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Part I

(Part II begins on page 10129)

Agencies in this issue—

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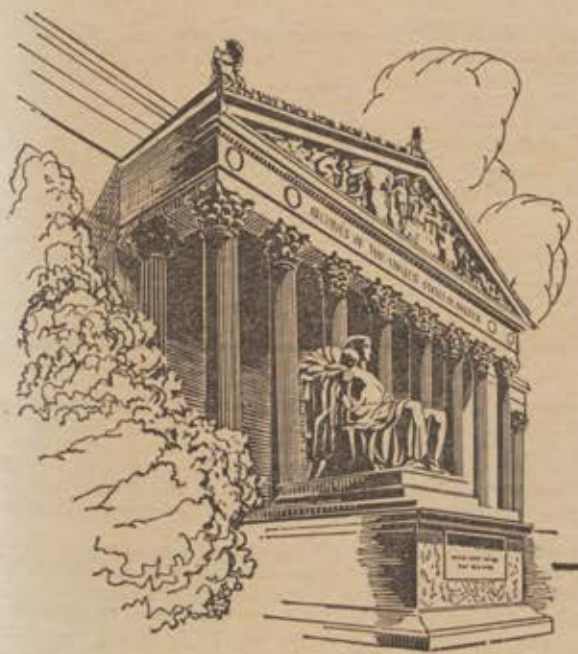

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3990

MODIFYING PROCLAMATION NO. 3279 RELATING TO IMPORT OF PETROLEUM AND PETROLEUM PRODUCTS

By The President of the United States

A Proclamation

The Director of the Office of Emergency Preparedness has found, with the advice of the Oil Policy Committee, that to increase the maximum level of imports of crude oil, unfinished oils and finished products into Districts I–IV by one hundred thousand barrels per day beginning March 1, 1970, will not adversely affect the national security.

The Director has also found, with the advice of the Oil Policy Committee, that the importation from Western Hemisphere sources into District I of a limited additional quantity of No. 2 fuel oil during the period July 1, 1970, through December 31, 1970, for distribution through independent deep water terminals, will increase available supply of the product in District I without adversely affecting the national security.

I accept the findings of the Director and deem it necessary and consistent with the security objectives of Proclamation 3279 [1] to adjust imports as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and statutes, including Section 232 of the Trade Expansion Act of 1962, do hereby proclaim that:

(1) Subparagraph (1) of paragraph (a) of Section 2 of Proclamation 3279 of March 10, 1959, as amended, is hereby amended as follows: After the first sentence insert a new sentence reading: "Such maximum level of imports is increased (i) effective March 1, 1970, by one hundred thousand barrels per day for the balance of the current allocation period and by one hundred thousand barrels per day for each succeeding allocation period; and (ii), for the period July 1, 1970, through December 31, 1970, notwithstanding any other provision of this Proclamation, by forty thousand barrels per day into District I of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, for allocation, under regulations of the Secretary, to persons in the business in District I of selