurance that if the project involves displacement and relocation of such persons, adequate replacement housing will be available or provided for (built, if necessary), without regard to their race, color, religion, sex, or national origin, before the execution of a grant agreement for the project.

(2) In § 151.21(b), provide that a project may be selected for inclusion in a program only if the sponsor has submitted a written assurance when required by § 151.21(a)(2) or if the Administrator has determined that the project does not involve the displacement and relocation of affected persons; and provide further that tentative allocation of funds may be withdrawn if such an assurance has not been fulfilled.

(3) In § 151.26(b), require the sponsor to submit with his application a written statement showing that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to affected persons.

(4) In § 151.39(a), provide that a project for construction or land acquisition may not be approved unless the Administrator is satisfied that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to affected persons. Thus, a grant offer may not be tendered, after these amendments become effective, until he is satisfied that the housing problem in question has been alleviated in the manner required.

(5) In § 151.45(e)(2), provide that the Area Manager does not agree to the issuance of a notice to proceed with the work to the contractor unless he is satisfied that adequate replacement housing is available and has been offered to affected persons, as required for project eligibility by § 151.39(a)(5). Under this, the policy implemented by these amendments applies to situations in which grant agreements have been entered into but construction has not been commenced before the issuance of these amendments, as well as to future projects.

These changes do not provide that the FAA will itself furnish funds for relocating or providing replacement housing for displaced persons, directly or by including the costs thereof in the United States' share of the allowable costs of a project except to the extent that the cost of land acquired from the owner is shared by the United States under the existing FAAP Program.

Since these amendments relate to public grants, benefits, and contracts, notice and public procedure thereon are not required, and they may be made effective in less than 30 days.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective April 3, 1970, as follows:

1. By amending paragraphs (a) and (b) of § 151.21 to read as follows:

§ 151.21 Procedures: application: general information.

(a) An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit to the Area Manager of the area in which the sponsor is located (hereinafter in this Part referred to as the "Area Manager"), a request on FAA Form 5100-3, accompanied by—

(1) The sponsor's written statement as to whether the proposed project involves the displacement and relocation of persons residing on land physically acquired or to be acquired for the project development; and

(2) The sponsor's written assurance, if the project involves displacement and relocation of such persons, that adequate replacement housing will be available or provided for (built, if necessary), without regard to their race, color, religion, sex, or national origin, before the execution of a grant agreement for the project.

(b) A proposed project is selected for

inclusion in a program only if the sponsor has submitted a written assurance when required by paragraph (a)(2) of this section, or if the Administrator has determined that the project does not involve the displacement and relocation of persons residing on land to be physically acquired or to be acquired for the project development. If the Administrator selects a proposed project for inclusion in a program, a tentative allocation of funds is made for it and the sponsor is notified of the allocation. The tentative allocation may be withdrawn if the sponsor fails to submit an acceptable project application as provided in paragraph (c) of this section or fails to proceed diligently with the project, or if adequate replacement housing is not available or provided for in accordance with a written assurance when required by paragraph (a)(2) of this section.

* * * * *

2. By amending paragraph (b) of § 151.26 to read as follows:

§ 151.26 Procedures: applications; compatible land use information; consideration of local community interest; relocation of displaced persons.

* * * * *

(b) Each sponsor must submit with his application—

(1) A written statement—

(i) Specifying what consideration has been given to the interest of all communities in or near which the project is located; and

(ii) Containing the substance of any objection to, or approval of, the proposed project made known to the sponsor by any local individual, group or community; and

(2) A written statement showing that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to persons who have resided on land physically acquired or to be acquired for the project development and who will be displaced thereby.

3. By amending paragraph (a)(5) of § 151.39 to read as follows:

§ 151.39 Project eligibility.

(a) * * *

(5) The Administrator is satisfied, after considering the pertinent information including the sponsor's statements required by § 151.26(b), that—

(i) Fair consideration has been given to the interest of all communities in or near which the project is located; and

(ii) Adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to persons who have resided on land physically acquired or to be acquired for the project development and have been or will be displaced thereby;

* * * * *

4. By amending subparagraph (e)(2) of § 151.45 to read as follows:

§ 151.45 Performance of construction work: general requirements.

* * * * *

(e) * * *

(2) The Area Manager agrees to the issuance of a notice to proceed with the work to the contractor. However, the Area Manager does not agree to the issuance of such a notice unless he is satisfied that adequate replacement housing is available and has been offered to affected persons, as required for project eligibility by § 151.39(a)(5).

* * * * * *

(Federal Airport Act, as amended; 49 U.S.C. 1101–1120; sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c); sec. 1.4(b)(1) of the regulations of the Office of the Secretary of Transportation)

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-4039; Filed, Apr. 2, 1970; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1693]

PART 13—PROHIBITED TRADE PRACTICES

Hurley Chinchilla Ranch, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hurley Chinchilla Ranch, Inc., et al., Omaha, Nebr., Docket C-1693, Feb. 24, 1970]

In the Matter of Hurley Chinchilla Ranch, Inc., a Corporation, and William K. Hurley and Jack W. Swanson, Individually and as Officers of Said Corporation

Consent order requiring an Omaha, Nebr., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality and performance of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting services to its customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hurley Chinchilla Ranch, Inc., a corporation and its officers and directors, and William K. Hurley and Jack W. Swanson, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, spare rooms, enclosed porches, chicken coops, barns or other quarters or buildings or that large profits can be made in this manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented quarters or buildings have the requisite space, temperature, humidity, ventilation and other environmental conditions which would make them adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis and that large profits can be made in this manner.

2. Breeding chinchillas for profit can be achieved without previous knowledge or experience in the feeding, care, and breeding of such animals.

3. The breeding stock of seven females and one male chinchilla purchased from respondents will produce live offspring of 21 the first year, 36 the second year, 78 the third year, 162 the fourth year, or 342 the fifth year.

4. The number of live offspring produced by respondents' chinchilla breeding stock is any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of offspring are usually and customarily produced by chinchillas purchased from respondents or the offspring of said chinchillas.

5. The offspring of chinchilla breeding stock purchased from respondents will produce pelts selling for the average price of $20 each.

6. Chinchilla pelts produced from respondents' breeding stock will sell for any price, average price, or range of prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price, or range of prices are usually received for pelts produced by chinchillas purchased from respondents or by the offspring of such chinchillas.

7. Each female chinchilla purchased from respondents and each female offspring produced at least three live young per year.

8. The number of live offspring produced per female chinchilla is any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of offspring are usually and customarily produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

9. A purchaser starting with seven females and one male will have, from the

sale of pelts, an income, earnings, return or profits of $9,580 at the end of the fifth year after purchase.

10. Purchasers of respondents' breeding stock will realize income, earnings, return or profits in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts or earnings, profits or income are usually realized by purchasers of respondents' breeding stock.

11. Breeding stock purchased from respondents is warranted or guaranteed without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

12. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel every 90 days or at any other interval or frequency: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented service calls are actually furnished.

13. Respondents' service personnel are qualified to service chinchilla breeders or have had long experience in the chinchilla industry.

14. Chinchillas are hardy animals or are not susceptible to disease.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers are actually given the represented guidance in the care and breeding of chinchillas or are furnished the represented advice by respondents as to the breeding of chinchillas.

16. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offspring at 111 day intervals.

17. The number of litters or sizes thereof produced per female is any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of litters or sizes thereof are usually and customarily produced by the chinchillas sold by respondents or the offspring of said chinchillas.

18. Purchasers of respondents' chinchilla breeding stock will receive the finest quality chinchillas available or any other grade or quality of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

19. Respondents have participated in competitive exhibitions of chinchillas; or that as a result of such participation respondents have won or received prizes or awards for their chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they have participated in said exhibitions; and that they have won or received the represented prizes or awards.

20. Respondents' chinchillas are guaranteed unless respondents do in fact fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

21. Respondents maintain large modern facilities wherein hundreds or other large numbers of chinchillas are displayed; or misrepresenting, in any manner, the size or nature of respondents' facilities or the number or kind of chinchillas or other products on hand or on display.

22. Prospective purchasers requesting respondents' brochures or other promotional literature will not be visited by respondents or their agents, salesmen or other personnel, except upon the request of the prospective purchaser; or failing to reveal that prospective purchasers requesting respondents' brochures or promotional material will be visited by respondents' agents, salesmen, or other personnel.

23. Respondents will purchase all or any of the chinchilla offspring or pelts thereof raised by purchasers of respondents' chinchilla breeding stock for a minimum price of $40 per female or $100 for a group of three males and one female or said offspring or pelts for any other price: *Provided, however,* It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that they do, in fact, purchase all offspring or pelts offered by said purchasers at the prices represented.

24. Using the word "Ranch" or any other word of similar import or meaning as part of respondents' corporate or trade name or misrepresenting in any other manner the nature, status or character of respondents' business.

B. Failing promptly to fulfill all of their obligations and requirements under the terms set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to the sale of said products.

C. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

D. Misrepresenting in any manner, the earnings or profits of purchasers of respondents' chinchilla breeding stock.

E. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 24, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4055; Filed, Apr. 2, 1970; 8:48 a.m.]

[Docket C-1694]

PART 13—PROHIBITED TRADE PRACTICES

Spencer Gifts, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-22 Corrective, orthopedic, etc.; § 13.245 *Specifications or standards conformance.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1875 *Nonstandard character.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Spencer Gifts, Inc., Atlantic City, N.J., Docket C-1694, Feb. 24, 1970]

Consent order requiring an Atlantic City, N.J., mail-order merchandiser to cease advertising and offering for sale any nonprescription readymade spectacles unless it discloses that such products are for limited use by persons who do not have astigmatism or some disease of the eye.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Spencer Gifts, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale or sale or distribution of nonprescription magnifying spectacles or any other optical products do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which

(a) represents that any nonprescription magnifying spectacles or readymade spectacles offered for sale will correct, or are capable of correcting, defects in vision of persons, unless it is clearly and conspicuously disclosed in immediate conjunction with such representation that the correction of defects in vision by such products is limited to persons approximately 40 years of age and older who do not have astigmatism or diseases of the eye and who require only simple magnifying or reducing lenses;

(b) misrepresents in any manner, the construction, design, type, quality, durability or efficacy of any optical products, or the extent of vision improvement that may be reasonably expected by the use of any optical products.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's optical products in commerce as "commerce" is defined in the Federal Trade Commission Act, which fails to contain the affirmative disclosures required, or which contains any of the misrepresentations prohibited, in Paragraph 1 hereof.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent shall notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 24, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4056; Filed, Apr. 2, 1970; 8:48 a.m.]

[Docket C-1701]

PART 13—PROHIBITED TRADE PRACTICES

Maurice Finklestein and Maurice Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Maurice Finklestein, et al., Philadelphia, Pa., Docket C-1701, Mar. 6, 1970]

In the Matter of Maurice Finklestein, Individually and Trading as Maurice Furs.

Consent order requiring a Philadelphia, Pa., manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Maurice Finklestein, individually and trading as Maurice Furs, or trading under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacturer for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he complied with this order.

Issued: March 6, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4057; Filed, Apr. 2, 1970; 8:48 a.m.]

[Docket C-1702]

PART 13—PROHIBITED TRADE PRACTICES

Millstein-Sulak Furs, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Millstein-Sulak Furs, Inc., et al., Chicago, Ill., Docket C-1702, Mar. 6, 1970]

In the Matter of Millstein-Sulak Furs, Inc., a Corporation, and Laurence H. Sulak and Irving Bentley Millstein, Individually and as Officers of Said Corporation

Consent order requiring a Chicago, Ill., manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Millstein-Sulak Furs, Inc., a corporation, and its officers, and Laurence H. Sulak and Irving Bentley Millstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 6, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4058; Filed, Apr. 2, 1970; 8:48 a.m.]

[Docket C-1692]

PART 13—PROHIBITED TRADE PRACTICES

Colgate-Palmolive Co. and Masius, Wynne-Williams, Street & Finney, Inc.

Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Colgate-Palmolive Co. et al., New York, N.Y., Docket C-1692, Feb. 24, 1970]

In the Matter of Colgate-Palmolive Co., a Corporation, and Masius, Wynne-Williams, Street & Finney, Inc., a Corporation

Consent order requiring a New York City corporation engaged in the manufacture and distribution of plastic bag wraps described as "Baggies" and its advertising agency to cease the deceptive use of any test, experiment or demonstration in advertising respondent's plastic bags.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Colgate-Palmolive Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Baggies or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such product by presenting a test, experiment or demonstration or part thereof that is presented as actual proof of any fact or product feature that is material to inducing the sale of the product, but which does not actually prove such fact or product feature.

II. *It is further ordered,* That respondent Masius, Wynne-Williams, Street & Finney, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporation or other device, in connection with the advertising, offering for sale, sale or distribution of Baggies or any bag wrap or similar product or any Colgate-Palmolive Co. product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such product by presenting a test, experiment or demonstration or part thereof that is presented as actual proof of any fact or product feature that is material to inducing the sale of the product, but which does not actually prove such fact or product feature.

It is further ordered, That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: February 24, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4059; Filed, Apr. 2, 1970; 8:48 a.m.]

[Docket C-1691]

PART 13—PROHIBITED TRADE PRACTICES

North American Chinchilla Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and* profits; § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, North American Chinchilla Corp. et al., Salt Lake City, Utah, Docket C-1691, Feb. 17, 1970]

In the Matter of North American Chinchilla Corp., a Corporation, and Kurt Wegner, Individually and as an Officer of Said Corporation, Formerly Doing Business as North American Chinchilla Co.

Consent order requiring a Salt Lake City, Utah, seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to its customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents North American Chinchilla Corp., a corporation, and its officers and Kurt Wegner, individually and as an officer of said corporation and formerly doing business as North American Chinchilla Co. or under any other trade name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, barns or spare rooms or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to four live offspring at 111-day intervals.

4. The number of live offspring produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers produced per female of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Chinchilla breeding stock purchased from respondents and successive generations will double in number each year or produce an equal number of male and female offspring each year; or misrepresenting, in any manner, the number or the proportion of male and female chinchilla offspring produced in any given period of time.

6. Pelts from the offspring of chinchilla breeding stock purchased from respondents sell for an average price of $30 per pelt.

7. Pelts of offspring from breeding stock purchased from respondents will sell for any price, average price or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless, in fact, the represented price or prices are those of a substantial number of purchasers and accurately reflect the price or prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

8. A purchaser of six mated pairs of respondents' chinchilla breeding stock will have an annual net income of $5,000 from the sale of pelts at the end of 5 years.

9. Purchasers of respondents' chinchilla breeding stock will realize gross or net income, earnings or profits in any amount or range of amounts unless, in fact, the income, earnings or profits represented are those of a substantial number of purchasers and accurately reflect the average net or gross income, earnings or profits of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

10. Chinchilla breeding stock or any other products are warranted or guaranteed unless the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the name and address of the guarantor are clearly and conspicuously disclosed.

11. Breeding chinchillas by mated pairs rather than by polygamous breeding is the conventional method used by successful commercial chinchilla breeders; or misrepresenting, in any manner, the comparative merits of breeding chinchillas by mated pairs as against polygamous breeding or any other breeding method.

B. Misrepresenting, in any manner, the earnings or profits made or to be made in breeding and raising chinchillas.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4060; Filed, Apr. 2, 1970; 8:48 a.m.]

[Docket No. 8773]

PART 13—PROHIBITED TRADE PRACTICES

Windsor Distributing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–195 Nature; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.143 *Opportunities;* § 13.551 *Prices:* 13.155–95 Terms and conditions; § 13.240 *Special or limited offers;* § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation;* § 13.1697 *Opportunities in product or service;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Windsor Distributing Co. et al., Pittsburgh, Pa., Docket No. 8773, Mar. 6, 1970.]

In the Matter of Windsor Distributing Co., a Corporation, and Pentex Distributing Co., a Corporation, and Pen-Ida Distributing Co., a Corporation, Roger A. Gerth and Sanford A. Middleman, Individually and as Officers of Said Corporations, and John F. Thomas, Individually and as Manager of Windsor Distributing Co., and Frank Halavonic, Individually and as Manager of Pentex Distributing Co., and Jerome Scott, Individually and as Former Manager of Pen-Ida Distributing Co., and Kenneth Bedingfield, Individually and as Manager of Pen-Ida Distributing Co.

Order requiring three companies engaged in distributing vending machines and suppliers and six of their individual officers to cease making deceptive representations as to earnings, required qualifications of purchasers, sales routes, machine locations, repurchase of machines and supplies, nature of respondents' businesses, and other misrepresentations in selling their vending machines and supplies.

The order to cease and desist is as follows:

It is ordered, That respondents Windsor Distributing Co., Pentex Distributing Co. and Pen-Ida Distributing Co., corporations, and their officers, and Roger A. Gerth, individually and as an officer of said corporations, and Frank Halavonic, individually and as manager of said Pentex Distributing Co., and Kenneth Bedingfield, individually and as manager of said Pen-Ida Distributing Co., and respondents' agents, representatives, and employees, directly or through any nominal successor, corporate or otherwise owned and controlled by respondent Roger A. Gerth or through any other device, in connection with the advertising, offering for sale, sale or distribution of vending machines, vending machine supplies, or other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Through advertisements published or caused to be published in the "help wanted" or other columns of newspapers or in any manner or by any other means, that employment or a business opportunity is being offered when the real purpose is to obtain leads to prospective purchasers of respondents' products.

(2) Purchasers of respondents' products must own an automobile, furnish references, have special qualities or be specially selected to qualify for purchase of respondents' products; or misrepresenting, in any manner, the qualifications or requirements for purchase of respondents' products.

(3) Selling or soliciting is not required of those investing in any product or business offered by respondents; or misrepresenting, in any manner, the amount or kind of activity or effort required in connection with any product or business offered by respondents.

(4) Purchasers of respondents' products or businesses are granted exclusive territories within which their machines may be placed for operation; or that sales will not be made to other persons in such territories.

(5) Purchasers of respondents' products will earn any stated or gross or net amount; or representing, in any manner, the past earnings of said purchasers unless in fact the past earnings represented are those of a substantial number of purchasers and accurately reflect the average earnings of these purchasers under the circumstances similar to those of the purchaser or prospective purchaser to whom the representation is made.

(6) Sales routes have been previously established by respondents for purchasers; or that respondents or their sales representatives have obtained or will obtain satisfactory or profitable locations for the purchasers' machines; or that respondents will relocate said machines; or misrepresenting, in any manner, the assistance that will be furnished in obtaining locations or relocations for the product or the business purchased.

(7) Previous purchasers of respondents' vending machines are enjoying substantial earnings from the operation of said machines.

(8) Vending machines or other products sold by respondents are of specified quality, structural design, performance,

type or characteristic not actually and fully possessed by said machines or products.

(9) Respondents will repurchase or otherwise assist in the disposition of vending machines or supplies from purchasers thereof.

(10) Respondents are a nut and candy company; that respondents are seeking to establish a future market for their nuts and candy; or that respondents are selling vending machines to purchasers at or near cost; or misrepresenting, in any manner, the kind or character of respondents' business or the cost or price of respondents' products.

It is further ordered, That the respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and secure from each such salesman or person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents incident to selling their products and services

a. Inform orally all prospective customers and provide in writing in all contracts that (1) the contract may be canceled for any reason by notification to respondents in writing within 3 days from the date of execution and (2) that the contract is not final and binding unless and until respondents have completely performed their obligations thereunder by placing the vending machines in locations satisfactory to the customer and said customer has thereafter signed a statement indicating his satisfaction.

b. Refund immediately all monies to (1) customers who have requested contract cancellation in writing within 3 days from the execution thereof, (2) customers who have refused to sign statements indicating satisfaction with respondents' placement of the machines, and (3) customers showing that respondents' contract, solicitations or performance were attended by or involved violations of any of the provisions of this order.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the complaint is herein and hereby dismissed as to John F. Thomas, Jerome Scott, and Sanford A. Middleman, individually.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents, Windsor Distributing Co., Pentex Distributing Co., Pen-Ida Distributing Co., Roger A. Gerth, individually and as an officer of said corporations, Frank Halavonic, individually and as manager of Pentex Distributing Co., and Kenneth Bedingfield, individually and as manager of Pen-Ida Distributing Co., shall, within sixty (60) days after service of this order upon them, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: March 6, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4064; Filed, Apr. 2, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Association Discussion Limited to Voluntary Standardization Not Violative of Outstanding Cease and Desist Order

§ 15.407 Association discussion limited to voluntary standardization not violative of outstanding cease and desist order.

(a) The Commission issued an advisory opinion in which an association of librarians was advised that contemplated meetings with various publishers for the limited purpose of discussing standardization of forms, definitions and cataloging would not be violative of Commission administered statutes or the terms of an outstanding cease and desist order prohibiting the publishers from meeting for the purpose of discussing industry selling practices and procedures. Because of the provisions of the order the publishers had heretofore refused to meet as a group.

(b) The Commission considered assurances that the proposed discussions would not involve matters of discounts, freight and other allowances, and other elements of price, and the fact that members of the association of librarians were book purchasers with a vital interest in the preservation of competition in the industry and the prevention of price fixing.

(c) The association was further advised that Commission approval was based upon an understanding that any agreements reached at such meetings are to be entirely voluntary actions of each party involved without compulsion in any form.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: April 2, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4022; Filed, Apr. 2, 1970; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8844]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Delay of Effective Date of Credit Disclosure Rule

In Release No. 8773, December 8, 1969, and in the FEDERAL REGISTER for December 16, 1969 [34 F.R. 19718], the Commission announced the adoption of Rule 10b-16 [17 CFR 240.10b-16] under the Securities Exchange Act of 1934, effective April 1, 1970. The rule requires broker-dealers who extend credit to customers to finance securities transactions to furnish specified information with respect to the amount of and reasons for the credit charges.

The Commission has been advised that because of reprograming and other operational problems involved, a substantial number of firms would have difficulty in complying with the requirements of Rule 10b-16 by April 1. Therefore, the Commission has decided to extend the effective date of Rule 10b-16 to July 1, 1970.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10(b) and 23(a) thereof, and deeming it necessary for the exercise of the functions invested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby extends the effective date of section 240.10b-16 of Chapter II of Title 17 of the Code of Federal Regulations to July 1, 1970. Because the effect of the extension is to postpone the time for compliance with the rule, the Commission finds that, for good cause, notice and procedure specified in 5 U.S.C. 553 are unnecessary with respect to such extension.

(Secs. 10(b), 23(a), 48 Stat. 891, 901, as amended, 49 Stat. 1379, 15 U.S.C. 78j, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 18, 1970.

[F.R. Doc. 70-4028; Filed, Apr. 2, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 240—WINE

Miscellaneous Amendments

Treasury Decision No. 7031 (26 CFR Part 240) published at 35 F.R. 4502 is corrected as follows:

1. In paragraph 2 of the adoption document, change "§ 240.383" to "§ 240.385".

2. In § 240.196, change the third sentence to make the phrases "of floors" read "or floors".

3. In § 240.286, change the next to the last word in the section from "with" to "by".

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

Approved: March 31, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-4089; Filed, Apr. 2, 1970; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS NOT DIRECTLY RELATED TO REGULATIONS

PART 776—INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Application to Individual Employee Coverage

Part 776 of Title 29, Code of Federal Regulations, is hereby amended as hereinafter indicated in order to indicate that its present text does not discuss the application of the "enterprise" coverage provisions of the Fair Labor Standards Amendments of 1961 (Public Law 88-30) and the Fair Labor Standards Amendments of 1966 (89-601). Only the more traditional individual employee coverage is discussed. The Part will be subsequently amended to discuss the "enterprise" coverage.

Part 776 is amended as indicated below.

1. The present § 776.0 is designated § 776.0a, and a new § 776.0 is hereby added and is followed by a new undesignated centerhead. As added, the new § 776.0 and new undesignated centerhead read as follows:

§ 776.0 Subpart limited to individual employee coverage.

This subpart, which was adopted before the amendments of 1961 and 1966 to the Fair Labor Standards Act, is limited to discussion of general coverage of the Act on the traditional basis of engagement by individual employees "in commerce or in the production of goods for commerce". The 1961 and 1966 amendments broadened coverage by extending it to other employees on an "enterprise" basis, when "employed in an enterprise engaged in commerce or in the production of goods for commerce" as defined in section 3 (r), (s), of the present Act. Employees covered under the principles discussed in this subpart remain covered under the Act as amended; however, an employee who would not be individually covered under the principles discussed in this subpart may now be subject to the Act if he is employed in a covered enterprise as defined in the amendments. Questions of "enterprise coverage" not answered in published statements of the Department of Labor may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D.C. 20210 or assistance may be requested from any of the Regional or District Offices of the Divisions.

INDIVIDUAL EMPLOYEE COVERAGE

2. Section 776.5 is revised as follows:

§ 776.5 Coverage not dependent on method of compensation.

The act's individual employee coverage is not limited to employees working on an hourly wage. The requirements of section 6 as to minimum wages are that "each" employee described therein shall be paid wages at a rate not less than a specified rate "an hour".[15] This does not mean that employees cannot be paid on a piecework basis or on a salary, commission, or other basis; it merely means that whatever the basis on which the workers are paid, whether it be monthly, weekly, or on a piecework basis, they must receive at least the equivalent of the minimum hourly rate. "Each" and "any" employee obviously and necessarily includes one compensated by a unit of time, by the piece, or by any other measurement.[16] Regulations prescribed by the Administrator (Part 516 of this chapter) provide for the keeping of records in such form as to enable compensation on a piecework or other basis to be translated into an hourly rate.[17]

3. Section 776.7 is amended by revising paragraph (b) as follows:

§ 776.7 Geographical scope of coverage.

* * * * *

(b) Under the definitions in paragraph (a) of this section, employees within the District of Columbia; Puerto Rico; the Virgin Islands; outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462, 43 U.S.C. 1331); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island; and the Canal Zone are dealt with on the same basis as employees working in any of the 50 States.[20] Congress did not exercise the national legislative power over the District of Columbia or the Territories or possessions referred to by extending the act to purely local commerce within them.

4. The present § 776.22 is designated as § 776.22b, and new §§ 776.22 and 776.22a are added with new undesignated centerheads before and after the new § 776.22a. As added, the new §§ 776.22 and 776.22a and new undesignated centerheads read as follows:

Subpart B—Construction Industry

§ 776.22 Subpart limited to individual employee coverage.

This subpart, which was adopted before the amendments of 1961 and 1966 to the Fair Labor Standards Act, is limited to discussion of the traditional general coverage of employees employed in activities of the character performed in the construction industry, which depends on whether such employees are, individually, "engaged in commerce or in the production of goods for commerce" within the meaning of the Act. The 1961 and 1966 amendments broadened coverage by extending it to other employees of the construction industry on an "enterprise" basis, as explained in § 776.22a. Employees covered under the principles discussed in this subpart remain covered under the Act as amended; however, an employee who would not be individually covered under the principles discussed in this subpart may now be subject to the Act if he is employed in an enterprise engaged in covered construction as defined in the amendments.

ENTERPRISE COVERAGE

§ 776.22a Extension of coverage to employment in certain enterprises.

Whether or not individually covered on the traditional basis, an employee is covered on an "enterprise" basis by the Act as amended in 1961 and 1966 if he is "employed in an enterprise engaged in commerce or in the production of goods for

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[15] Special exceptions are made for Puerto Rico, the Virgin Islands, and American Samoa.

[16] *United States* v. *Rosenwasser*, 323 U.S. 360.

[17] For methods of translating other forms of compensation into an hourly rate for purposes of sections 6 and 7, see Parts 531 and 778 of this chapter.

[20] An amendment to the Fair Labor Standards Act of 1938, 71 Stat. 514 (approved Aug. 30, 1957) provides that no employer shall be subject to any liability or punishment under the act with respect to work performed at any time in work places excluded from the act's coverage by this law or for work performed prior to Nov. 29, 1957, on Guam, Wake Island, or the Canal Zone; or for work performed prior to the establishment, by the Secretary, of a minimum wage rate applicable to such work in American Samoa. Work performed by employees in "a work place within a foreign country or within territory under the jurisdiction of the United States" other than those enumerated in this paragraph is exempt by this amendment from coverage under the act. When part of the work performed by an employee for an employer in any workweek is covered work performed in any State, it makes no difference where the remainder of such work is performed; the employee is entitled to the benefits of the act for the entire workweek unless he comes within some specific exemption. The reference in 71 Stat. 514 to liability for work performed in American Samoa is an extension of the relief granted by the American Samoa Labor Standards Amendments of 1956 (29 U.S.C. Supp. IV, secs. 206, 213, and 216).

commerce" as defined in section 3(r), (s), of the Act. "Enterprise" is defined generally by section 3(r) to mean "the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units". If an "enterprise" as thus defined is an "enterprise engaged in commerce or in the production of goods for commerce" as defined and described in section 3(s) of the Act as amended, any employee employed in such enterprise is subject to the provisions of the Act to the same extent as if he were individually engaged "in commerce or in the production of goods for commerce", unless specifically exempt. Section 3(s), insofar as pertinent to the construction industry, reads as follows:

Enterprise engaged in commerce or in the production of goods for commerce means an enterprise which has employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person, and which—

* * * * *

(3) is engaged in the business of construction or reconstruction, or both.

Questions of "enterprise coverage" in the construction industry which are not answered in published statements of the Department of Labor may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D.C. 20210, or assistance may be requested from any of the Regional or District Offices of the Divisions.

INDIVIDUAL EMPLOYEE COVERAGE IN THE CONSTRUCTION INDUSTRY

(Secs. 1–19, 52 Stat. 1060, as amended; 29 U.S.C. 201–219)

Signed at Washington, D.C., this 26th day of March 1970.

ROBERT D. MORAN,
Administrator.

[F.R. Doc. 70-4076; Filed, Apr. 2, 1970; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBPART O—COAL MINE HEALTH AND SAFETY

PART 70—MANDATORY HEALTH STANDARDS — UNDERGROUND COAL MINES

Part 70, reading as set forth below, is added to Subchapter O of Chapter 1, Title 30, Code of Federal Regulations. In addition to provisions relating to sampling respirable dust in coal mine atmospheres, this part sets out certain mandatory health standards contained in title II of the Federal Coal Mine Health and Safety Act of 1969, interpretations thereof, and statements with respect to respiratory equipment approved by the Secretary of the Interior and the Secretary of Health, Education, and Welfare. It is impracticable to give notice of proposed rulemaking with respect to the provisions relating to sampling respirable dust because of the limitations of time imposed by section 202(a) of the Act in this regard.

Part 70 shall become effective on June 30, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

APRIL 1, 1970.

Subpart A—General

Subpart B—Dust Standards

Subpart C—Sampling Procedures

Subpart D—Respiratory Equipment

Subpart E—Dust From Drilling Rock

Subpart F—Noise Standard

AUTHORITY: The provisions of this Part 70 issued under title II, and sec. 508 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Subpart A—General

§ 70.1 Scope.

This Part 70 sets forth health standards compliance with which is mandatory in each underground coal mine subject to the Federal Coal Mine Health and Safety Act of 1969. Regulations supplementary to these standards also are set forth in this part.

§ 70.2 Definitions.

For the purpose of this Part 70, the term—

(a) "Certified" or "registered" as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by such titles, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary;

(b) "Qualified person" means, as the context requires, an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this Act; and

(c) "Permissible" as applied to equipment used in the operation of a coal mine, means equipment, other than permissible electric face equipment, to which an approval plate, label, or other device is attached as authorized by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire;

(d) "Working face" means any place in a coal mine in which work of extracting coal from its natural deposit in the

earth is performed during the mining cycle;

(e) "Working place" means the area of a coal mine inby the last open crosscut;

(f) "Working section" means all areas of the coal mine from the loading point of the section to and including the working face; when two or more mechanized mining sections (as defined in § 75.319–1 of Part 75, Subchapter O this chapter) are engaged in the production of coal within the same working section, each such mechanized mining section shall be considered a separate "working section" for the purpose of this Part 70;

(g) "Active workings" means any place in a coal mine where miners are normally required to work or travel;

(h) "Normal production shift" (as differentiated from a maintenance shift) means a shift during which the amount of coal produced in a working section is representative of the average amount of coal produced in such working section during all production shifts worked during the life of such working section or during the 6 months immediately preceding such production, whichever is the shorter period. With regard to a new working section, a "normal production shift" means a shift during which the amount of coal produced is comparable to the amounts produced during "normal production shifts" in other comparable working sections.

(i) "Respirable dust" means only dust particulates 5 microns or less in size;

(j) "Coal mine" includes areas of adjoining mines connected underground;

(k) "Secretary" means the Secretary of the Interior or his delegate;

(l) "Act" means the Federal Coal Mine Health and Safety Act of 1969;

(m) "Concentrations of respirable dust" means the average concentration of respirable dust if measured with an MRE instrument or such equivalent concentrations if measured with another device approved by the Secretary and the Secretary of Health, Education, and Welfare;

(n) "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England; and

(o) "Average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active working of a mine is exposed (1) as measured, during the period ending June 30, 1971, over a number of continuous production shifts to be determined by the Secretary and the Secretary of Health, Education, and Welfare and (2) as measured thereafter, over a single shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the provisions of § 101 of the Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift.

Subpart B—Dust Standards

§ 70.100 Dust standards; respirable dust.

(a) Effective June 30, 1970, each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 3.0 milligrams of respirable dust per cubic meter of air.

(b) Effective December 30, 1972, each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air.

(c) An operator need not comply with paragraph (a) or paragraph (b) of this section during the period of time specified in a permit of noncompliance issued by the Interim Compliance Panel established by the Act, but during that period the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of the mine is exposed at or below the limit specified in the permit of noncompliance.

Subpart C—Sampling Procedures

§ 70.201 Sampling; general requirement.

Each operator of a coal mine shall, as prescribed in this Part 70, take accurate samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed.

§ 70.202 Sampling; by whom done.

The dust sampling required by this Part 70 shall be done by, or as directed by, a person—

(a) Who has had practical experience in an underground coal mine;

(b) Who has a working knowledge of the mining equipment employed in the mine in which samples are taken;

(c) Who has a working knowledge of the coal mine ventilation system in the mine in which samples are taken;

(d) Who has a working knowledge of the operation and care of the sampling devices mentioned in § 70.203 and the filters employed in such devices; and

(e) Who has satisfactorily completed a course approved by the Secretary in sampling and evaluation of respirable coal mine dust concentrations with the sampling devices mentioned in § 70.203.

§ 70.203 Approved sampling devices.

Except as provided in § 70.204, the samples which this Part 70 requires to be taken shall be taken only with a coal mine dust personal sampler unit approved under Part 74 of this chapter or with an MRE instrument.

§ 70.204 Approved sampling devices; existing coal mine dust personal sampler units.

(a) Coal mine dust personal sampler units in use on or before June 30, 1970, which contain any combination of the pumps, sampling head assemblies and battery chargers listed in paragraphs (b), (c), and (d) of this section may be used until January 1, 1971, to take samples of respirable dust as required by this Part 70.

(b) The following battery operated pump units approved by the Bureau of Mines for intrinsic safety under the provisions of Part 18 of this chapter (Bureau of Mines Schedule 2F and 2G):

(1) Cassella, Ltd., Willson Products Division, Post Office Box 622, Reading, Pa. 19603: Mark II, Model B;

(2) Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, Pa. 15208: Model G;

(3) UNICO Environmental Instruments, Inc., 150 Cove Street, Fall River, Mass. 02720: Model C110.

(c) The following sampling head assemblies:

(1) Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, Pa. 15208: Gravimetric Dust Sampler;

(2) UNICO Environmental Instruments, Inc., 150 Cove Street, Fall River, Mass. 02720: Respirable Mass Lapel Sampler;

(3) Any other sampling head assembly employing the following components:

(i) A Dorr-Oliver nylon cyclone, a nylon vortex finder and a grit cap, as specified in subparagraph (1), paragraph (b) of § 74.3 of Part 74 of this chapter;

(ii) A filter assembly, as specified in subparagraph (2), paragraph (b) of § 74.3 of Part 74 of this chapter, except the filter assembly need not meet the preweight specification prescribed in that subparagraph.

(d) A battery charger designated as appropriate by the manufacturer of the pump unit employed in the particular coal mine dust sampler unit.

§ 70.205 Approved sampling devices; operation, rates of air flow.

An approved coal mine dust personal sampler unit shall be operated at a flow rate of 2.0 liters of air per minute. An MRE instrument shall be operated at a flow rate of 2.5 liters of air per minute.

§ 70.206 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust expressed in milligrams per cubic meter of air shall be determined by dividing the weight of dust in milligrams collected on the filter by the volume of air in cubic meters passing through the filter. To convert a concentration of respirable dust as measured with an approved coal mine dust personal sampler unit to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with an approved coal mine dust personal sampler unit shall be multiplied

by a constant factor of 1.6 and the product shall be the equivalent concentration as measured with an MRE instrument.

ORIGINAL DETERMINATION OF RESPIRABLE DUST CONCENTRATION

§ 70.210 Original sampling cycle; establishment of basic sample.

(a) Samples of respirable dust with respect to each working section of a coal mine shall be taken on 10 consecutive normal production shifts, each of which is worked on a separate calendar day, beginning with a normal production shift completed on or after June 30, 1970, except that, with respect to working sections located in multisection mines, original sampling may be conducted in accordance with the provisions of § 70.241 of this part. An original sampling cycle shall be begun with respect to each working section of a coal mine no later than the 11th day upon which normal production shifts are worked in that section. For each working section, this series of 10 samples, or a series of 10 samples submitted in accordance with the provisions of § 70.230 of this part, shall constitute the basic sample with respect to that working section.

(b) Where a working section is opened after June 30, 1970, the original sampling cycle required in accordance with the provisions of paragraph (a) of this section shall be begun on a normal production shift (as defined in § 70.220) on the first production day in such working section and thereafter on consecutive production shifts (as defined in § 70.220).

§ 70.211 Violation of dust standard; original sampling cycle.

(a) If the data recorded pursuant to § 70.261 for an original sampling cycle with respect to a working section of a coal mine establish a cumulative concentration of respirable dust in excess of the cumulative concentration stated in paragraph (b) of this section with respect to the particular applicable limit, without regard to the number of samples analyzed, the Secretary shall issue a notice to the operator that he is in violation of paragraph (a) or paragraph (c) of § 70.100 of this Part 70. Paragraph (a) of § 70.100 prescribes a limit of 3.0 milligrams of respirable dust per cubic meter of air. Paragraph (c) of § 70.100 covers permits for noncompliance issued by the Interim Compliance Panel established by the Act. Such a permit may establish a limit of 4.5 milligrams, 4.0 milligrams, or 3.5 milligrams.

(b) The cumulative concentration of respirable dust recorded from samples which establish noncompliance with a particular applicable limit may be as follows:

(1) If, when a limit of 4.5 milligrams per cubic meter of air is in effect, the cumulative concentration exceeds 45 milligrams of respirable dust per cubic meter of air;

(2) If, when a limit of 4.0 milligrams per cubic meter of air is in effect, the cumulative concentration exceeds 40 milligrams of respirable dust per cubic meter of air;

(3) If, when a limit of 3.5 milligrams per cubic meter of air is in effect, the cumulative concentration exceeds 35 milligrams of respirable dust per cubic meter of air;

(4) If, when a limit of 3.0 milligrams per cubic meter of air is in effect, the cumulative concentration exceeds 30 milligrams of respirable dust per cubic meter of air.

(5) If, when any limit, other than those stated in subparagraphs (1), (2), (3), and (4) of this paragraph, is in effect under a permit for noncompliance, the cumulative concentration exceeds 10 times the specified limit of respirable dust per cubic meter of air.

STANDARD SAMPLING CYCLE

§ 70.220 Standard sampling cycle.

(a) (1) Except as provided in subparagraph (2) of this paragraph, during the calendar month beginning on the day the operator receives notice that a working section of a coal mine is in compliance, samples of respirable dust with respect to that working section shall be taken each calendar month thereafter during five consecutive normal production shifts, each of which is worked on a separate calendar day.

(2) In order to ensure that the procedures and methods for sampling set forth in this part result in the transmission of an adequate number of reliable samples, the Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, may require any operator of a coal mine to sample at more frequent intervals than are prescribed in subparagraph (1) of this paragraph.

(3) Upon the issuance of a notice of violation of paragraph (a) or (c) of § 70.100 of this part with respect to any working section of a coal mine, paragraph (a) of this section shall not apply in respect of that working section until the violation is abated, and the operator shall take samples with respect to that working section during each production shift as required by § 104(i) of the Act.

(4) Upon receipt of a notice of the abatement of a violation with respect to a working section for which a notice of violation has been issued in accordance with the provisions of § 104(i) of the Act, or upon receipt of a notice of modification of a permit for noncompliance establishing a new dust standard, or upon the expiration of a permit for noncompliance, the operator shall initiate (in accordance with provisions of § 70.210) an original sampling cycle on the first day following receipt of such notice or such expiration on which there is a normal production shift.

(b) For the purpose of this Subpart C:

(1) "normal production shift" (as differentiated from a maintenance shift) means a shift during which the amount of coal produced in a working section is representative of the average amount of coal produced in such working section during all production shifts worked during the life of such working section or during the six months immediately preceding such production, whichever is the shorter period. With regard to a new working section, a "normal production shift" means a shift during which the amount of coal produced is comparable to the amounts produced during normal production shifts in other comparable working sections.

(2) A production shift during a calendar day (for example, the day shift on June 4) following a production shift during an earlier calendar day (for example, the afternoon shift on June 1) shall be considered consecutive production shifts even though a nonproducing calendar day or days (June 2 and June 3) may have intervened.

(3) The calendar month with respect to any working section for which a basic sample has been established pursuant to § 70.210 shall begin on the day upon which the operator receives notice from the Secretary that the working section is in compliance.

(4) A calendar month (regardless of whether the month or months of the calendar involved have 28, 29, 30, or 31 days) is a period terminating with the day of the succeeding month (of the calendar) numerically corresponding to the day (date) of its beginning, less one, except, if there be no corresponding day of the succeeding month, the period terminates with the last day of the succeeding month. (For example, if the calendar month begins on July 20, it ends on August 19 of the same year and on the 19th day of each succeeding month.)

§ 70.221 Daily determination of average respirable dust concentrations; notice of violation.

(a) Each sample transmitted by an operator with respect to a working section from the standard sampling cycle shall be combined with the 10 samples taken in such working section during the original sampling cycle. After combining these 11 samples, the first sample transmitted during the original sampling cycle shall be discarded. The remaining 10 samples will then constitute a current basic sample with respect to that working section and a daily determination of compliance or noncompliance shall be made on the basis of the data recorded from the 10 samples contained in the current basic sample. Thereafter, as each subsequent sample is received during a standard sampling cycle the most recent sample transmitted in accordance with the provisions of § 70.220 will be combined with the 10 samples contained in the current basic sample, the oldest sample discarded, and a determination of compliance or noncompliance made on the basis of the data recorded from the current basic sample.

(b) If the data recorded pursuant to § 70.261 for a current basic sample with respect to a working section of a coal mine establish an average concentration of respirable dust in excess of the average concentration stated in paragraph (b) of § 70.211, as applicable, the Secretary shall issue a notice to the operator that he has exceeded the applicable limit and is in violation of paragraph (a) or paragraph (c) of § 70.100 of this Part 70, as

the case may be. Paragraph (a) of § 70.100 prescribes a limit of 3.0 milligrams of respirable dust per cubic meter of air. Paragraph (c) of § 70.100 covers permits for noncompliance issued by the Interim Compliance Panel established by the Act.

§ 70.222 Reduction in monthly standard sampling cycle.

(a) Where the samples from a standard sampling cycle with respect to a working section of a coal mine have been included in the current basic sample and the data recorded for the current basic sample pursuant to § 70.261 establish a cumulative concentration at or below 30 milligrams of respirable dust per cubic meter of air, the Secretary may in writing, establish an alternating sampling cycle for such working section.

(b) Under an alternating standard sampling cycle established by the Secretary for a working section under the provisions of paragraph (a) of this section, the operator will not be required to take samples with respect to that working section during the following calendar month. If the current basic sample following completion of a standard sampling cycle during the third month shows that the cumulative concentration of respirable dust with respect to that working section has not exceeded the limit of 30 milligrams per cubic meter of air, the operator will not be required to take samples from the working section during the following month or during any alternating months after which a determination of compliance has been made in accordance with the provisions of paragraph (c) of § 70.221. For example:

July, basic sample in compliance: August, standard sampling cycle;
September, no sampling cycle: October, standard sampling cycle;
November, no sampling cycle: December, standard sampling cycle;
January, no sampling cycle: February, standard sampling cycle;
March, no sampling cycle: April, standard sampling cycle;
May, no sampling cycle: June, standard sampling cycle.

§ 70.223 Alternating standard sampling cycle; return to monthly standard sampling cycle.

When an alternating standard sampling cycle has been established for a working section under the provisions of § 70.222, the operator shall revert to the original sampling cycle provided in § 70.210, if, at any time, analysis of the samples contained in the current basic sample or an analysis based on a Bureau of Mines inspection with respect to such section show the cumulative dust concentration to be in excess of the limit of 30 milligrams per cubic meter of air.

PARTIAL SAMPLING CYCLE

§ 70.230 Sampling cycles consisting of less than the required samples; general.

(a) If the Secretary fails to recive the number of valid samples with respect to a working section required under the provisions of § 70.210 or § 70.220, or if any number of samples taken during a sampling cycle in accordance with the provisions of § 70.210 or § 70.220 have been rejected by the Secretary as invalid samples, the Secretary shall, in accordance with the provisions of § 70.261, analyze the samples transmitted to determine whether such working section is in compliance with the applicable respirable dust limit.

(b) If the Secretary receives less than the required number of valid samples with respect to a working section, and has determined in accordance with the provisions of paragraph (a) of this section that the cumulative concentration of respirable dust does not exceed the applicable limit set forth in paragraph (b) of § 70.211, the Secretary shall require the operator to initiate additional sampling. Upon receipt of advice that additional sampling is required, the operator shall commence such sampling on the first day on which there is a production shift following the day upon which he receives such advice from the Secretary pursuant to this paragraph, and shall continue to take such consecutive samples until he is advised in writing by the Secretary that the total number of valid samples required have been received. If such additional sampling requires that samples be taken during a subsequent calendar month, the additional samples taken during the subsequent calendar month shall not relieve the operator of his duty to sample during that month in accordance with the provisions of § 70.220.

(c) Where additional sampling is required under the provisions of paragraph (b) of this section and the Secretary receives more than the number of samples required under the provisions of § 70.210 or § 70.220 of this part, such additional samples shall be combined with the samples previously received and the most recent 10 samples shall constitute the basic sample under § 70.210 or the current basic sample under § 70.210.

(d) As additional samples are received by the Secretary in accordance with paragraph (b) of this section and combined with the valid samples already received, a daily determination of compliance or noncompliance shall be made with respect to that working section. If the data recorded pursuant to § 70.261 with respect to that working section, establish a cumulative concentration of respirable dust in excess of the cumulative concentration stated in paragraph (b) of § 70.211 with respect to the particular applicable limit, the Secretary shall issue a notice to the operator that he is in violation of paragraph (a) or paragraph (c) of § 70.100 of this Part 70.

METHODS OF SAMPLING WORKING SECTIONS

§ 70.240 Monthly sampling procedures; general.

The monthly sampling procedures set forth in this part with respect to working sections are designed to determine the average concentration of respirable dust to which the miners assigned to a working section of a coal mine are exposed, portal to portal. Accordingly, a provision that samples of respirable dust be taken "with respect to" a working section means that an approved sampling device should be attached to the miner or carried into the working section to which he is assigned when he enters or leaves the mine and that the device should remain operative during the entire shift—portal to portal.

§ 70.241 Multisection mines.

In a coal mine in which there are two or more working sections, the sampling cycle with respect to each working section shall be staggered with those taken in other working sections to provide continuous sampling of the mine atmosphere. For example, if there are three working sections, samples from each working section should be taken during different time periods. In order to provide continuous sampling, staggered sampling cycles may be overlapped.

§ 70.242 Working sections; conventional mining.

(a) Unless otherwise directed by an authorized representative of the Secretary, in a working section in which conventional mining methods are employed, the samples taken in the working section shall be confined to the operation of the cutting machine.

(b) In the working section, the approved sampling device may remain on the operator (if it is a coal mine dust personal sampler unit) or be placed on the machine which he operates. If the sampling device is placed on a machine, the device shall be installed adjacent to the operator within 36 inches inby his normal working position. In no case shall the device be installed behind the operator.

§ 70.243 Working sections; continuous mining.

Unless otherwise directed by an authorized representative of the Secretary:

(a) In a working section in which a continuous mining machine is employed, the approved sampling device may remain on the operator (if it is a coal mine dust personal sampler unit) or be placed on the machine which he operates; and

(b) If the sampling device is placed on a machine, the device shall be installed adjacent to the operator within 36 inches inby his normal working position. In no case shall the device be installed behind the operator.

§ 70.244 Working sections; longwall mining.

Unless otherwise directed by an authorized representative of the Secretary, with respect to a working section in which a longwall mining machine is used, the miner who workers nearest the return air side of the longwall face may wear the approved sampling device (if it is a coal mine dust personal sampler unit) or the device may be placed at a point in the return air current but in no case farther than 48 inches from the corner on the return side on the longwall face.

§ 70.245 Working sections; hand loading.

(a) With respect to a working section in which coal is loaded by hand, 10 percent of the hand loaders, and in no case less than one hand loader, shall wear an approved coal mine dust personal sampler unit.

(b) In the working section, the sampling units may remain on the hand loaders or, the devices may be placed at sites which represent the maximum concentrations of dust to which the hand loaders are exposed in the working section.

§ 70.246 Working sections; intake air.

During one production shift in every sampling cycle with respect to a working section, an approved sampling device shall be placed in the intake air course of that working section and a sample will be taken within 200 feet outby the working faces of such section.

SAMPLING OF INDIVIDUAL MINERS

§ 70.250 Individual sampling procedures; at least once every 180 days.

(a) Except as provided in paragraphs (b) and (c) of this section, one sample of respirable dust shall be taken from the mine atmosphere to which each individual miner is exposed at least once every 180 days, except those miners already sampled during such 180-day period in sampling cycles conducted under the provisions of §§ 70.210, 70.220, and 70.230.

(b) One sample of respirable dust shall be taken from the mine atmosphere to which each individual miner assigned to a working section is exposed at least once every 120 days, except those miners already sampled during such 120-day period in sampling cycles conducted under the provisions of §§ 70.210, 70.220, and 70.230 of this part.

(c) One sample of respirable dust shall be taken from the mine atmosphere to which each individual miner who has exercised his option to transfer in accordance with the provisions of § 203(b)(1) of the Act is exposed at least once every 90 days.

(d) The samples required under the provisions of this section shall be taken during any shift where the miner is employed in his usual occupation or in the occupation to which he was transferred.

TRANSMISSION AND ANALYSIS OF SAMPLES

§ 70.260 Respirable dust samples; transmission.

(a) At the conclusion of each production shift in a sampling cycle, the operator shall promptly collect and transmit all samples in a container provided by the manufacturer of the filter to:

Pittsburgh Field Health Group, Bureau of Mines, Department of the Interior, Pittsburgh, Pa. 15213.

(b) Each sample shall be accompanied by a completed 3 x 5 inch white data card identical to the card contained in Figure 1 of this Part 70, provided for this purpose by the cassette manufacturer. The card shall have an identification number identical to that on the cassette used to take the sample, and the name and Social Security number of the miner whose environment was being sampled. The data card shall be initialed by the miner whose environment was being sampled and the representative of the company responsible for the dust sampling procedure.

§ 70.261 Respirable dust samples; analysis by the Secretary; report to the operator.

Upon receipt by the Bureau of Mines of respirable dust samples taken with respect to a working section, each sample shall be analyzed and the following data shall be recorded:

(a) The mine identification number;

(b) The working section within the mine from which the samples were taken;

(c) The dust concentration, expressed in milligrams per cubic meter of air, for each sample;

(d) The cumulative total of respirable dust for all valid samples, exclusive of intake air, expressed in milligrams per cubic meter of air;

(e) The average dust concentration for all valid samples, exclusive of the sample of intake air, expressed in milligrams per cubic meter of air;

(f) The dust concentration, expressed in milligrams per cubic meter of air, for the intake air sample of each working section; and,

(g) The Social Security number of the individual miner whose environment was sampled.

§ 70.262 Report of data.

The Secretary shall provide the operator with a report of the data recorded pursuant to § 70.261 as soon as practicable.

MISCELLANEOUS

§ 70.270 Installation of sampling devices.

For purposes of sampling under the provisions of Subpart C of this part, the operator shall install all MRE sampling devices in a near level position and all coal mine dust personal sampler units in a near upright or vertical position.

§ 70.271 Spot inspections.

In order to obtain compliance with the provision of Part 70, the Bureau of Mines shall conduct frequent spot inspections of the active workings of coal mines.

§ 70.272 Report and certification of conditions in active mine workings.

Each operator of a coal mine shall, on or before June 30, 1970, and annually thereafter on the anniversary date of each initial report and certification, report and certify to the Secretary the conditions relative to dust control which exist in the active workings of all mines operated. Such reports shall be submitted on Bureau of Mines Form No. 6–1497. Report forms may be obtained from any Coal Mine Safety District Office of the Bureau of Mines. Reports shall be submitted to:

Office of Mineral Industry Health, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Subpart D—Respiratory Equipment

§ 70.300 Respiratory equipment; respirable dust.

(a) Respiratory equipment approved by the Secretary and by the Secretary of Health, Education, and Welfare shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this Part 70. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this Part 70.

§ 70.300–1 Approved respiratory equipment; respirable dust.

(a) Filter-type respirators approved on and after January 19, 1965, under Part 14 of this chapter (Bureau of Mines Schedule 21B) and supplied-air respirators, Type G, approved on and after April 19, 1965, under Part 12 of this chapter (Bureau of Mines Schedule 19B) for protection against pneumoconiosis-producing dust, toxic dust, pneumoconiosis-producing mist, toxic mist, and toxic fumes are approved respiratory equipment for the purposes of § 70.300.

(b) Respirators approved during the period April 12, 1953, through January 18, 1965, under Part 14 of this chapter (Bureau of Mines Schedule 21A), and in use on or before June 30, 1970, for protection against pneumoconiosis-producing dust, toxic dust, pneumoconiosis-producing mist, toxic mist, and toxic fumes are approved respirators for the purposes of § 70.300 until December 31, 1970. Such respirators shall not be provided for protection under the provisions of § 70.300 on or after January 1, 1971.

§ 70.305 Respiratory equipment; gas, dusts, fumes, or mists.

Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

§ 70.305–1 Approved respiratory equipment; gas, dusts, fumes, or mists.

Respiratory equipment which has been approved by the Bureau of Mines under the parts of this chapter, on and after the dates listed in this section, are approved respiratory equipment for the purposes of § 70.305 but only with respect to the specific hazards referred to in the approved labels:

Part 13—Gas Masks (Bureau of Mines Schedule 14F) April 23, 1955;

Part 14—Filter-type, Dust, Fume, and Mist Respirators (Bureau of Mines Schedule 21B) January 10, 1965;

Part 14a—Non-Emergency Gas Respirators (Chemical Cartridge Respirators Including Paint Spray Respirators) (Bureau of Mines Schedule 23B) August 4, 1959.

Subpart E—Dust From Drilling Rock

§ 70.400 Dust from drilling rock; control.

The dust resulting from drilling in rock shall be controlled by use of permissible dust collectors, or by water or water with a wetting agent, or by ventilation, or by any other method or device approved by the Secretary which is at least as effective in controlling such dust.

§ 70.400–1 Dust from drilling rock; approved devices.

Dust collectors approved by the Bureau of Mines under Part 33 of this chapter (Bureau of Mines Schedule 25B) are permissible dust collectors for the purposes of § 70.400.

§ 70.400–2 Dust from drilling rock; water.

Water used to control dust from drilling rock shall be applied through a hollow drill steel or stem or by the flooding of vertical drill holes in the floor.

§ 70.400–3 Dust from drilling rock; ventilation.

In order to control adequately dust from drilling rock, the air current shall be so directed that the dust is readily dispersed and carried away from the drill operator or any other worker in the area.

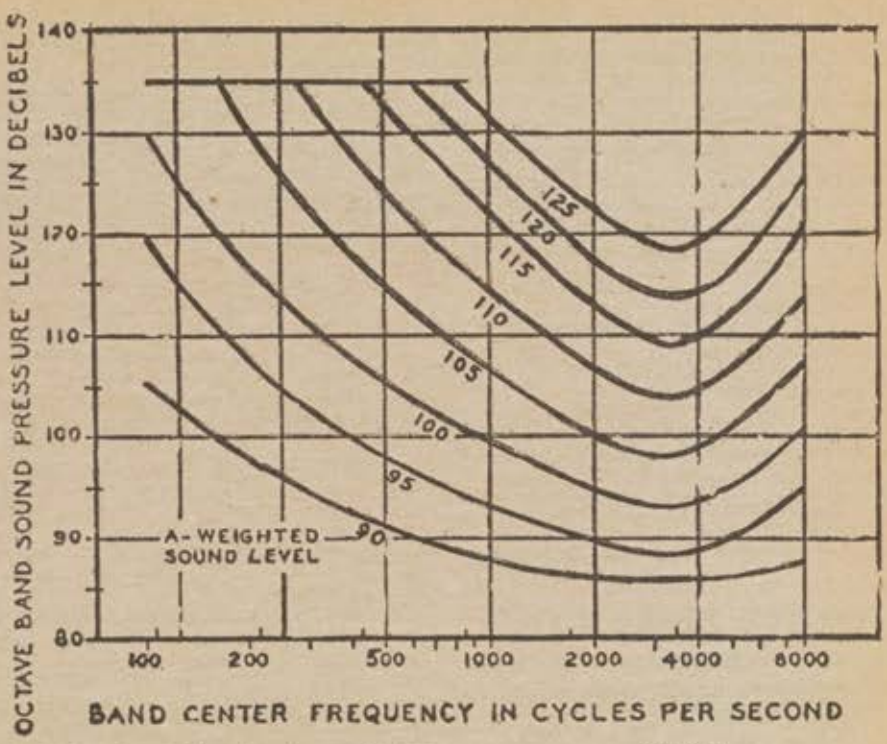
Subpart F—Noise Standard

§ 70.500 Noise standard.

(a) On and after June 30, 1970, the standards on noise prescribed under the Walsh-Healy Public Contracts Act, as amended, in effect on October 21, 1969, shall be applicable to each coal mine and each operator of such mine shall comply with them. The standard referred to is as follows:

Occupational noise exposure

"(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table I of this section when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:



"Equivalent sound level contours. Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on this graph and noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, is used to determine exposure limits from Table I.

"(b) When employees are subjected to sound exceeding those listed in Table I of this section, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of the table, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

"(c) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered intermittent. In such cases, where the duration of the maxima are less than 1 second, they shall be treated as of 1-second duration.

"(d) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE I

PERMISSIBLE NOISE EXPOSURES [1]

Duration per day, hours	*Sound level dBA*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: C1/T1+C2/T2. . . . Cn/Tn exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

"Exposure to impulsive or impact noise should not exceed 140 dBA peak sound pressure level."

(b) In meeting the standard set forth in paragraph (a) of this section, the

operator shall not require the use of any protective device or system, including personal devices, which the Secretary or his authorized representative finds to be hazardous or cause a hazard to the miners in such mine.

FIGURE 1

MINE DATA CARD

Sample No. _____ Initial Wt. _____
Mine ID No. _____ Final Wt. _____
Section ID No. _____ Sampling time (Min.) _____
Miner's SSA No. _____ Date _____
Occupation _____ Tons this shift _____
Type of Sample:
High risk _____ Nonhigh risk _____ Intake air _____
Face ventilation:
Exhaust _____ Blowing _____ Aux. _____ Brattice _____
Type of Mining:
Development _____ Retreat _____
Method of Mining:
Continuous _____ Conventional _____ Longwall _____
Other _____
_____ Check if section will close before next sampling cycle.

Signature:
(Miner Sampled) _____
(Mine Official) _____

[F.R. Doc. 70-4100; Filed, Apr. 2, 1970; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-9; Amdt. Nos. 173-20, 178-10]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

New Steel Drum Specification

On August 1, 1969, the Hazardous Materials Regulations Board published miscellaneous amendments to the Department's Hazardous Materials Regulations in the FEDERAL REGISTER (34 F.R. 12588). In the preamble to those amendments, the Board stated that final action on the proposed new steel drum specification 17M was being delayed pending a study of the effects of the bottom head embossing on the integrity of the drum. This study has now been completed.

The study revealed that, although there was only one reported case of leakage in transportation where failure of the bottom head could be related to the presence of embossing marks, the potential for failure is nevertheless present and real. Three primary factors are involved—the depth, shape, and location of the letters. Letters which are too deep, have sharp edges, or are located too close to the knuckle radius of the drum, could result in stress risers which would, in turn, be potential failure points under dynamic load vibration conditions.

After consulting with the National Bureau of Standards and representatives of the steel drum manufacturers, the Board has determined that adequate safety would be provided if certain restrictions were placed on the application of the embossing marks. These restrictions would limit the depth of the embossing marks, prohibit the use of dies having sharp edges or corners, and require the marks to be located at least 4 inches away from the chime. These proposed restrictions were reviewed by the Steel Shipping Container Institute, and were considered reasonable by that group. The restrictions have already been incorporated by the only firm presently manufacturing steel drums to the proposed specification. Therefore, including the restrictions in the proposed drum specification would impose no burden on the drum manufacturer. In view of the agreement by the affected industry, the Board considers it reasonable to include the restrictions in the proposed specification, and to authorize the use of those drums accordingly. These amendments establish the new specification and make provision for the use of drums made to that specification.

The specification number—17M—previously proposed for the drum falls within the specification series for single-trip drums. Since the specification in fact specifies a nonreusable drum, the specification has been renumbered to 37D—the 37 series being reserved for nonreusable drums.

Since the manufacturer's specification for the drum require steel which actually is 23-gage rather than 24-gage as proposed, and since all proof tests were performed on 23-gage drums, the specification now requires at least 23-gage steel.

Interested persons were afforded an opportunity to participate in this rule making action by commenting on the proposed specification and use. In view of agreement by the affected manufacturer, and since due consideration was given to all relevant matter presented, further notice and public procedure on the amendments made herein are unnecessary.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended, effective July 1, 1970, as follows:

I. Part 173 is amended as follows:

(A) In § 173.24 a new entry is added in the table in subparagraph (c)(2) as follows:

§ 173.24 Standard requirements for all packages.

* * * * * *

(c) * * *

(2) * * *

Gauge number	Nominal thickness (inches)	Minimum thickness (inches)
* * *	* * *	* * *
23	0.029	0.0239
* * *	* * *	* * *

* * * * * *

(B) In § 173.128 subparagraph (a)(5) is added to read as follows:

§ 173.128 Paints and related materials.

(a) * * *

(5) Spec. 37D (§ 178.137) nonreusable steel drums. Authorized only for materials not exceeding 10 pounds per gallon and having a flash point above 20° F.

* * * * * *

II. Part 178 is amended as follows:

(A) In the Table of Contents § 178.137 is added to read as follows:

178.137 Specification 37D; steeel drum. Nonreusable container. Open-head not authorized.

(B) Section 178.137 is added to read as follows:

§ 178.137 Specification 37D; steel drum. Nonreusable container. Open-head not authorized.

§ 178.137-1 General requirements.

Each drum must meet the applicable requirements of § 173.24 of this chapter.

§ 178.137-2 Rated capacity.

(a) Rated capacity is 55 gallons, as marked (see § 178.137-6).

(b) Actual capacity must be the rated capacity plus 4-5 percent.

§ 178.137-3 General construction requirements.

(a) *Chime reinforcement.* The top and bottom chimes must be reinforced with a steel band that is an integral part of the double seam and which provides a chime cross section containing at least eight layers of steel. The reinforcing band must follow and support the knuckle radius of the head with the inside edge upturned so that the edge does not contact the adjacent portions of the head.

(b) *Seams.* The body side seam must be welded.

(c) *Sidewall construction.* A continuous series of parallel, geometrically similar circumferential beads must be expanded in the drum sidewall so that the surface length of the steel in the axial direction does not change more than 1 percent during forming.

(d) *Steel thickness.* (1) The thickness of the body and heads of the finished drum must be at least 23-gage.

(2) The chime reinforcement must be made of at least 18-gage steel.

(e) *Heads.* Heads must be flat. Open-head drums are not authorized.

§ 178.137–4 Closure.

(a) The closing part (plug, cap, plate, etc.) must be of steel at least 23-gage thickness, or other material of equivalent strength. Gaskets are required. Cap seals may be placed over the closure.

(b) For closures with threaded plug or cap, the seat (e.g., flange) for the plug or cap must have three or more threads. Two drainage holes of not over $^{9}/_{64}$-inch diameter are authorized. The plug or cap must have a sufficient length of thread to engage at least three threads when securely tightened with the gasket in place.

(c) The maximum permitted closure opening is 2.7 inches in diameter.

§ 178.137–5 Defective drums.

Defects or damage must be repaired by the method used in constructing the drum. Soldering is not authorized.

§ 178.137–6 Marking.

(a) Marking must be as prescribed in § 173.24 of this chapter.

(b) The marking on each drum must be by embossing on the bottom head with raised marks as follows: "DOT–37D NRC"; and the gage of the metal of the drum in the thinnest part, the rated capacity of the drum in gallons, and the year of manufacture (e.g., 23–55–70). When the gage of the metal in the drum wall differs from that in the head, both must be indicated with a slanting line between, and with the gage of the wall indicated first (e.g., 23/22–55–70).

(c) The minimum height of the letters and numerals shall be three-fourths inch.

(d) The depth of embossing must be at least 0.015 inch and not more than 0.025 inch, but in no case may the depth exceed the thickness of the metal sheet being embossed. The dies used to form the embossing marks must be free of sharp edges or corners that might cause a stress riser in the mark. The embossing marks must be at least 4 inches from the outside edge of the chime.

§ 178.137–7 Tests.

(a) Each drum must be capable of withstanding the prescribed tests without leakage of contents.

(b) Samples which are taken at random and closed as for use must be tested as prescribed in subparagraphs (1) and (2) of this paragraph without leakage. Tests are to be made of each type and size by each manufacturer starting production and are to be repeated at least every 4 months thereafter. The samples last tested must be retained by the manufacturer until further tests are made or for 1 year, whichever period is shorter.

(1) *Drop test.* Test by dropping, filled with water to 98 percent capacity, from a height of 4 feet onto a solid unyielding surface (e.g., concrete or steel) so as to strike the surface diagonally on the chime. Additional similar drops must be made on any other parts of the drum which might be considered weaker than the chime. Closing devices and other parts projecting beyond the chime or sidewall beads must also be capable of withstanding this test.

(2) *Pressure test.* Hydrostatic pressure test of at least 15 pounds per square inch, sustained without pressure drop for at least 5 minutes.

(c) *Leakage test.* Each drum must be tested for leakage with seams under water, or covered with soapsuds or heavy oil, or equivalent material. Interior air pressure of at least 7 pounds per square inch must be applied, and the seams and chimes examined for evidence of leakage. Leaking drums must be rejected, or repaired (see § 178.137–5) and retested.

(Secs. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and section 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430 and 1472(h))

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

W. J. SMITH,
Admiral, U.S. Coast Guard Commandant.

R. N. WHITMAN,
Administrator, Federal Railroad Administration.

F. C. TURNER,
Administrator, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 70–4042; Filed, Apr. 2, 1970; 8:46 a.m.]

Chapter X—Interstate Commerce Commission

[Ex Parte No. MC–19 (Sub 8)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Correction

MARCH 31, 1970.

The purpose of this Correction Notice is to point out the corrections which should be made in Part 1056 published in the FEDERAL REGISTER (35 F.R. 4754) on March 19, 1970. The corrections are as follows:

In § 1056.6(a)(2), second sentence, the following should be inserted after the word "report": ", on a report form prescribed by the Commission,".

At the end of § 1056.6(a)(2) the following sentence should be added: "This report shall be filed within 30 days after the end of the quarter to which it relates."

In § 1056.6(d), first sentence, a comma should be inserted after the word "date" and the words "or the first day of the period of time for delivery specified in the bill of lading," should be deleted.

In § 1056.7, first sentence, after the words "form BOP 103" the following words should be inserted, "and obtain a receipt therefor".

In § 1056.8(b), line 17, the words "at least" should be deleted.

In § 1056.10(b)(6), the words "vehicle onto which the shipment is loaded and the number of the" should be inserted after the words "the number of the".

In § 1056.13, third sentence, the word "redelivery" should be inserted after the words "responsibility for the charges for".

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–4083; Filed, Apr. 2, 1970; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1970, inclusive, on the waters of Lake Texoma east of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; from April 1 through September 30, 1970, inclusive, for waters of Lake Texoma west of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E.; and from January 15 through September 30, 1970, inclusive, for all other refuge waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

MARCH 16, 1970.

[F.R. Doc. 70–4026; Filed, Apr. 2, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

STANDARDS FOR GRADES OF LETTUCE [1]

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Lettuce (7 CFR, §§ 51.2510–51.2531). 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.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than May 10, 1970, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27(b)).

Statement of considerations leading to the proposed amendment of the grade standards. U.S. Standards for Grades of Lettuce were last revised effective July 1, 1961. At that time numerous changes were made to bring the standards in line with current marketing practices. They have proven over the years to be a useful tool in marketing lettuce. However, lettuce shippers of California and Arizona have requested that a new grade U.S. Commercial, be established.

The proposed amended standards would establish a new U.S. Commercial grade. This grade would meet all the requirements of U.S. No. 1 except for increased tolerances for defects. A total tolerance of 16 percent would be provided for all types of defects at shipping point. At destination this tolerance would be increased to 20 percent, but the percentage of permanent defects would be limited to 16 percent, including 6 percent for seriously damaged lettuce and not more than 3 percent for decay affecting the compact portion of the head.

This grade would be a practical addition to the lettuce standards. Many lettuce shipments do not meet U.S. No. 1 grade requirements but are well above U.S. No. 2. Consequently, a large volume of lettuce is now being traded on the basis of a percentage of U.S. No. 1 quality. The proposed Commercial grade would provide specifications for lettuce for which there is currently no grade description. With this addition, the grade standards would provide a means of describing all ranges of quality normally marketed.

In addition, the "Unclassified" section, seldom used and often misunderstood, would be deleted. Necessary additions would be made to Table I in The Applications of Tolerances. Minor changes in wording would be made in the interest of clarification.

As proposed to be amended, the standards are as follows:

GRADES

Sec.
51.2510 U.S. Fancy.
51.2511 U.S. No. 1.
51.2512 U.S. Commercial.
51.2513 U.S. No. 2.

APPLICATION OF TOLERANCES

51.2514 Application of tolerances.

TEMPERATURE

51.2515 Temperature.

STANDARD PACK

51.2516 Standard pack.

SOLIDITY CLASSIFICATION

51.2517 Solidity classification.

DEFINITIONS

51.2518 Similar varietal characteristics.
51.2519 Fresh.
51.2520 Green.
51.2521 Overgrown.
51.2522 Burst.
51.2523 Ribby.
51.2524 Doubles.
51.2525 Injury.
51.2526 Damage.
51.2527 Fairly well trimmed.
51.2528 Closely trimmed.
51.2529 Permanent defects.
51.2530 Condition defects.
51.2531 Serious damage.

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.

GRADES

§ 51.2510 U.S. Fancy.

"U.S. Fancy" consists of heads of lettuce of similar varietal characteristics which are fresh and green, which are not soft, overgrown, burst or ribby, which are free from decay, russet spotting and doubles, and free from injury caused by tipburn, downy mildew, freezing, and discoloration, and from damage caused by opening, seedstems, broken midribs, dirt, disease, insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. In any lot of Iceberg type lettuce the percentages of hard and firm heads or the combined percentage of hard and firm heads shall be specified in connection with the grade.

(a) When lettuce is specified as U.S. Fancy in the producing area the following information shall be reported as evidence that the lettuce had a core temperature of 35° F. or less when loaded into a refrigerated conveyance or storage and was so loaded within 6 hours from the time cutting was started:

(1) Time cutting was started;

(2) If precooled, time cooling was completed;

(3) Time loading was completed; and,

(4) Core temperature at time of loading.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) *At shipping point.*[2] 8 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects; or,

(ii) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

§ 51.2511 U.S. No. 1.

"U.S. No. 1" consists of heads of lettuce of similar varietal characteristics which are fresh and green, which are not soft or burst, and which are free from decay and doubles and from damage caused by tipburn, downy mildew, opening, seedstems, broken midribs, freezing, discoloration, dirt, disease, insects, or mechanical or other means. Each head shall be fairly well trimmed unless specified as closely trimmed. In any lot of Iceberg type lettuce the percentages of hard and firm heads or the combined percentage of hard and firm heads shall be specified in connection with the grade.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) *At shipping point.*[2] 8 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1

See footnotes at end of document.

percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects; or,

(ii) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

§ 51.2512 U.S. Commercial.

"U.S. Commercial" consists of heads of lettuce which meet the requirements of U.S. No. 1 grade except for the increased tolerances for defects specified in paragraph (a) of this section.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) *At shipping point.*[3] 16 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 20 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for heads having permanent defects; or,

(ii) 6 percent for heads which are seriously damaged, including therein not more than 4 percent for heads which are seriously damaged by permanent defects and not more than 3 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

§ 51.2513 U.S. No. 2.

"U.S. No. 2" consists of heads of lettuce of similar varietal characteristics which are not burst and which are free from decay, and from serious damage caused by wilting, tipburn, downy mildew, seedstems, freezing, discoloration, disease, insects, or mechanical or other means. There are no solidity requirements in this grade but heads of Iceberg type lettuce which are distinctly open and leafy with practically no head formation shall not be permitted.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) *At shipping point.*[3] 8 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 3 percent shall be allowed for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects; or,

(ii) 5 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves. (See § 51.2514.)

Application of Tolerances

§ 51.2514 Application of tolerances.

(a) In order to meet the requirements of a specified grade the average percentage of defective specimens in the lot, based on sample inspection, shall be within the tolerance specified, and the number of defective specimens in individual packages in the lot shall be within the limitations set forth in the following table:

Table I

Lot tolerance, percent	Maximum number of defective heads permitted in any package			
	Total number of heads in package			
	24	18 or 20	30	Over 30
1	1	1	2	2
3	3	2	3	4
4	3	3	4	4
5	3	3	4	5
6	4	3	5	6
8	5	4	6	7
12	6	5	7	9
16	8	7	9	11
20	9	8	11	13

Temperature

§ 51.2515 Temperature.

Temperature of head lettuce reported shall be the temperature taken near the center of the head with a thermometer which has previously been cooled to the approximate temperature of the lettuce.

Standard Pack

§ 51.2516 Standard pack.

(a) Heads of lettuce shall be fairly uniform in size and tightly but not excessively tightly packed in uniform layers in the containers according to the approved and recognized methods, except that in standard fiberboard containers a "bridge" of six heads may be used in a 2½-dozen pack; and in standard wooden crates a "bridge" may be used with sizes smaller than 5-dozen count.

(1) Fairly uniform in size means that not more than 10 percent, by count, of the heads in any container may vary appreciably in size from the standard size head for the count pack.

(i) The standard size head for a 2-dozen pack is that size head, having four wrapper leaves, which will pack tightly but not excessively tightly three rows with four heads of uniform size in each row in a layer in a standard fiberboard container. Heads having lesser or greater numbers of wrapper leaves which can be packed as specified herein are considered equivalent in size to a standard size head with four wrapper leaves.

(2) Excessively tightly packed means that heads are packed so tightly as to cause distortion or crushing of the heads or breaking of the midribs. The packing of 24 heads of 18 size in a standard fiberboard lettuce container would result in an excessively tight pack.

(3) Lettuce packed in standard fiberboard lettuce containers shall have a net weight of not less than 40 pounds and not more than 48 pounds.

(b) In order to allow for variations incident to proper packing, not more than a total of 10 percent of the containers in any lot may fail to meet the requirements for standard pack.

Solidity Classification

§ 51.2517 Solidity classification.

(a) The following terms shall be used in describing the solidity of lettuce:

(1) *Hard.* "Hard" means that the head is compact and solid. This term represents the highest degree of solidity.

(2) *Firm.* "Firm" means that the head is compact, but may yield slightly to moderate pressure.

(3) *Fairly firm.* "Fairly firm" means that although the head is not firm, it is not soft and spongy, and has good head formation and edible content.

(4) *Soft.* "Soft" means that the head is easily compressed or spongy.

Definitions

§ 51.2518 Similar varietal characteristics.

"Similar varietal characteristics" means that the heads in any container have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types shall not be mixed.

§ 51.2519 Fresh.

"Fresh" means that the head as a whole has normal succulence and the wrapper leaves and the outermost head leaves are not more than slightly wilted.

§ 51.2520 Green.

"Green" means that one-half or more of the exterior surface of the head, exclusive of the wrapper leaves, has at least a light green color.[3]

§ 51.2521 Overgrown.

"Overgrown" means that heads of lettuce are no longer young and succulent, are excessively hard, past the most desirable edible stage, and are readily subject to, but not necessarily affected by russet spotting, pink rib and other discoloration associated with aging.

§ 51.2522 Burst.

"Burst" means that the head is split or broken open.

§ 51.2523 Ribby.

"Ribby" means that the midribs of the head leaves are so prominent that they materially detract from the appearance of the head.

§ 51.2524 Doubles.

"Doubles" means two heads on the same stem.

See footnotes at end of document.

§ 51.2525 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which noticeably detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as injury:

(a) Tipburn when more than two spots of tipburn occur anywhere in the compact portion of the head or:

(1) At shipping point when the aggregate area of discernible tipburn regardless of color exceeds that of a rectangle 1 inch in length and one-fourth inch in width; and,

(2) En route or at destination when the aggregate area of tipburn of a light buff [4] or darker color exceeds that of a rectangle 1 inch in length and one-fourth inch in width.

(b) Downy mildew:

(1) At shipping point [2] when apparent on any head leaf or wrapper leaf; and,

(2) En route or at destination when readily apparent on any head leaf or when discoloration associated with mildew is readily apparent on more than two wrapper leaves.

(c) Freezing when feathering, peeling, or other injury resulting from freezing, except discoloration, is readily apparent on any outer head leaf.

(d) Discoloration of any one of the following types or a combination of two or more types the seriousness of which exceeds the maximum allowed for any one type.

(1) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when materially detracting from the appearance of the wrapper leaves;

(2) Yellow or brown discoloration from any cause when readily apparent on the compact portion of the head;

(3) Reddish discoloration following bruising when noticeably detracting from the appearance of more than two outer head leaves;

(4) Pink rib:

(i) At shipping point [2] when any pink rib is present on head leaves; and,

(ii) En route or at destination when the midribs of more than two head leaves show noticeable areas of pink color as viewed on the outer surface of the leaf, or when causing any head leaf to be excessively papery and tough.

(5) Rib discoloration:

(i) At shipping point [2] when any rib discoloration is present on head leaves; and,

(ii) En route or at destination when distinct brown or black spots of rib discoloration are present on the outer surface of any head leaf.

§ 51.2526 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as damage:

(a) Tipburn:

(1) At shipping point [2] when the aggregate area of discernible tipburn regardless of color occurring anywhere in the compact portion of the head exceeds that of a rectangle 1 inch in length and one-half inch in width; and,

(2) En route or at destination when the aggregate area of tipburn of a light buff [4] or darker color occurring anywhere in the compact portion of the head exceeds that of a rectangle 1 inch in length and one-half inch in width.

(b) Downy mildew:

(1) At shipping point [2] when readily apparent on any head leaf; when mildew not accompanied by discoloration is readily apparent on more than two wrapper leaves, or when discoloration associated with mildew is readily apparent on any wrapper leaf; and,

(2) En route or at destination when materially detracting from the appearance of any head leaf or when seriously detracting from the appearance of more than two wrapper leaves.

(c) Opening in a hard or firm head when one-fourth or more of the head is separated from the remainder, or any degree of opening in a fairly firm head;

(d) Seedstems when excessively long, excessively curved, tough or fibrous;

(e) Broken midribs when more than two head leaves have midribs broken in two due to abnormal growth;

(f) Freezing when feathering, peeling, or other injury resulting from freezing, except discoloration, materially detracts from the appearance or the edible quality of more than two outer head leaves;

(g) Discoloration of any one of the following types or a combination of two or more types the seriousness of which exceeds the maximum allowed for any one type;

(1) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when seriously detracting from the appearance of the wrapper leaves;

(2) Yellow or brown discoloration from any cause when materially detracting from the appearance of the head exclusive of the wrapper leaves;

(3) Reddish discoloration following bruising when materially detracting from the appearance of more than two outer head leaves;

(4) Russet spotting:

(i) At shipping point [2] when any russet spotting is present; and,

(ii) En route or at destination, when present in any degree on more than two outer head leaves, or when the number, size, and color of the spots materially detracts from the appearance of any head leaf;

(5) Pink rib when the midribs of more than two head leaves show areas of deep pink color more than 2 inches in length as viewed on the outer surface of the leaf, or when causing more than two head leaves to be excessively papery and tough; and,

(6) Rib discoloration when the aggregate length of brown or black spots of rib discoloration on the outer surface of any head leaf exceeds 1 inch;

(h) Dirt when the compact portion of the head is smeared with mud, when the wrapper leaves are badly smeared with mud, or when the basal portion of the head is caked with mud or dry dirt; and,

(i) Insects when the compact portion of the head is infested, or the wrapper leaves are badly infested with aphids or other insects, or when there is insect feeding injury on the compact portion of the head.

§ 51.2527 Fairly well trimmed.

"Fairly well trimmed" means that the butt is trimmed off closely below the point of attachment of the outer leaves, and that on a head of Iceberg type lettuce, wrapper leaves do not exceed six in number, not more than four of which may be excessively large and coarse.

(a) "Wrapper leaves" means all leaves which do not fairly closely enfold the compact portion of the head.

§ 51.2528 Closely trimmed.

"Closely trimmed" means that the butt is trimmed off closely below the point of attachment of the outer leaves and that, on a head of Iceberg type lettuce, wrapper leaves do not exceed three in number, none of which may be excessively large and coarse.

§ 51.2529 Permanent defects.

"Permanent defects" means defects which are not subject to change during shipment or storage, including but not limited to soft, burst, open or poorly trimmed heads, seedstems or dirt.

§ 51.2530 Condition defects.

"Condition defects" means defects which are subject to change during shipment or storage, including but not limited to decay, tipburn, russet spotting, pink rib, rib discoloration, and freezing injury.

§ 51.2531 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the lettuce. The following specific defects shall be considered as serious damage:

(a) Tipburn:

(1) At shipping point [2] when the aggregate area of discernible tipburn regardless of color occurring anywhere in the compact portion of the head exceeds that of a rectangle 3 inches in length and 1 inch in width; and,

(2) En route or at destination when the aggregate area of tipburn of a light buff [4] or darker color occurring anywhere in the compact portion of the head exceeds that of a rectangle 3 inches in length and 1 inch in width.

(b) Downy mildew:

(1) At shipping point [2] when materially detracting from the appearance or shipping quality of any head leaf; when mildew not accompanied by discoloration is readily apparent or more than

See footnotes at end of document.

three wrapper leaves, or when discoloration associated with mildew is readily apparent on more than two wrapper leaves; and,

(2) En route or at destination when materially detracting from the appearance of more than two head leaves or when seriously detracting from the appearance of the wrapper leaves.

(c) Seedstems when causing the head to split or when protruding through the outer head leaves;

(d) Freezing when feathering, peeling, or other injury resulting from freezing, except discoloration, seriously detracts from the appearance or edible quality of more than two outer head leaves;

(e) Discoloration of any one of the following types, or a combination of two or more types the seriousness of which exceeds the maximum allowed for any type;

(1) Yellow or brown discoloration from any cause, affecting any portion of the leaf, when very seriously detracting from the appearance of the wrapper leaves;

(2) Yellow or brown discoloration from any cause when seriously detracting from the appearance of the head exclusive of the wrapper leaves;

(3) Reddish discoloration following bruising when seriously detracting from the appearance of more than two outer head leaves;

(4) Russet spotting:

(i) At shipping point[2] when any russet spotting is present; and,

(ii) En route or at destination when the number, size, and color of the spots seriously detracts from the appearance of two or more head leaves.

(5) Pink rib when areas of deep pink color, as viewed on the outer surface of the leaf, seriously detract from the appearance or the edible quality of more than two head leaves; and,

(6) Rib discoloration when seriously detracting from the appearance or the edible quality of more than two head leaves.

(f) Decay affecting any portion of the head including wrapper leaves.

Dated: March 30, 1970.

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

[F.R. Doc. 70-4065; Filed, Apr. 2, 1970; 8:48 a.m.]

[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.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

[3] The color referred to is illustrated by plate 5 GY 8/6 in the Munsell Book of Color. Individual plates of the above color may be purchased from the Munsell Color Co., 2441 North Calvert Street, Baltimore, Md. 21218.

[4] The color referred to is illustrated by plate 10 YR 8/4 in the Munsell Book of Color. Individual plates of the above color may be purchased from the Munsell Color Co., 2441 North Calvert Street, Baltimore 18, Md.

[7 CFR Parts 1094, 1103]

[Dockets Nos. AO-103-A30, AO-346-A12]

MILK IN THE NEW ORLEANS, LA., AND MISSISSIPPI MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Fontainebleau Motor Hotel, 4040 Tulane Avenue, New Orleans, La., beginning at 9:30 a.m., local time, on April 9, 1970, and at King's Inn, Maywood Mart, Jackson, Miss., beginning at 9:30 a.m., local time, on April 10, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the New Orleans, La., and Mississippi marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal Nos. 1, 2, and 3.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc.:

Proposal No. 1. Amend § 1094.51(b) to read:

§ 1094.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month computed pursuant to § 1094.50.

* * * * *

Proposal No. 2. Delete § 1094.53(c) in its entirety and in the same section redesignate current paragraph (d) as paragraph (c); and delete § 1094.76(b) in its entirety and in the same section redesignate current paragraph (c) as paragraph (b).

Proposal No. 3. Amend § 1103.51(b) to read:

§ 1103.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month computed pursuant to § 1103.50.

* * * * *

Proposal No. 4. Delete § 1094.44(c) and substitute the following:

§ 1094.44 Transfers.

* * * * *

(c) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream, or diverted, to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1094.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants.

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

* * * * *

Delete § 1094.44(e) in its entirety and in the same section redesignate paragraph (f) as paragraph (e).

Proposal No. 5. Delete § 1103.44(b) and substitute the following:

§ 1103.44 Transfers.

* * * * *

(b) As Class I milk, if transferred in bulk as milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1103.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants.

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

* * * * *

Delete § 1103.44(c) in its entirety and in the same section redesignate paragraph (d) as paragraph (c).

Proposed by Gold Seal Creamery, Inc.:

Proposal No. 6. A. Amend § 1094.41 "Classes of utilization" to provide a new Class II–A for milk used to produce manufactured products such as butter, powder, condensed, and cheese other than creole, cottage, ricotta, and bakers' cheese.

B. Provide a new Class II–A price which would be the average of prices paid at the following list of plants plus 66.5 cents during the months of February through August and 76.5 cents during all other months.

Present Operator and Location of Plant
Borden Co., Starkville, Miss.
Kraft Co., Booneville, Miss.
Kraft Co., Brooksville, Miss.
McClendon Cheese Co., Newton, Miss.
M & T Cheese Co., Uniontown, Ala.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators, William J. Larzelere, 3001 Ridgelake Drive, Post Office Box 456, Metairie, La. 70004; Cleo C. Taylor, 322 North Mart Plaza, Post Office Box 9747, Northside Station, Jackson, Miss. 39206, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on March 31, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70–4067; Filed, Apr. 2, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 70–SW–19]

BELL MODEL 47D, 47D–1, 47G, 47G–2, AND 47H–1 HELICOPTERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47D, 47D–1, 47G, 47G–2, and 47H–1 helicopters. There have been several in-flight failures of the tail rotor hub assembly bolt (also called blade grip retaining bolts or bearing retaining bolts), P/N 47–641–052–3, attributed to fatigue cracks in the bolt head to shank radius that resulted in loss of the tail rotor blades and subsequent loss of directional control of the helicopter.

Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed AD would require replacement of those hub assembly bolts, within specified limitations, having or accumulating 600 hours total time in service and would require a one-time inspection of bolts with less than 550 hours total time in service, thereby reducing present 2,500-hour replacement time for the hub assembly bolt to 600 hours. In addition, the AD would require installation of the hub assembly bolts in accordance with the Model 47D–1, 47G, and 47G–2 Maintenance and Overhaul Instruction Manual.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 4, 1970, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to all Bell Models 47D, 47D–1, 47G, 47G–2, and 47H–1 and to any other helicopters equipped with tail rotor hub assembly bolt (also called a blade grip retaining bolt or a bearing retaining bolt), P/N 47–641–052–3.

Compliance required as indicated.

To detect and prevent possible failure of the tail rotor hub assembly bolt due to a fatigue crack and to correct any improper installation of the hub bolt, accomplish the following:

(a) Within the next 50 hours time in service, remove and replace bolts with 550 hours or more total time in service on the effective date of this AD.

(b) Within the next 50 hours time in service, unless already accomplished, inspect bolts with less than 550 hours total time in service on the effective date of this AD as follows:

(1) Remove and disassemble the tail rotor assembly and remove the hub assembly bolts.

(2) Inspect the bolt head to shank radius for cracks using a magnetic particle or equivalent inspection method.

(3) Replace cracked bolts before further flight.

(c) Remove and replace new and used bolts with less than 550 hours total time in service on the effective date of this AD at

or prior to accumulating 600 hours total time in service.

(d) Install bolts in accordance with paragraph 6-16. e., Section VI, Model 47D1, 47G, and 47G-2 Maintenance and Overhaul Instruction Manual, as revised August 15, 1961, or in accordance with equivalent FAA approved procedures.

Issued in Fort Worth, Tex., on March 24, 1970.

GEORGE W. IRELAND,
Acting Director, Southwest Region.

[F.R. Doc. 70-4031; Filed, Apr. 2, 1970; 8:45 a.m.]

[14 CFR Part 39]

[Airworthiness Docket No. 70-SW-20]

BELL MODEL 47D-1, 47G, 47G-2, AND 47H-1 HELICOPTERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47D-1, 47G, 47G-2 and 47H-1 helicopters equipped with the tail rotor control duplex pitch change bearing, P/N 47-641-131-1. Failures of the tail rotor duplex pitch change bearings have occurred on the Model 47D-1, 47G, and 47G-2 helicopters with resulting loss of directional control. Scoring of the pitch change guide sleeve, P/N 47-641-040 or P/N 47-641-130, has also occurred, indicating the presence of abnormal axial loads on the pitch change bearing of some of these helicopters.

Possible improper installation of the delta hinge bolt, P/N's 47-641-031, 47-641-056-1, or NAS 464-5-36, may have contributed to the failures of these bearings and to interference between the pitch change guide sleeve and the tail rotor gear box output drive shaft, resulting in scoring of the sleeve. Inadequate lubrication of the bearing and guide sleeve may have also contributed to the failure of these bearings. These same tail rotor control parts are eligible for installation on the Model 47H-1 and are subject to the same environment.

Since these conditions are likely to exist or occur in other helicopters of the same type design equipped with the duplex pitch change bearing, the proposed airworthiness directive would require a one-time visual inspection of the pitch change guide sleeve for scoring and replacement of the duplex pitch change bearing if the sleeve is scored or if the bearing is rough. The proposed directive would also require replacement of the duplex pitch change bearings, within specified limitations, having or accumulating 600 hours time in service and require installation of the duplex pitch bearing and delta hinge bolt for all four noted models in accordance with the Bell Model 47D-1, 47G, and 47G-2 Maintenance and Overhaul Information Manual, as revised August 15, 1961.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Region Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 4, 1970, will be considered by the Director, before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to all Bell Model 47D-1, 47G, 47G-2, and 47H-1 helicopters and to any other helicopters equipped with duplex pitch change bearings, P/N 47-641-131-1.

Compliance required as indicated.

To prevent possible failure of the tail rotor duplex pitch change bearing and to correct any improper installation of the duplex bearing and delta hinge bolt:

(a) Remove and replace duplex pitch change bearings with 450 or more hours time in service on the effective date of this AD within the next 150 hours time in service, as follows:

(1) Remove tail rotor assembly.

(2) Remove and disassemble the tail rotor drive head assembly.

(3) Assemble and install the tail rotor drive head assembly, using a new duplex bearing, P/N 47-641-131-1, in accordance with the procedures specified in paragraphs 6.63 (j) and (k) in the Model 47D-1, 47G, and 47G-2 Maintenance and Overhaul Instruction Manual, as revised August 15, 1961, or in accordance with FAA-approved equivalent procedures.

(4) Lubricate the bearing and sleeve with grease, MIL-G-25537 or equivalent.

(5) Install the tail rotor assembly and check rigging and tracking in accordance with the procedures specified in paragraphs 6-17 (a) through (h) or 6-18 (a) through (g) of the appropriate manual or in accordance with FAA-approved equivalent procedures.

(b) Inspect duplex pitch change bearings with less than 450 hours time in service after the effective date of this AD within the next 150 hours time in service, as follows:

(1) Remove tail rotor assembly.

(2) Remove and disassemble the tail rotor drive head assembly to expose the duplex bearings and guide sleeve, P/N's 47-641-040 or 47-641-130.

(3) Inspect the outside surface of the guide sleeve for scoring.

(4) Inspect the duplex bearing for roughness.

(5) Replace the duplex bearing before further flight if the guide sleeve is scored or if the bearing is rough.

(6) Assemble, install, and lubricate the tail rotor drive head assembly as described in subparagraphs (a) (3) and (4) above.

(7) Install the tail rotor assembly and check rigging and tracking as described in subparagraph (a)(5) above.

(c) Remove and replace duplex pitch change bearings with less than 450 hours time in service on the effective date of this AD prior to accumulating 600 hours time in service, in accordance with the procedures described in subparagraphs (a) (1) through (5) above.

Issued in Fort Worth, Tex., on March 24, 1970.

GEORGE W. IRELAND,
Acting Director, Southwest Region.

[F.R. Doc. 70-4030; Filed, Apr. 2, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. 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 to 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 Memphis (International Airport) control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of the Memphis International Airport (lat. 35°03'00" N., long. 89°58'15" W.); excluding the portion within a 1-mile radius of De Soto Air Park, Horn Lake, Miss. (lat. 34°59'15" N., long. 90°01'55" W.).

The Memphis transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (lat. 35°03'00" N., long. 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss. VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side

of Memphis ILS localizer west course, extending from the 8.5-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (lat. 34°55'45" N., long. 90°10'05" W.); within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (lat. 35°08'24" N., long. 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings from West Memphis RBN (lat. 35°08'20" N., long. 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN; and that airspace extending upward from 1,200 feet above the surface in the State of Arkansas northwest of Memphis bounded on the north by V-140, on the east by the Arkansas-Tennessee State boundary, on the south by V-54N, and on the west by V-69.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Memphis terminal complex requires the following actions:

Control zone. Revoke the following extensions associated with Memphis International Airport control zone:

1. Extended centerline of Runway 3.
2. ILS localizer east course.
3. ILS localizer south course.
4. 349° radial of the Memphis VORTAC.

Transition area. 1. Memphis International Airport.

a. Increase the basic radius circle from 8 to 8.5 miles.

b. Increase the extension predicated on the ILS localizer south course 1 mile in width and 0.5 mile in length.

c. Increase the extension predicated on the ILS localizer east course 5 miles in width and reduce it 2 miles in length.

The description of the 1,200-foot portion has been rewritten for brevity and clarity. No additional airspace required.

2. Twinkle Town Airport.

a. Reduce the basic radius circle from 8 to 6.5 miles.

b. Reduce the extension predicated on the Memphis VORTAC 265° radial 0.5 mile in width.

3. West Memphis Airport.

a. Reduce the basic radius circle from 8 to 6.5 miles.

b. Designate extensions predicated on the 187° and 352° bearings from the West Memphis RBN 6 miles in width and 8.5 miles in length.

c. Increase the extension predicated on the Memphis VORTAC 311° radial 1 mile in width and 1.5 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is made 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 March 25, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-4032; Filed, Apr. 2, 1970; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 70-WE-13]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-6412 at Camp Williams, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The existing boundaries of R-6412 are as follows:

Beginning at lat. 40°27'30" N., long. 111°57'10" W.; to lat. 40°25'32" N., long. 111°56'45" W.; to lat. 40°23'30" N., long. 111°56'45" W.; to lat. 40°23'30" N., long. 112°06'00" W.; to lat. 40°27'30" N., long. 112°06'00" W.; to point of beginning.

The FAA proposes to amend the boundaries of R-6412 to read as follows:

Beginning at lat. 40°27'30" N., long. 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to lat. 40°23'30" N., long. 111°54'58" W.; to lat. 40°23'30" N., long. 112°06'00" W.; to lat. 40°27'30" N., long. 112°06'00" W.; to point of beginning.

The proposed additional airspace is needed to provide additional firing positions. The eastern boundary (Utah Highway 68) would provide a visual reference which should help in alleviating violations of the restricted area by nonparticipating aircraft.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 70-4033; Filed, Apr. 2, 1970; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

CHRISTMAS TREE ORNAMENTS

Proposed Exemption From Certain Labeling Requirements

It is the practice of the manufacturers of Christmas tree ornaments to produce a variety of unique designs and shapes of such ornaments. The ornaments are so varied in design that it is virtually impossible to express the dimensions of the ornaments in a truly precise manner, or even in a manner having a direct bearing on the consumer's ability to make a value judgment based on size. It would appear that having selected a particular ornament on the basis of a visual observation of the ornament's design and size, the consumer is primarily interested in count when purchasing such seasonal commodities. Because the industry has requested clarification of the application of the mandatory labeling requirements of Part 500 of the Fair Packaging and Labeling Act regulations to Christmas tree ornaments, the Commission has concluded that to require a statement of size or dimensions on packages of Christmas tree ornaments when the consumer is capable of selecting the ornaments on the basis of a prepurchase knowledge of ornament design would not benefit the consumer nor enhance his ability to make a value comparison.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed:

§ 501.2 Christmas tree ornaments.

Christmas tree ornaments packaged and labeled for retail sale are exempt from the net quantity statement requirements of Part 500 of this chapter which specify how the net quantity statement should be expressed, provided:

(a) The quantity of contents is expressed in terms of numerical count of the ornaments, and

(b) The ornaments are so packaged that the ornaments are clearly visible to the retail purchaser at the time of purchase.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: March 30, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-4021; Filed, Apr. 2, 1970; 8:45 a.m.]

[16 CFR Part 501]

REPLACEMENT BAGS FOR VACUUM CLEANERS

Proposed Exemption From Certain Labeling Requirements

Replacement bags for vacuum cleaners are a common consumer commodity available at retail stores in packages containing such bags under labeling relating to the particular model of household vacuum cleaner for which the bag was designed.

A petition to exempt such bags from the requirements of § 500.15a has been submitted by A. J. Weinstein Co., Rosslyn Road, Carnegie, Pa. 15106.

Because such bags necessarily are designed for a specific cleaner or cleaners, the bags vary in designed shape and size. Since the bags are containers not effectively measurable in terms of two or three dimensions, nor is it a matter of significant interest to the consumer's ability to make value comparisons based on capacity or effective capacity of bags, the Commission has concluded that it is in the interest of the consumer to waive the mandatory requirements of section 500.15a as this section relates to vacuum cleaner bags provided the count of bags in a package is stated and the label of the package bears a statement relating the bag to a specific vacuum cleaner or cleaners.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed:

§ 501.3 Replacement bags for vacuum cleaners.

Replacement bags for vacuum cleaners, packaged and labeled for retail sale are exempt from the requirements of § 500.15a of this chapter which specifies how measurement of container type commodities should be expressed, provided:

(a) The quantity of contents is expressed in terms of numerical count of the bags; and

(b) A statement appears conspicuously on the principal display panel of the package identifying the make and model of the vacuum cleaner or cleaners which the replacement bag effectively fits.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: March 30, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-4020; Filed, Apr. 2, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PRIVATE RESOURCES

Redelegation of Authority

Pursuant to the authority delegated to me as Assistant Administrator for Private Resources by Delegation of Authority No. 87 from the Administrator, Agency for International Development, I hereby delegate to William G. Carter, Deputy Assistant Administrator, Office of Private Resources, authority to act as my alter ego, to be responsible, under my direction and concurrently with me, for all personnel activities and functions set forth in Delegation of Authority No. 87. In accordance with this delegation, said Deputy Assistant Administrator is authorized to represent me, and to exercise my authority, with respect to all personnel functions now or hereafter conferred upon me by A.I.D. delegations of authorities, regulations, manual orders, directives, notices, or other documents, by law or by any competent authority.

This redelegation of authority is effective immediately and any authority conferred hereunder, or portion thereof, may be redelegated.

Dated: March 13, 1970.

HERBERT SALZMAN,
Assistant Administrator,
Office of Private Resources.

[F.R. Doc. 70-4029; Filed, Apr. 2, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2835]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation only 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). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands affected are located within the following-described areas of Bingham and Bonneville Counties and are shown on maps on file in the Idaho Falls District Office, Bureau of Land Management, Idaho Falls, Idaho 83401, and Land Office, Bureau of Land Management, 550 West Fort Street, Federal Building, Boise, Idaho 83702:

BOISE MERIDIAN, IDAHO

BINGHAM COUNTY

T. 1 N., R. 30 E.,
Secs. 1, 2, and 3;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34, 35, and 36.
T. 1 N., R. 31 E.,
All.
T. 1 N., R. 32 E.,
Secs. 1 through 12, inclusive;
Secs. 17 through 20, inclusive;
Secs. 29 through 32, inclusive.
T. 1 N., R. 33 E.,
Secs. 5 and 6.
T. 2 N., R. 33 E.,
Secs. 3 through 8, inclusive;
Secs. 17 through 20, inclusive;
Secs. 29 through 32, inclusive.
T. 3 N., R. 33 E.,
Sec. 25, S½S½;
Sec. 26, SE¼SE¼;
Sec. 31, NE¼ and S½;
Secs. 32 through 36, inclusive.
T. 1 N., R. 34 E.,
Sec. 13;
Sec. 14, NE¼;
Secs. 24, 25, and 36.
T. 1 N., R. 35 E.,
Secs. 13, 14, 15, and 18;
Sec. 19, W½;
Secs. 22 through 27, inclusive;
Sec. 30, W½;
Sec. 31, W½ and W½SE¼;
Sec. 33, SE¼NE¼ and E½SE¼;
Sec. 34, N½, SW¼, and W½SE¼;
Sec. 35, W½NW¼;
Sec. 36.
T. 1 N., R. 36 E.,
Sec. 13, W½NW¼;
Sec. 14, N½ and SW¼;
Sec. 15;
Sec. 18, SW¼;
Sec. 19;
Sec. 20, W½ and SW¼SE¼;
Sec. 22, N½NW¼;
Sec. 23, NE¼NW¼;
Sec. 28, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, and W½SE¼;
Secs. 29 through 32, inclusive;
Sec. 33, W½NE¼ and NW¼.
T. 1 S., R. 30 E.,
Secs. 1, 2, and 3;
Secs. 10 through 15, inclusive;
Secs. 22 through 27, inclusive;
Secs. 34, 35, and 36.
T. 2 S., R. 30 E.,
All.
T. 3 S., R. 30 E.,
All.
T. 4 S., R. 30 E.,
Secs. 1 through 20, inclusive;
Sec. 21, N½N½;
Sec. 22, N½N½;
Sec. 23, N½N½;
Sec. 24, N½N½;
Secs. 29 and 30.
T. 1 S., R. 31 E.,
All.
T. 2 S., R. 31 E.,
All.
T. 3 S., R. 31 E.,
All.
T. 4 S., R. 31 E.,
Sec. 1, N½;
Secs. 3 and 4;
Sec. 5, lots 1 through 4, inclusive, S½NE¼, and E½SE¼;
Secs. 6 and 7;
Sec. 8, NE¼NE¼, S½NE¼, W½, and SE¼;
Sec. 9, W½;
Sec. 18, W½NE¼, W½, and W½SE¼;
Sec. 19, NW¼NE¼ and N½NW¼.
T. 1 S., R. 32 E.,
Secs. 4 through 9, inclusive;
Secs. 16 through 21, inclusive;
Sec. 22, W½SW¼;
Sec. 27, W½NW¼ and SW¼;
Secs. 28 through 33, inclusive;
Sec. 34, W½.
T. 2 S., R. 32 E.,
Sec. 2, S½SW¼;
Sec. 3, W½ and S½SE¼;
Secs. 4 through 10, inclusive;
Sec. 11, W½;
Secs. 15 through 22, inclusive;
Sec. 23, S½;
Secs. 26 through 30, inclusive.
T. 3 S., R. 32 E.,
Sec. 19, S½;
Secs. 20 through 35, inclusive.
T. 4 S., R. 32 E.,
Sec. 2, N½ and N½SW¼;
Sec. 3, N½ and N½S½;
Sec. 4;
Sec. 5, N½;
Sec. 6, N½;
Sec. 9, N½N½.
T. 3 S., R. 33 E.,
Sec. 19;
Sec. 20, N½;
Sec. 21, W½NW¼;
Sec. 30.
T. 1 S., R. 34 E.,
Sec. 1, lots 1 and 2, and SE¼;
Sec. 12, NE¼.
T. 1 S., R. 35 E.,
Sec. 2, lots 3 and 4;
Secs. 3 through 8, inclusive;
Sec. 9, N½N½, SW¼NW¼, and W½SW¼;
Sec. 10, N½NW¼;
Sec. 13, SE¼SE¼;
Secs. 17 through 20, inclusive;
Secs. 24 and 25;
Sec. 26, E½E½;
Secs. 29 through 32, inclusive.
T. 2 S., R. 35 E.,
Sec. 5, W½W½;
Sec. 6;
Sec. 7, N½;
Sec. 8, W½NW¼.
T. 1 S., R. 36 E.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 5 through 8, inclusive;
Sec. 9, W½NE¼, W½, and W½SE¼;
Sec. 15, SW¼;
Secs. 16 through 21, inclusive;
Sec. 22, W½;
Sec. 27, W½;
Secs. 28, 29, and 30;
Sec. 31, N½;
Sec. 32, N½.

The public lands within the areas described within Bingham County aggregate approximately 246,500 acres.

BOISE MERIDIAN, IDAHO

BONNEVILLE COUNTY

T. 1 N., R. 34 E.,
Secs. 1, 2, 3, 11, and 12.
T. 2 N., R. 34 E.,
Sec. 1, lots 2, 3, 4, S½N½, and S½;
Sec. 2;
Sec. 3, lots 1, 2, 3, S½N½, and S½;
Sec. 4, SE¼;
Sec. 8, S½SE¼;
Secs. 9 through 17, inclusive;
Sec. 20, N½, N½SW¼, and SE¼;
Secs. 21 through 27, inclusive;
Sec. 28, N½, N½SW¼, N½SE¼, and SE¼SE¼;
Sec. 29, NE¼ and N½SE¼;
Sec. 33, E½E½;
Secs. 34, 35, and 36.
T. 3 N., R. 34 E.,
Secs. 1, 2, and 3;
Sec. 4, E½E½;
Sec. 9, E½E½;
Secs. 10 through 15, inclusive;
Sec. 16, E½NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Secs. 21, 24, and 25;
Sec. 26, E½E½ and S½SW¼;
Sec. 27, S½SE¼;
Sec. 28, W½;
Sec. 29, NE¼, S½SW¼, and SE¼;
Sec. 30, S½S½;
Sec. 31;
Sec. 32, N½;
Sec. 33, NW¼;
Sec. 34, NE¼, SE¼SW¼, and SE¼;
Sec. 35, W½ and SE¼.
T. 1 N., R. 35 E.,
Secs. 1 through 12, inclusive.
T. 2 N., R. 35 E.,
Sec. 6, SW¼ and W½SE¼;
Secs. 7 and 8;
Sec. 9, W½NE¼, W½, W½SE¼;
Sec. 14, S½N½ and S½;
Secs. 15 through 23, inclusive;
Sec. 24, S½N½ and S½;
Secs. 25 through 36, inclusive.
T. 3 N., R. 35 E.,
Sec. 5, W½;
Sec. 6;
Sec. 8, S½S½;
Secs. 17, 18, 19, 20, 29, and 30.
T. 1 N., R. 36 E.,
Sec. 1, S½SW¼;
Secs. 2 through 6, inclusive;
Sec. 7, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 8, N½, N½S½, and SE¼SE¼;
Secs. 9, 10, and 11;
Sec. 12, NW¼ and W½SW¼.
T. 2 N., R. 36 E.,
Sec. 1, SW¼;
Sec. 2;
Sec. 3, N½ and SE¼;
Sec. 4, NE¼;
Sec. 10, E½;
Sec. 11;
Sec. 12, lot 4, W½ and W½SE¼;
Sec. 14, N½;
Sec. 15, E½;
Sec. 19, S½N½ and S½;
Sec. 28, SW¼;
Sec. 29, lots 3 and 4, S½NW¼, and S½;
Secs. 30, 31, and 32;
Sec. 33, lots 1 through 6, inclusive, S½N½, and N½, S½;
Sec. 34, lots 1 through 4, inclusive, N½SW¼, and N½SE¼;
Sec. 35.
T. 3 N., R. 36 E.,
Sec. 33, S½SE¼.

The public lands within the areas described within Bonneville County aggregate approximately 63,000 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Idaho Falls District Manager, Bureau of Land Management, Post Office Box 1867, Idaho Falls, Idaho 83401.

4. A public hearing on this proposed classification will be held at 2 p.m., on May 15, 1970, at the Elk's Lodge in Blackfoot, Idaho.

ORVAL G. HADLEY,
Acting State Director.

[F.R. Doc. 70-4023; Filed, Apr. 2, 1970; 8:45 a.m.]

[Serial No. 2445]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 27, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice (a) segregates all the public land described in this notice from appropriation only 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) and (b) further segregates the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C., Chapter 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands proposed for classification are located within the following described area in Kootenai, Shoshone, and Benewah Counties and are shown on the map designated 1106–1 (Rochat Unit) on file in the Coeur d'Alene District Office, Bureau of Land Management, Coeur d'Alene, Idaho, and in the Land Office, Bureau of Land Management, Boise, Idaho.

BOISE MERIDIAN, IDAHO

T. 48 N., R. 2 W.,
Sec. 24, S½NE¼, SE¼;
Sec. 25, E½, SE¼SW¼;
Sec. 36.
T. 47 N., R. 2 W.,
Secs. 1 and 2.
T. 49 N., R. 1 W.,
Sec. 35, SE¼.
T. 48 N., R. 1 W.,
Sec. 1, lots 4 to 7 inclusive, S½NW¼, S½;
Sec. 2, lots 1 to 8 inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 3, lots 8, 11, 12, SE¼NE¼;
Sec. 4, lots 3 to 5 and 9 to 14 inclusive, SW¼NW¼, S½S½;
Sec. 5, lots 1, 8, 9, SE¼NE¼, SE¼SE¼;
Secs. 8 to 17 inclusive;
Sec. 18, lots 3, 4, 5, SW¼NE¼, SE¼SW¼, S½SE¼;
Sec. 19, all except lot 1;
Secs. 20 to 36 inclusive.
T. 47 N., R. 1 W.,
Secs. 1 and 2 inclusive;
Sec. 3, lots 1 to 8 and lots 10 to 14 inclusive, S½NE¼, S½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 4, lots 1 to 8 inclusive, lot 14, S½N½, N½S½;
Sec. 5, lots 1 to 8 inclusive, S½N½, N½S½;
Sec. 6, lots 1 to 10 inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 9, lots 5 to 8 inclusive, E½SE¼;
Secs. 10 to 15 inclusive;
Sec. 16, lots 3 and 4 inclusive, NE¼, SE¼NW¼, S½;
Sec. 17, lots 4 and 5 inclusive;
Sec. 20, lots 5, 7, 8, E½NE¼, SE¼, less patented mining claims;
Sec. 21, less patented mining claims;
Secs. 22 to 28 inclusive;
Sec. 29, lot 2, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 30, lots 9 to 11 inclusive, SE¼SE¼;
Sec. 31, E½;
Secs. 32 to 36 inclusive.
T. 46 N., R. 1 W.,
Secs. 1 to 5 inclusive;
Sec. 6, E½;
Sec. 12.
T. 48 N., R. 1 E.,
Sec. 6, lots 1, 9, 10, 11, 12, SE¼SW¼, W½SE¼;
Sec. 7;
Secs. 16 to 21 inclusive;
Sec. 22, W½W½;
Sec. 27, W½W½;
Secs. 28 to 33 inclusive;
Sec. 34, W½W½;
Sec. 36.
T. 47 N., R. 1 E.,
Sec. 1;
Sec. 3, lot 4, SW¼NW¼, SW¼, S½SE¼;
Secs. 4 to 36 inclusive.
T. 46 N., R. 1 E.,
Secs. 1 to 8 inclusive;
Sec. 9, W½W½;
Sec. 10, E½NE¼;
Secs. 11 and 12 inclusive;
Sec. 13, N½;
Sec. 14, NE¼.
T. 48 N., R. 2 E.,
Secs. 8, 9, 16, and 17;
Secs. 20 to 29 inclusive;
Secs. 31 to 36 inclusive.
T. 47 N., R. 2 E.,
Secs. 1 to 19 inclusive;
Sec. 20, N½, W½SW¼;
Sec. 31, lot 1.
T. 46 N., R. 2 E.,
Sec. 7, lots 1 to 4 inclusive, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Secs. 18 and 19 inclusive;
Sec. 20, NW¼NE¼, NE¼NW¼, W½W½, SE¼SW¼;
Sec. 30.

The area described contains approximately 50,967 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

A. TINGLEY SPRING RECREATION SITE

T. 46 N., R. 1 W., Boise Meridian
Sec. 1, W½SW¼.

This site contains 80 acres.

B. Sheep Springs Picnic Area

T. 47 N., R. 1 W., Boise Meridian
Sec. 25, NW¼SE¼.
This site contains 40 acres.

C. Mirror Lake Recreation Site

T. 41 N., R. 1 E., Boise Meridian
Sec. 8, SW¼NE¼, NW¼SE¼.
This site contains 80 acres.

D. Crystal Lake Recreation Site

T. 47 N., R. 1 E., Boise Meridian,
Sec. 31, SE¼NW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼.
This site contains 160 acres.

E. St. Maries Watershed

T. 47 N., R. 1 W., Boise Meridian,
Sec. 22, E½SW¼, W½SE¼, NE¼SE¼;
Sec. 23, N½SW¼, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, W½, SE¼;
Sec. 26, E½E½, SW¼SE¼;
Sec. 27, W½, NW¼NE¼, S½SE¼;
Sec. 33, E½;
Sec. 34;
Sec. 35, W½, W½NE¼, SE¼.
T. 46 N., R. 1 W., Boise Meridian,
Sec. 1, S½NW¼, NW¼NE¼;
Sec. 2, W½NW¼, NE¼, NW¼SE¼;
Sec. 3, NE¼, N½SE¼, SW¼SW¼;
Sec. 4, NW¼NE¼, NW¼SE¼, SE¼SE¼.

This watershed contains 3,920 acres of public domain.

4. For a period of sixty (60) days from the date of publication of this notice in the Federal Register, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Coeur d'Alene District Manager, Bureau of Land Management, Box 428, 1808 Third Street, Coeur d'Alene, Idaho 83814.

5. A public hearing on this proposed classification will be held at 2 p.m., on May 1, 1970, at the Washington Water Power auditorium, 501 East Lakeside Avenue, Coeur d'Alene, Idaho.

Orval G. Hadley,
Acting State Director.

[F.R. Doc. 70-4024; Filed, Apr. 2, 1970; 8:45 a.m.]

[Montana 12993]

MONTANA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

March 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the described lands from appropriation only 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), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are located within Phillips and Blaine Counties and are shown on maps on file in the Malta District Office, Bureau of Land Management, Malta, Mont. 59538, and the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

The overall description of the areas is as follows:

Principal Meridian, Montana

(A) Whitewater Planning Unit (0104)

T. 31 N., R. 29 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 31 N., R. 30 E.,
Secs. 1 to 12, inclusive;
Secs. 16 to 18, inclusive.
T. 31 N., R. 31 E.,
Secs. 5 and 6.
T. 32 N., R. 29 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 32 N., R. 30 E.
T. 32 N., R. 31 E.,
Secs. 1 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 29 to 32, inclusive.
T. 33 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 13, inclusive;
Sec. 14, N½;
Sec. 15, NE¼.
T. 33 N., R. 28 E.,
Secs. 1 to 18, inclusive;
Sec. 24.
T. 33 N., R. 29 E.,
Secs. 13 to 36, inclusive.
T. 33 N., R. 30 E.,
Secs. 12 and 13;
Secs. 19 to 36, inclusive.
T. 33 N., R. 31 E.
T. 33 N., R. 32 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 30 and 31.
T. 34 N., R. 26 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 25, inclusive.
T. 34 N., R. 27 E.,
Secs. 1 to 30, inclusive;
Secs. 33 to 36, inclusive.
T. 34 N., R. 28 E.
T. 34 N., R. 29 E.,
Secs. 6 and 7;
Sec. 18, N½ and SW¼;
Sec. 19, W½;
Sec. 30, lots 1 and 2, and E½NW¼.
T. 34 N., R. 31 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 36, inclusive.
T. 34 N., R. 32 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 35, inclusive.
T. 35 N., R. 26 E.,
Secs. 25 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 35 N., R. 27 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 22 to 28, inclusive;
Sec. 32, E½;
Sec. 33 to 36, inclusive.
T. 35 N., R. 28 E.,
Sec. 6;
Sec. 29, S½;
Secs. 30 to 35, inclusive.
T. 35 N., R. 29 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 1, 2, 3, and 4;
Secs. 10 and 11;
Sec. 14;
Sec. 15.
T. 35 N., R. 30 E.,
Secs. 1 to 6, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 24, inclusive.
T. 35 N., R. 31 E.
T. 35 N., R. 32 E.,
Secs. 2 to 11, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 34, inclusive.
T. 35 N., R. 33 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive.
T. 35 N., R. 34 E.,
Secs. 1 to 10, inclusive;
Secs. 15 to 18, inclusive.
T. 36 N., R. 27 E.,
Secs. 1 to 12, inclusive;
Secs. 17 to 20, inclusive.
T. 36 N., R. 28 E.,
Secs. 1 to 31, inclusive;
Sec. 32, W½W½.
T. 36 N., Rs. 29 to 31 E., inclusive.
T. 36 N., R. 32 E.,
Secs. 1 to 24, inclusive;
Secs. 27 to 34, inclusive.
T. 36 N., R. 33 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 36 N., R. 34 E.
T. 37 N., R. 23 E.,
Secs. 1, 12, and 13.
T. 37 N., R. 24 E.,
Secs. 1 to 18, inclusive;
Sec. 22, E½;
Secs. 23 and 24;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, NE¼.
T. 37 N., R. 25 E.,
Secs. 1 to 29, inclusive;
Sec. 30, lots 1 and 2, E½ and E½NW¼;
Sec. 31, NE¼;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½.
T. 37 N., R. 26 E.,
Secs. 1 to 30, inclusive;
Sec. 36.
T. 37 N., Rs. 27 to 34 E., inclusive.

The public lands described above aggregate approximately 205,582.1 acres.

(B) Beaver Creek Planning Unit (0102)

T. 25 N., R. 28 E.,
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 25 N., Rs. 29 to 33 E., inclusive.
T. 26 N., R. 28 E.,
Secs. 1 and 2;
Secs. 11 to 16, inclusive;
Secs. 21 to 28, inclusive.
T. 26 N., Rs. 29 to 33 E., inclusive.
T. 27 N., R. 28 E.,
Sec. 1;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 35 and 36.
T. 27 N., R. 29 E.
T. 27 N., R. 30 E.,
Sec. 3, W½;
Secs. 4 to 36, inclusive.
T. 27 N., R. 31 E.,
Secs. 1 to 3, inclusive;
Sec. 4, E½;
Secs. 7 to 36, inclusive.
T. 27 N., Rs. 32 and 33 E.
T. 28 N., R. 28 E.,

Secs. 13, 24, 25, and 36.
T. 28 N., R. 29 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 to 36, inclusive.
T. 28 N., R. 30 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 28 N., R. 32 E.,
Secs. 22 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 28 N., R. 33 E.,
Secs. 19 and 20;
Secs. 28 to 33, inclusive.

The public lands described above aggregate approximately 134,028 acres.

(C) U.L. BEND PLANNING UNIT (0103)

T. 22 N., R. 28 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
T. 22 N., R. 29 E.,
Secs. 1 to 30, inclusive.
T. 22 N., R. 30 E.,
Secs. 2 to 10, inclusive;
Sec. 11, N½NE¼, SW¼NE¼, and W½;
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
T. 23 N., R. 22 E.,
Portion of township lying south of Bull Creek and east of the Missouri River.
T. 23 N., R. 23 E.,
Portion of township lying north and east of the Missouri River.
T. 23 N., Rs. 24 to 29 E., inclusive.
T. 23 N., R. 30 E.,
Secs. 1 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 23 N., R. 31 E.,
Secs. 1 to 24, inclusive.
T. 23 N., R. 32 E.
T. 23 N., R. 33 E.,
Secs. 1 to 34, inclusive.
T. 24 N., R. 23 E.,
Secs. 9 to 16, inclusive;
Sec. 20, portion lying east of Bull Creek;
Secs. 21 to 28, inclusive;
Secs. 29 and 30, portions lying south and east of Bull Creek;
Secs. 31 to 36, inclusive.
T. 24 N., R. 24 E.,
Sec. 19;
Secs. 30 to 36, inclusive.
T. 24 N., R. 25 E.,
Secs. 28 and 29;
Secs. 31 to 35, inclusive.
T. 24 N., R. 26½ E.
T. 24 N., R. 27 E.
T. 24 N., R. 28 E.,
Secs. 1 to 25, inclusive;
Secs. 27 to 36, inclusive.
T. 24 N., Rs. 29 to 33 E., inclusive.
T. 25 N., R. 26 E.,
Secs. 25 and 36.
T. 25 N., R. 27 E.,
Secs. 28 to 33, inclusive.

The public lands described above aggregate approximately 274,745 acres.

(D) LITTLE ROCKIES PLANNING UNIT (0108)

T. 25 N., R. 24 E.,
Secs. 1 and 2;
Secs. 3 and 10, portions lying east of Fort Belknap Indian Reservation;
Secs. 11 to 24, inclusive;
Secs. 15 to 17, inclusive, portions lying south and east of Fort Belknap Indian Reservation;
Secs. 21 to 28, inclusive;
Sec. 32, E½NE¼;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½.
T. 25 N., R. 25 E.,
Secs. 2 and 3, portions lying west of Fort Belknap Indian Reservation;
Secs. 4 to 9, inclusive;
Secs. 10 and 15, portions lying west of Fort Belknap Indian Reservation;
Secs. 16 to 20, inclusive;
Sec. 21, W½NW¼;
Secs. 29 and 30;
Sec. 31, NW¼.
T. 26 N., R. 24 E.,
Portion of township lying south and east of Fort Belknap Indian Reservation.
T. 26 N., R. 25 E.,
Portion of township lying south and west of Fort Belknap Indian Reservation.

The public lands described above aggregate approximately 27,404 acres.

ALKALI PLANNING UNIT (0133)

T. 25 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Sec. 12.
T. 25 N., R. 28 E.,
Secs. 1 to 8, inclusive.
T. 26 N., R. 26 E.,
Sec. 1;
Secs. 2 and 11, portions lying east of Fort Belknap Indian Reservation;
Secs. 12 and 13;
Secs. 14, 22, and 23, portions lying east of Fort Belknap Indian Reservation;
Sec. 24;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, portion lying east of Fort Belknap Indian Reservation.
T. 26 N., R. 27 E.,
Secs. 1 to 28, inclusive;
Sec. 29, N½;
Sec. 30, N½;
Secs. 33 to 36, inclusive.
T. 26 N., R. 28 E.,
Secs. 3 to 10, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 36, inclusive.
T. 27 N., R. 26 E.,
Portion of township lying east of Fort Belknap Indian Reservation.
T. 27 N., R. 27 E.
T. 27 N., R. 28 E.,
Secs. 2 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 27 N., R. 30 E.,
Secs. 1 and 2;
Sec. 3, E½;
T. 27 N., R. 31 E.,
Sec. 4, E½;
Secs. 5 and 6.
T. 28 N., R. 26 E.,
Portion of township lying east of Fort Belknap Indian Reservation.
T. 28 N., R. 27 E.
T. 28 N., R. 28 E.,
Secs. 1 to 12, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 28 N., R. 29 E.,
Sec 3, W½;
Secs. 4 to 9, inclusive;
Sec. 10, W½.
T. 28 N., R. 30 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 28 N., R. 31 E.
T. 28 N., R. 32 E.,
Secs. 1 to 21, inclusive;
Secs. 29 and 30.
T. 28 N., R. 33 E.,
Secs. 1 to 18, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 29 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 29 N., Rs. 28 to 33 E., inclusive.
T. 30 N., R. 32 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 26, 35, and 36.
T. 30 N., R. 33 E.
T. 30 N., R. 34 E.,
Secs. 4 to 8, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
T. 31 N., R. 32 E.,
Secs. 25 and 36.
T. 31 N., R. 33 E.,
Sec. 3, SW¼;
Sec. 7, SE¼SE¼;
Sec. 8, E½ and SW¼;
Secs. 9 to 11, inclusive;
Secs. 14 to 17, inclusive;
Sec. 18, E½, S½NW¼, and SW¼;
Secs. 19 to 36, inclusive.
T. 31 N., R. 34 E.,
Secs. 19 and 20;
Secs. 29 to 32, inclusive.

The public lands described above aggregate approximately 61,557 acres.

The public lands described above in A, B, C, D, and E aggregate approximately 703,315 acres.

3. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box B, Malta, Mont. 59538.

4. A public hearing on the proposed classification will be held on May 19, 1970, at 2 p.m., at the Courthouse in Malta, Mont.

JAMES M. LINNE,
Acting State Director.

[F.R. Doc. 70-4072; Filed, Apr. 2, 1970; 8:49 a.m.]

National Park Service

NORTH CASCADES COMPLEX, WASH.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that public hearings will be held beginning at 9 a.m. on June 4, 1970, at the Hillcrest Park Lodge, Hillcrest Park, Blackburn Road, Mount Vernon, Wash., and at 9 a.m. on June 6, 1970, at the Chelan County Public Utility District Auditorium, 327 North Wenatchee Avenue, Wenatchee, Wash., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 514,000 acres within the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas. These three areas are located in Whatcom, Skagit, and Chelan Counties, Wash.

A brochure containing a map depicting the preliminary boundaries of the proposed wilderness and providing additional information about the proposal may be obtained from the Superintendent, North Cascades National Park,

311 State Street, Sedro Woolley, Wash. 98284, or from the Director, Northwest Region, National Park Service, 1424 Fourth Avenue, Fourth and Pike Building, Seattle, Wash. 98101.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices; at the North Cascades National Park Office, 114 Woodin Avenue, Chelan, Wash.; and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The draft master plan for the complex, likewise may be inspected at these four locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, North Cascades National Park, 311 State Street, Sedro Woolley, Wash. 98284, by June 1, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: March 25, 1970.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[F.R. Doc. 70-3784; Filed, Apr. 2, 1970; 8:45 a.m.]

[Order No. 2]

ADMINISTRATIVE OFFICER AND PROCUREMENT-PROPERTY MANAGEMENT ASSISTANT, NORTH CASCADES NATIONAL PARK

Delegation of Authority

Delegation of authority regarding execution of contracts for supplies, equipment or services:

1. The Administrative Officer, may execute, approve, and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. The Procurement and Property Management Assistant, may execute, approve, and administer contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. The authorities stated herein are applicable to North Cascades National Park and any coordinated area.

4. This order supersedes order No. 1 dated December 17, 1968.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535; 16 U.S.C., sec. 2; Northwest Region Order No. 2 (35 F.R. 2601))

Dated: March 17, 1970.

HARRY W. WILLS,
Acting Superintendent,
North Cascades National Park.

[F.R. Doc. 70-4025; Filed, Apr. 2, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 4]

SALES OF CERTAIN COMMODITIES

Annual Sales List

Section 9, Barter Eligibility List, of the CCC Annual Sales List for the fiscal year ending June 30, 1970, published in 35 F.R. 2602 is revised to read as follows:

9. *Barter Eligibility List.* The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour and milled and brown rice, under Announcement PS-1, Revision 1, as amended; cottonseed oil and soybean oil under Announcement PS-2, Revision 1; tobacco under Announcement PS-3, Revision, 2; upland and extra long staple cotton under Announcement PS-4; and inedible tallow and grease under Announcement PS-5 are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter wheat in excess of 11.75 percent protein Hard Red Spring wheat, Durum wheats, and flour produced from these wheats may not be exported under the barter program through West Coast ports.)

Signed at Washington, D.C., on March 30, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R., Doc. 70-4068; Filed, Apr. 2, 1970; 8:49 a.m.]

[Amdt. 5]

SALES OF CERTAIN COMMODITIES

Annual Sales List

Section 40 entitled *Tung Oil—unrestricted use sales* of the CCC Annual Sales List for the fiscal year ending June 30, 1970, published in 35 F.R. 2602 is revised to read as follows:

40. *Tung Oil—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO-TNO-1.

The quantity offered, storage location and date bids are to be received are announced in Invitations issued by the New Orleans ASCS Commodity Office.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will, as provided in the Announcement, refund to the buyer a "freight equalization" allowance.

Sales will be made by the New Orleans ASCS Commodity Office. Copies of the Announcement and the applicable Invitation may be obtained from that office.

Effective date: 3 p.m. e.s.t., March 31, 1970.

Signed at Washington, D.C., on March 31, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-4086; Filed, Apr. 2, 1970; 8:50 a.m.]

Forest Service

MIDDLE FORK CLEARWATER WILD AND SCENIC RIVER

Boundaries

The FEDERAL REGISTER notice published on Tuesday, October 7, 1969, on pages 15565-15569 is corrected and amended as follows:

BOUNDARY DESCRIPTION, MIDDLE FORK OF THE CLEARWATER RIVER, SEGMENT NO. 1, IDAHO, CLEARWATER AND NEZPERCE NATIONAL FORESTS—BOISE MERIDIAN

1. In T. 33 N., R. 6 E., sec. 32, delete NE¼SE¼ and SW¼, and insert NE¼ SE¼SW¼.

2. In T. 32 N., R. 7 E., sec. 7, delete N½SE¼SE¼ and insert N½SE¼NE¼.

3. In T. 32 N., R. 7 E., sec. 26, delete NE¼SW¼NW¼ and insert NE¼NW¼ NW¼.

4. In T. 37 N., R. 14 E., sec. 29, add SE¼NE¼SW¼, NE¼SW¼SW¼, NW¼ SE¼SW¼, and SE¼NW¼SE¼.

5. In T. 37 N., R. 14 E., sec. 31, add lot 1, NW¼ of lot 2, W½NE¼NE¼, NW¼ NE¼, and NE¼NW¼.

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

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 70-4069; Filed, Apr. 2, 1970; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 22(69)-9]

FRAJAC AG

Notice of Related Party Determination

In the matter of Frajac AG Zeughausgasse 7, Zug, Switzerland.

An order dated December 5, 1968, was entered by the Office of Export Control, Bureau of International Commerce, against Yvon LeCoq of Contamine sur Arve (64), France, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of export controls. This order was published in the FEDERAL REGISTER, on December 13, 1968 (33 F.R. 18525). Said order, as stated therein, continued in effect restrictions that had been imposed against Mr. LeCoq on December 1, 1961.

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named porties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section the firm Frajac AG, located at the above address, is a related party to said Yvon LeCoq. Under this determination the terms and restrictions of the order of December 5, 1968 are effective against said related party.

The said related party has been notified of this determination and has been advised that if it contends that the ruling is not justified it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: March 30, 1970.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 70-4040; Filed, Apr. 2, 1970; 8:46 a.m.]

Business and Defense Services Administration

UNIVERSITY OF TEXAS

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Vol. 35, No. 51 of the FEDERAL REGISTER (Saturday, Mar. 14, 1970) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read:

Article: Ultramicrotome, Model LKB 4800A Ultrotome I instead of article: Ultramicrotome, Model LKB 8800A.

Docket No. 70-00484-33-46500. Applicant: The University of Texas (Southwestern) Medical School at Dallas, Department of Anatomy, 5323 Harry Hines Boulevard, Dallas, Tex. 75235. Article: Ultramicrotome, Model LKB 4800A Ultrotome I. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article is to be used by residents, graduate and medical students as well as faculty for the preparation of thin serial sections for examination under the electron microscope. Some of the research projects requiring use of the ultramicrotome are studies concerning cortical synaptic structure and function in ischemia; fine structural analysis of the hypothalamus in reference to its secretory activities; and a fine structural study of liver endoplasmic reticulum. Application received by Commissioner of Customs: February 13, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4052; Filed, Apr. 2, 1970; 8:47 a.m.]

ASSOCIATED UNIVERSITIES, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00190-65-82600. Applicant: Associated Universities, Inc., Brookhaven National Laboratory, Upton, N.Y. 11973. Article: Recording vacuum thermoanalyzer. Manufacturer: Mettler Instrument Corp., Switzerland.

Intended use of article: The article will be used for basic studies of the thermal behavior of materials under high vacuum and in the presence of inert and reactive gases. Various types of materials will be used, including fuels, ceramics, and composite materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability of simultaneously measuring differential thermal analysis (DTA) and thermal pravimetric analysis (TGA).

We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 8, 1969, that this dual capability is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States, which provides dual DTA and TGA capability.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4043; Filed, Apr. 2, 1970; 8:47 a.m.]

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00224-33-46040. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany.

Intend use of article: The article will be used for instruction and research training of graduate students and faculty. Some of the courses that will utilize the article are as follows:

AY 561 Ultrastructural Cytology.
AY 705 Biological Preparations for Electron Microscopy.
AY 707 Electron Microscope Operation.
AY 704 Biological Preparations for Electron Microscopy.
AY 706 Electron Microscope Operation.
AY 875 Advanced Electron Microscopy.

Currently, 13 graduate students are undergoing training in the Electron microscope training laboratory from 10 departments within four colleges on the campus. Some of the projects under study are:

1. Pathogenesis of high mountain disease in cattle lungs.
2. Effects of viper venoms on skeletal muscle.
3. Virus diseases of potatoes.
4. Morphogenesis of Hamster heart muscle.
5. Morphogenesis of Hamster adrenals.

6. Virus diseases of trout pancreas.
7. Formation of ice crystal nuclei.
8. Thin metallic films.
9. Diffraction of single crystals.
10. Differentiation of bacteria.
11. Nematode parasites.
12. Chiton of Acarines.
13. Contractile vacuoles of amoebae.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a low level (40,000x) electron microscope with a single accelerating voltage, which is relatively simple to operate. As such, it serves as a transitional instrument between light and electron microscopy in courses designed to teach the principles of electron microscopy. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4 electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The Model EMU-4 is a high sophisticated research instrument which requires trained personnel for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 24, 1970, that the applicant requires for its intended uses an instrument which is simple in design and whose operations can be easily taught. The relative simplicity of the foreign article is therefore pertinent.

For this reason we find that the Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4044; Filed, Apr. 2, 1970; 8:47 a.m.]

D.C. DEPARTMENT OF PUBLIC HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00229-33-46040. Applicant: D.C. Department of Public Health, Bureau of Laboratories, 300 Indiana Avenue NW., Washington, D.C. 20001. Article: Electron microscope Model EM 9A. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for the following pathological research programs:

a. Morphological characterization and comparison with biopsy specimens from the same patient of Exfoliated Cancer Cells collected by the irrigation method.

b. Identification of earliest nuclear derangements indicative of change from normal cells to malignant cells in persons placed on birth control pills.

c. Effect of Chemo-Therapeutic agents and solvents (Di-methyl Sulfoxide) on the membranes of Mycobacterium tuberculosis and Atypical tubercle bacilli.

d. Role of lysozomes in inflammatory changes associated with pyelonephritis caused by Escherichia coli.

e. Investigation of potential eye and lung damage causable by CM, CS, and Mark IV weapons acquired by Metropolitan Police Force.

f. Identification of submicroscopic asbestos particles in the lungs and tissues of urban dweller, who are subjects of accidental death, to determine the extent of air pollution in Metropolitan Washington.

g. Investigation of viral diseases of the nervous system which may be the cause of sudden death of infants in the District of Columbia.

h. Investigation of the collagen dissolving properties of polyvinyl nitrous oxide in cases of chemical and viral hepatitis.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a low level (40,000× electron microscope with a single accelerating voltage, which is relatively simple to operate. As such, it serves as a transitional instrument between light and electron microscopy in courses designed to teach the principles of electron microscopy. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B is a highly sophisticated research instrument which requires trained personnel for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 24, 1970, that the applicant requires for its intended uses an instrument which is simple in design and whose operations can be easily taught. The relative simplicity of the foreign article is therefore pertinent.

For this reason, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4045; Filed, Apr. 2, 1970; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00207-33-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron Microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for biological research. The materials to be investigated involve pure preparations of protein molecules and extremely thin sections of tissues, bacteria, and viruses. These studies involve identifications of molecules from their staining patterns, and the precision by which identification can occur depends on how detailed information the electron microscopic pictures contain.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a specially constructed electron microscope which is designed to provide a guaranteed resolving capability of 2 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron

microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B provides a resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 6, 1970, that the specimen preparation techniques to be utilized by the applicant, will permit taking advantage of the superior resolving capabilities of the foreign article.

For the foregoing reasons, we find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4046; Filed, Apr. 2, 1970; 8:47 a.m.]

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00185-33-07500. Applicant: University of Michigan, School of Dentistry, 1011 North University, Ann Arbor, Mich. 48104. Article: Precision calorimeter system Model LKB 8700-1. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used in connection with research on heats of wetting of liquids on apatite and tooth structure. The article is particularly suited for dealing with solid-liquid systems in which the solid can be under-vacuum or can have preadsorbed material; the surfaces can then be brought into contact and the resulting heat measured. Measurement of this type will permit studies of competition of adsorbates for the surface and should yield information related to adhesion of substances to tooth structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a high precision microcalorimeter capable of being used for titration, vaporization or closed bomb calorimetric studies. The article can detect temperature changes of 0.00005 degrees centigrade (°C), has a bath temperature constancy better than 0.003° C and has reaction vessels of 25 milliliters. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 16, 1970 that the above-cited specifications of the foreign article are pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no calorimeter of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4047; Filed, Apr. 2, 1970; 8:47 a.m.]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 70-00208-89-43000. Applicant: University of Missouri-Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Two Portable magnetometers, Type ES-180. Manufacturer: Edgar Sharpe Associates, Ltd., Canada.

Intended use of article: The article will be used for the following courses of instruction:

(a) Mining 285. "Introduction to Geophysical Engineering."

(b) Mining 386. "Gravitational and Magnetic Engineering."

(c) Mining 490. Research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is intended to be used for teaching the applications of suspension and flotation principles in magnetometry. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 9, 1969, that the suspension system and particular flotation design of the foreign article are pertinent to the purposes for which the article is intended to be used.

NBS further advises that it knows of no magnetometer being manufactured in the United States, which provides these pertinent characteristics.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4048; Filed, Apr. 2, 1970; 8:47 a.m.]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00223-89-74000. Applicant: University of Missouri, Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Portable facsimile seismograph, Model FS-3. Manufacturer: Huntec Ltd., Canada.

Intended use of article: The article will be utilized to familiarize the student with the field techniques of refraction seismology. Seismic recordings obtained will be interpreted to determine shallow subsurface structures, thickness of soil and rock formation, and elastic constants of earth materials.

Comments: No comments have been received with respect to this application.

Decision: Application denied. Apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 9, 1969, that for the applicant's intended purposes, a portable seismograph which provides a permanent record of a seismic event consisting of more than one shock wave after the first is pertinent. NBS further advises that the foreign article provides this record on dry paper, whereas comparable domestic instruments such as the Model GT-2B manufactured by Geo Space Corp. (Geo Space) provides this record on polaroid film. The applicant

alleges that the foreign article is superior to comparable domestic instruments using polaroid film, because the use of polaroid film in comparable domestic instruments entails additional inconvenience and expense. However, as defined in § 602.1(b)(7) of the cited regulations, the term "pertinent specifications" does not include a mere convenience that is not necessary for the accomplishment of the purposes for which the foreign article is intended to be used, nor does it include differences in operating costs. Consequently, we find that neither the additional convenience nor the lowered expenses provided by the foreign article are pertinent specifications.

Accordingly, we find that the Geo Space Model GT-2B portable seismograph is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4049; Filed, Apr. 2, 1970; 8:47 a.m.]

UNIVERSITY OF OKLAHOMA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00046-88-84500. Applicant: University of Oklahoma, Norman, Okla. 73069. Article: Vacuum evaporator, Model JEE-4C. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article will be used to coat sample zoological and geological specimens with a layer of heavy metal or carbon-metal mixture for scanning electron microscopy.

Comments: No comments received with respect to this application.

Decision: Application denied. Instruments of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, are being manufactured in the United States.

Reasons: The applicant alleges that the foreign article's specifications include the following which are not matched by the most closely comparable domestic instrument:

(1) The foreign article takes up less space than the most closely comparable domestic instrument;

(2) If the foreign article is purchased from the same manufacturer which supplies the instrument with which such article is intended to be used, better repair service and easier replacement of parts will be obtainable;

(3) The foreign article includes as standard equipment dual electrodes that are provided as an accessory with the comparable domestic instrument; and

(4) The gyrations of the specimen stage of the foreign article provides a uniform coating of the entire specimen, which is not obtainable when using the comparable domestic instruments.

Section 602.1(e) of the above-cited regulations provides that "The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent specifications of the most closely comparable domestic instrument." Section 602.1(b)(7) defines a "pertinent specification" as "those structural, operational, performance and other characteristics" that are necessary for the accomplishment of the purposes for which the foreign article is intended to be used.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1969, that specifications (1) and (2) are not pertinent to any of the purposes for which the foreign article is intended to be used. In regard to specification (3), we consider the combination of a domestic instrument and the dual electrodes offered as an accessory to be a reasonable combination of instruments within the purview of § 602.1(e), since the combination is capable of accomplishing the purposes for which the foreign article is intended to be used. With respect to specification (4), we are further advised by HEW that Model DV-502 vacuum evaporator which is manufactured by Denton Vacuum, Inc. (Denton) provides a stage that rotates and tilts continuously so that even coatings are obtained. In addition, the National Bureau of Standards (NBS) advises us in its memorandum dated November 6, 1969, that the Model VE-10 vacuum evaporater which is manufactured by Varian Associates (Varian) is capable of accomplishing the purposes for which the foreign article is intended to be used. Accordingly, we find that the Denton Model DV-502 and the Varian Model VE-10 are of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-4050; Filed, Apr. 2, 1970; 8:47 a.m.]

UNIVERSITY OF PITTSBURGH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00152-33-46040. Applicant: University of Pittsburgh, Fifth and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Electron microscope, Model EM 300 (2). Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The article will be used for microbiological and biophysical research and graduate student teaching. The specific projects include the following: (a) The fine structure and assembly of the regularly structured cell wall and membrane layers of the bacteria. The structured layers consist of large numbers of identical morphological units whose fine structure can best be visualized by negative staining; (b) the gross and fine structure, growth rate, distribution over cell surface, and assembly of bacterial pili. Bacterial pili are long hairlike appendages of the cell consisting of assembled protein units.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the order for the foreign article was prepared (June 13, 1968).

Reasons: (1) The foreign article has a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument available at the time the order for the foreign article was prepared was the Model EMU-4 electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The Model EMU-4 electron microscope had a resolving power of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education and Welfare (HEW) in its memorandum dated February 5, 1970, that the highest possible resolution is required for the applicant's research studies. The better resolving power of the foreign article is therefore pertinent. (2) The foreign article provided continuous magnification with minimal distortion from the lowest to the highest power, without the need to open the column. The EMU-4 did not provide such magnification unless the column was opened to change a pole piece. Such a procedure subjects the specimen to contamination and possible damage. HEW, in the memorandum cited above, advises that the ability to utilize the entire magnification range without opening the column is pertinent to the purposes for which the article is intended to be used.

For the foregong reasons, we find that the Model EMU–4 electron microscope was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which was being manufactured in the United States at the time the order for the foreign article was prepared.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4051; Filed, Apr. 2, 1970; 8:47 a.m.]

SAN JOSE STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No.: 70–00198–00–77030. Applicant: San Jose State College, 145 South Seventh Street, San Jose, Calif. 95114. Article: Accessories for a NMR spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used in conjunction with an existing nuclear magnetic resonance spectrometer, Model JNM–C–60HL by students in chemistry courses 106 (Instrumental Analysis), 146 (Inorganic Chemistry Laboratory), 171 (Physical Chemistry Laboratory), 180 (Special Problems), and 298 (Research).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes for which this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of accessories to a priorly imported nuclear magnetic resonance (NMR) spectrometer manufactured by the same source from which the article is being purchased.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with the foreign article, or can be readily adapted to the NMR spectrometer with which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4053; Filed, Apr. 2, 1970; 8:47 a.m.]

ST. JOSEPH'S AND OUR LADY OF FATIMA HOSPITALS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00206–33–46040. Applicants: St. Joseph's and Our Lady of Fatima Hospitals, 21 Peace Street, Providence, R.I. 02907. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics N.V.D., The Netherlands.

Intended use of article: The article will be used both for diagnosis at the ultrastructural level in human pathologic material and for research. In general the research will be strictly oriented toward human pathology. Experiments with animals are only contemplated as side line of investigation, particularly in the field of arteriosclerosis. Anticipated are electron microscopic examinations of variety of preparations ranging from routine Epon embedded sections of human pathologic material to preparations containing submicronic cellular fractions and macromolecular components.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article permits continuous magnification from the lowest to the highest power, without opening the column. The most closely comparable domestic instrument available at the time the application was received was the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of American (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The entire magnification range of the EMU–4B cannot be utilized in a manner which provides high quality micrographs unless the column is opened to change a pole piece. This procedure could result in contamination and damage to the specimen.

For the purposes for which the foreign article is intended to be used, the applicant requires high quality micrographs at various magnifications including the lowest and the highest. The continuous magnification range of the foreign article, without opening the column, is therefore pertinent. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 6, 1970, that the Model EMU–4B electron microscope is not scientifically equivalent to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–4054; Filed, Apr. 2, 1970; 8:47 a.m.]

CIVIL SERVICE COMMISSION

POSTAL FIELD SERVICE NURSE

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for certain nurse positions in the following location:

PFS–610 POSTAL FIELD SERVICE NURSE

Geographic coverage: Chicago, Ill.
Effective date: First day of the first pay period beginning on or after March 21, 1970.

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$7,121	$7,344	$7,567	$7,790	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574
PFS–7	7,930	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867	10,108	10,349	10,590
PFS–8	8,382	8,842	9,102	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	.....

[1] Corresponding statutory rates: PFS–6—third; PFS–7—fourth; PFS–8—fourth.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, the agency will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory or special rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 39 U.S.C. 3552.

All outstanding certificates for positions for which rates are changed by this notice are hereby amended to require that any appointment from them which will become effective on or after the effective date indicated herein must be made at the new minimum rate. An agency possessing current certificates must also notify applicants on a certificate of the new rates and the effective date. If a declination at the old rate has been received, a new inquiry of availability must be sent to determine the applicant's availability at the higher salary.

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

[F.R. Doc. 70-4071; Filed, Apr. 2, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP70-27]

MICHIGAN GAS STORAGE CO.

Notice of Proposed Change in Rates and Charges

APRIL 1, 1970.

Take notice that on March 31, 1970, Michigan Gas Storage Co. (Storage) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective May 1, 1970. Storage proposes to change its presently effective monthly cost-of-service tariff in two respects: (1) The rate of return on depreciated investment plus working capital will be increased from 6 percent to 7¼ percent and (2) the annual accrual for depreciation will be lowered from 4 percent to 3 percent. In all other respects, Storage's monthly cost-of-service tariff, and the manner of calculation thereof, shall remain unchanged. Based on sales for the 12-month period ended December 31, 1969, the requested changes would result in an increase in charges of $501,922 to Consumers Power Co. (Consumers), Storage's sole customer.

Storage states as the reasons and basis for its proposed changes that the cost of debt money and common stock have increased substantially since 1946 when the 6 percent rate of return was prescribed and that Storage must establish a much greater earning power since it must refinance all of its debt which matures on May 1, 1971. Storage states that the proposed change in the depreciation rate is required by the extension until September 30, 1970, of the "Gas Sales Contract" between Storage and Panhandle Eastern Pipe Line Co. and the "Agreement of Purchase and Sale" between Storage and Consumers. The extension of the terms of these contracts results in a concomitant extension of the estimated life of Storage's facilities.

Storage requests that the proposed changes be made effective on May 1, 1970, without suspension and states that it reserves the right to file a revised rate schedule reflecting a rate of return greater than 7¼ percent in the event the Commission enters upon a hearing concerning the proposed changes.

Copies of the filing were served on Consumer Power Co. and the Michigan Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-4109; Filed, Apr. 2, 1970; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of more than 80 percent of the voting shares of Mechanics Bank and Trust Co., Moberly, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-4075; Filed, Apr. 2, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING FEDERAL INSURANCE ADMINISTRATOR

Designation

Charles W. Wiecking, Assistant Administrator for Program Development, Federal Insurance Administration, is hereby designated to serve as Acting Federal Insurance Administrator during the absence of the Federal Insurance Administrator, with all the powers, functions, and duties delegated or assigned to the Federal Insurance Administrator.

(Secretary's delegations of authority effective Feb. 27, 1969 (34 F.R. 2680, Feb. 27, 1969))

Effective date. This designation shall be effective as of March 26, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-4088; Filed, Apr. 2, 1970; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN AIRLINES, INC.

Notice of Application and Opportunity for Hearing

MARCH 30, 1970.

Notice is hereby given that American Airlines, Inc. ("American"), has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that

the trusteeship of Bankers Trust Company of New York ("Bankers Trust") under two trust indentures pursuant to which equipment trust loan certificates were issued and the trusteeship of Bankers Trust under a new indenture pursuant to which equipment trust loan certificates are to be issued, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust from acting as trustee under any of the indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days, after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

American alleges that:

1. American intends to file with the Commission on or about April 1, 1970, a registration statement on Form S–7 covering a proposed equipment financing to be designated as ——— percent Guaranteed Loan Certificates, Series A, due June 1, 1988, under which approximately $95 million principal amount of loan certificates are expected to be issued pursuant to an indenture ("1970 Indenture") to be qualified under the Act.

2. American desires to appoint Bankers Trust to act as trustee under the 1970 Indenture.

3. Bankers Trust presently is acting as trustee under a trust agreement dated as of October 20, 1967 ("1967 Indenture") and under a trust agreement dated as of September 15, 1969 ("1969 Indenture") relating to the financing of 27 Boeing Model 727–223 aircraft and two Boeing Model 727–223 aircraft, respectively, leased to American, which are two of American's seven presently existing equipment financing transactions. 6½ percent Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,636.03 of which $108,849,346.29 remain outstanding; final payment is due on January 1, 1987. 9½ percent Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40 of which $9,079,642.40 remain outstanding; final payment is due July 29, 1984. Neither indenture was qualified under the Act.

4. American is not in default under any of its equipment obligations.

5. The certificates issued under the 1967 Indenture and the 1969 Indenture are, and the certificates to be issued under the 1970 Indenture will be, secured by a separate lot of identified aircraft, so that should the trustee have occasion to proceed against the security under one of these indentures, such action would not affect the security, or the use of any security, under the other indentures.

American has waived notice of hearing, and any and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 17, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–4073; Filed, Apr. 2, 1970; 8:49 a.m.]

[70–4852]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Shares of Common Stock Pursuant to Rights Offering

MARCH 30, 1970.

Notice is hereby given that General Public Utilities Corp. ("GPU") 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to offer up to 1,405,000 authorized but unissued shares of its common stock ("additional common stock") for subscription by the holders of its outstanding shares of common stock on the basis of one share of the additional common stock for each twenty (20) shares of common stock held on the record date. The offering of the common stock will be underwritten, and GPU proposes to invite bids from prospective underwriters in accordance with the requirements of Rule 50 under the Act, which invitation will request prospective underwriters to name the amount of underwriting discounts and commissions to be paid by GPU to such underwriters for their services and agreement to purchase, at the subscription price, any shares of additional common stock not subscribed for as a result of the offering to holders of common stock and the shares, if any, of common stock purchased by GPU in connection with its stabilizing activities. The record date will be May 5, 1970, or such later date as a posteffective amendment to GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's Board of Directors, will be not more than the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire May 26, 1970, unless the record date should be later than May 5, 1970, in which event the expiration date will be specified by amendment.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 20 shares, but not in exact multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 20 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. GPU intends to take such action as is appropriate on its part to effect the admission of the warrants to dealing on the New York Stock Exchange. A commercial bank will be used as subscription agent in connection with the rights offering.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any of such warrants as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the warrants will be sold for cash, and the pro rata portions of such proceeds will be delivered to, or held for 2 years for the account of, such stockholders, after which such proceeds will become the property of GPU.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or warrants up

to a maximum net long position equivalent to 137,013 shares.

GPU will utilize the net proceeds realized from the sale of the common stock for additional investments in its subsidiary companies and/or to pay its promissory notes then outstanding, the proceeds of which have been used for such investments.

The fees and expenses to be incurred by GPU will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 20, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-4074; Filed, Apr. 2, 1970; 8:49 a.m.]

[811-1827]

REGENCY FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 26, 1970.

Notice is hereby given that Regency Fund, Inc. ("Registrant"), 55 Broad Street, New York, N.Y. 10005, a Delaware corporation registered as an open-end nondiversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that registrant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Registrant filed registration statements under the Act and the Securities Act of 1933 on March 13, 1969. Registrant has not offered and does not contemplate offering its securities to the general public, and its registration statement under the Securities Act of 1933 was withdrawn on March 23, 1970. Registrant further states that its securities have been beneficially owned by less than 100 persons at all times.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registrant shall cease to be an investment company as defined in the Act.

Notice is further given that any interested person may, not later than April 20, 1970, at 5:30 o'clock p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the registrant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herewith may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-4027; Filed, Apr. 2, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 755]

ALABAMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1970, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in all areas affected or to be affected in the aforesaid State, suffered damage or destruction resulting from floods, high winds, and tornadoes, occurring on March 19, 20, and 21, 1970, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 908 South 20th Street, Birmingham, Ala. 35205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1970.

Dated: March 27, 1970.

HILARY SANDOVAL, Jr., *Administrator.*

[F.R. Doc. 70-4077; Filed, Apr. 2, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 51]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 31, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on

the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66669 (Sub-No. 1 TA) (Correction), filed March 11, 1970, published in the FEDERAL REGISTER issue of March 21, 1970, and republished in part, as corrected, this issue. Applicant: SOFIELD TRANSFER CO., INC., 1051 Edward Street, Linden, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. NOTE: The purpose of this partial republication is to show "over irregular routes", in lieu of "over regular routes." The rest of the application remains as previously published.

No. MC 99019 (Sub-No. 3 TA), filed March 17, 1970. Applicant: ROBERT BLACK & SONS, INC., Roseville and Hydraulic Streets, Buffalo, N.Y. 14210. Applicant's representative: Robert D. Gunderman, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Corn starch*, in bulk, in tank vehicles, from Buffalo, N.Y., to Bradford, Pa.; (b) *general commodities*, between points in Erie County, N.Y.; and from points in Erie County, N.Y., to points in Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, and Wyoming Counties, N.Y., from points in Niagara County, N.Y., to points in Erie County, N.Y.; (c) *iron, steel, machinery and refrigeration equipment*, from points in Erie County, N.Y., to points in following counties in New York: Cayuga, Tompkins, and Yates Counties, N.Y.; *machinery*, from all points in Cattaraugus County, N.Y., to points in Erie County, N.Y., for 150 days. NOTE: The authority requested in paragraph (b) hereof is coextensive with the authority conferred by applicants certificate of registration, No. MC 99019 (Sub-No. 1). All interstate shipments under paragraph (b) are necessarily interlined with other carriers. Supporting shipper: Clinton Corn Processing Co., Clinton, Iowa 52732. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 106398 (Sub-No. 464 TA), filed March 20, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from the plantsite of GM Homes at Hazen, Ark., to points in Missouri, Tennessee, Illinois, and Oklahoma, for 180 days. Supporting shipper: GM Homes (Geo. E. Krablin, Manager), Post Office Box 440, Hazen, Ark. 72064. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107515 (Sub-No. 693 TA), filed March 19, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portion control frozen meat products*, in vehicles equipped with mechanical refrigeration units, from Englewood, Ohio, to points in Arkansas, Georgia, Louisiana, Oklahoma, Tennessee, Texas, Mississippi, and Alabama, for 150 days. Supporting shipper: Hi-Brand Foods, Post Office Box 2048, Peachtree City, Ga. 30214. NOTE: Applicant states that there will be no tacking. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 694 TA), filed March 19, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen mushrooms, onion rings, pearl onions, oysters and fish* in vehicles equipped with mechanical refrigeration, from Tiffin, Ohio, to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee, for 150 days. Supporting shipper: Fry Foods, Inc., Post Office Box 545, Tiffin, Ohio 44833. Sent protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116077 (Sub-No. 289 TA), (Correction), filed March 4, 1970. Published in the FEDERAL REGISTER of March 21, 1970 and republished in part, as corrected, this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). NOTE: The purpose of this partial republication is to include the "Duration of Days" for 180 days. The rest of the application remains as previously published.

No. MC 116967 (Sub-No. 12 TA), filed March 20, 1970. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Patio stones, brick, and related landscaping material, articles and supplies*, in dump vehicles and flatbeds, from East Chicago, Ind., to points in Michigan, Wisconsin, Illinois, Indiana, Ohio, Tennessee, and Missouri, limited to transportation service to be performed under continuing contract, or contracts with Van Drie-King Co. of East Chicago, Ind., for 150 days. Supporting shipper: Van Drie-King Co., 4602 Baring Avenue, East Chicago, Ind. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118859 (Sub-No. 4 TA), filed March 20, 1970. Applicant: BULLOCK TRUCKING COMPANY, INC., No. 6 Produce Market, Thomasville, Ga. 31792. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood) *poles, posts, treated and untreated, wooden pallets, crates and crate materials*, from points in Russell, Barbour, Dale, Henry, and Houston Counties, Ala., and points in Georgia on and south of U.S. Highway 78, except Valdosta and points within 75 miles of Valdosta, to points in Florida, for 180 days. Supporting shippers: O. C. Hatfield Lumber Co., Arlington, Ga.; Lakeside Lumber Co., Eufaula, Ala.; Garrison Bros. Lumber Co.; Eufaula, Ala. 36027; Burgin Lumber Co., Inc., Cuthbert, Ga.; W. A. Gooch Lumber Co., Post Office Box 36, Valdosta, Ga. 31601; Geo. H. Reynolds Manufacturing Co., Waycross Highway, R.F.D. 4, Box 50, Valdosta, Ga.; M. L. Tillis Lumber Co., Post Office Box 9, Abbeville, Ala.; Deloney Lumber Co., Post Office Box 134, Ozark, Ala. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 124129 (Sub-No. 9 TA), filed March 23, 1970. Applicant: KAPRI TRANSPORTATION CO., 207 East Valley, Valley, Nebr. 68064. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed rock*, from Plattsmouth, Nebr., to Pacific Junction, Iowa, and points within 10 miles thereof, under continuing contract with Western Brick & Aggregate Co., doing business as Western Sand & Gravel Co., for 150 days. Supporting shipper: Western Brick & Aggregate Co., doing business as, Western Sand & Gravel Co., Post Office Box 28 Ashland, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124505 (Sub-No. 7 TA), filed March 20, 1970. Applicant: EUGENE TRIPP, 4624 South Avenue West, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*,

from Tacoma, Wash., to points in Boise, Coeur d'Alene, Idaho Falls, Lewiston, Moscow, Pocatello, Sandpoint, Twin Falls, Wallace, and Weiser, Idaho; Billings, Bozeman, Butte, Glasgow, Glendive, Great Falls, Harve, Helena, Kalispell Lewistown, Libby, Miles City, Missoula, and Shelby, Mont., for 180 days. NOTE: Applicant states that service sought will be operated with MC 124505 Sub 5 TA. Supporting shipper: Carling Brewing Co., 9400 Quincy Avenue, Cleveland, Ohio 44106. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4078; Filed, Apr. 2, 1970; 8:50 a.m.]

[Notice 516]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 27, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71552. By order of March 24, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to La Venture Bros. Transfer, a corporation, doing business as La Venture Bros. Transfer and La Venture Bros. Van Lines, Maywood, Calif., of that portion of the operating rights in certificate No. MC-88368 issued July 15, 1959, to Cartwright Van Lines, Inc., Grandview, Mo., authorizing the transportation of household goods, between points in Klamath County, Oreg., on the one hand, and, on the other, points in California. John S. Byrnes, Jr., Suite 219 Alhambra Professional Building, 317 West Main Street, Alhambra, Calif. 91801, and Wentworth E. Griffin, 1221 Baltimore, Kansas City, Mo. 64105, atorneys for applicants.

No. MC-FC-71781. By order of March 24, 1970, the Motor Carrier Board approved the transfer to James Russell Palmer and William Jackson Shaw, a partnership, doing business as Pine-Eagle Freight Co., Halfway, Oreg., of the operating rights in certificate No. MC-52322 issued February 21, 1961, to Halfway Garage & Stages, Inc., Halfway, Oreg., authorizing the transportation, over regular routes, of general commodities, except those of unusual value, household goods, commodities requiring special equipment, and those injurious or contaminating to other lading, between Baker, Oreg., and Halfway, Oreg., and between Brownlee, Oreg., and Cornucopia, Oreg., and general commodities, except those of unusual value, classes A and B explosives, household goods, and commodities requiring special equipment, between Brownlee, Oreg., and Hells Canyon Dam Site, Oreg., serving specified intermediate and off-route points; and, over irregular routes, of wool, livestock, and mining machinery, and supplies, between points in Baker County, Oreg., on the one hand, and, on the other, Baker, Oreg. Roy Kilpatrick, Post Office Box 385, John Day, Oreg. 97845, attorney for transferee.

No. MC-FC-71931. By order of March 24, 1970, the Motor Carrier Board approved the transfer to Sentinel Freight Line, Inc., Hopatcong, N.J., of permit in No. MC-303 (Sub-No. 5), issued August 8, 1958, to Dover Trucking Co., a corporation, Dover, N.J., authorizing the transportation of: Malt beverages, soft drinks, and empty beverage containers, from, to, or between specified points in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, and Rhode Island. James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719, representing applicants.

No. MC-FC-71964. By order of March 24, 1970, the Motor Carrier Board approved the transfer to James Nathan Flowers, doing business as Flowers Trucking Co., Post Office Box 594, Selma, N.C. 27576, of the operating rights in certificate No. MC-124050 issued October 28, 1965, to Nathan T. Flowers, doing business as Nathan T. Flowers Trucking Co., Route No. 3, Smithfield, N.C. 27577, authorizing the transportation of fertilizer, in bags or containers, from Norfolk, Va., to points in that part of North Carolina east of U.S. Highway 15 (except Henderson).

No. MC-FC-71965. By order of March 24, 1970, the Motor Carrier Board approved the transfer to Jay Jay Trucking Corp., Westwood, N.J., of certificate No. MC-42 (Sub-No. 1) issued to Victory Corp., New York, N.Y., authorizing the transportation of: General commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, N.Y. Robert B. Pepper, practitioner for transferee, 297 Academy Street, Jersey City, N.J. 07306. Samuel Masia, attorney for transferor, 19 West 44th Street, New York, N.Y. 10036.

No. MC-FC-71976 Republication.[1] By order of March 9, 1970, the Motor Carrier Board approved the transfer to Louis Kauffman and Vernon E. Kauffman, a partnership, doing business as Kauffman Bros., Parkesburg, Pa., of a portion of the operating rights specified in certificate No. MC-11544 (Sub-No. 2), and all of the operating rights set forth in certificate No. MC-11544 (Sub-No. 5) issued March 19, 1958, and April 5, 1960, respectively, to D. S. Beiler and Raymond Beiler, a partnership, Downingtown, Pa., authorizing the transportation of feed, from Linfield, Pa., to Baltimore, Md., and points in New Jersey, and Delaware within 50 miles of Linfield; and fertilizer, from Baltimore, Md., to Linfield, Pa., and points in Chester County, Pa., and from Downingtown, Pa., to points in Delaware, Maryland, and New Jersey, within 50 miles of Downingtown, Pa. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-71981. By order of March 24, 1970, the Motor Carrier Board approved the transfer to Ronald F. Reed, Sr., doing business as Trader Reed's, Plymouth, Mass., of a portion of the operating rights in certificate in No. MC-69747, issued May 14, 1963, to A. K. Finney Co., Inc., Plymouth, Mass., authorizing the transportation of: Household goods, between points in a specified part of Massachusetts on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey. Joseph A. Kline, 31 Milk Street, Boston, Mass. 02109, attorney for transferor. Joseph S. Vahey, 18 Tremont Street, Boston, Mass. 02108, attorney for transferee.

No. MC-FC-72001. By order of March 19, 1970, the Motor Carrier Board approved the transfer to Dependable Container Service, Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-79147 issued November 8, 1968, to Taylor Trucking Co., Inc., East Rutherford, N.J., authorizing the transportation, over irregular routes, of general commodities, except commodities in bulk, classes A and B explosives, household goods, and commodities which because of size or weight require special equipment, from Philadelphia, Pa., to New York, N.Y., and from points in New Jersey, Delaware, and Maryland, to Philadelphia, Pa.; electric fixtures and supplies from New York, N.Y., to Philadelphia, Pa., and from Philadelphia, Pa., to points in New Jersey; equipment, materials, and supplies used in connection with dog shows, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, and Massachusetts; teletype machines and equipment between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Maryland, and Delaware; and glassware from New York, N.Y., to Philadelphia, Pa. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-4079; Filed, Apr. 2, 1970; 8:50 a.m.]

[1] The purpose of this republication is to describe the correct portion of operating rights authorized to be transferred.

[Notice 517]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 31, 1970.

Synopses of orders entered pursant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72006. By order of March 26, 1970, the Motor Carrier Board approved the transfer to Hull and Smith Horse Vans, Inc., Ashland, Nebr., of the operating rights in certificate No. MC-109200 (Sub-No. 3) issued May 16, 1957, to R. E. Young, Arlington, Tex., authorizing the transportation of horses, other than ordinary, and in the same vehicle with such horses, stable supplies, and equipment used in the care and exhibition of such horses, mascots, and the personal effects of their attendants, trainers, and exhibitors, between points in Texas, Arkansas, Louisiana, Kentucky, Illinois, the Lower Peninsula of Michigan, Oklahoma, Ohio, Nebraska, and Colorado, except between any two points in any one of the named States. Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-72040. By order of March 27, 1970, the Motor Carrier Board approved the transfer to Haynes Transfer Co., St. Louis, Mo., of the operating rights in certificate No. MC-8180 issued June 28, 1960, to Elfriede Haynes, doing business as Haynes Transfer Co., St. Louis, Mo., authorizing the transportation of general commodities, except household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., commerical zone, as defined by the Commission. Austin C. Knetzer, 722 Chestnut Street, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-72046. By order of March 27, 1970, the Motor Carrier Board approved the transfer to Preusser Motor Service, Inc., St. Louis, Mo., of the operating rights in certificate No. MC-88491 issued June 30, 1950, to William Preusser and Andrew Wilhelm, a partnership, doing business as Preusser Motor Service, St. Louis, Mo., authorizing the transportation of general commodities, except livestock, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and commodities requiring special equipment, between points and places in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 656. Austin C. Knetzer, 722 Chestnut Street, St. Louis, Mo. 63101, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4080; Filed, Apr. 2, 1970; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 31, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41929—*Anhydrous ammonia from, to and between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2623), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from, to and between points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 21 to Western Trunk Line Committee, agent, tariff ICC A-4749.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4081; Filed, Apr. 2, 1970; 8:50 a.m.]

[S.O. 994; ICC Order No. 12; Amdt. 8]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 30, 1970.

INTERSTATE COMMERCE COMMISSION,

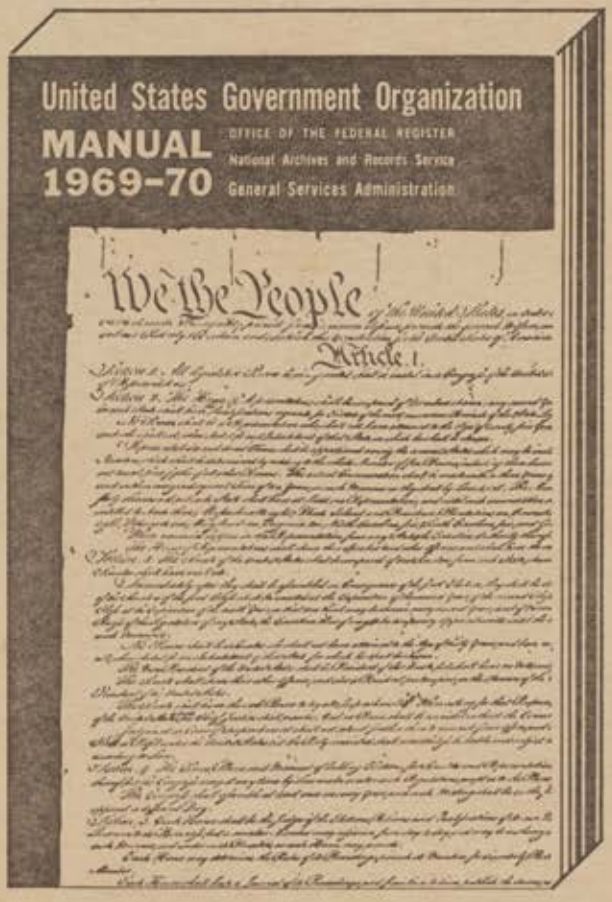
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-4082; Filed, Apr. 2, 1970; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

United States Government Organization MANUAL 1969–70



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Presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

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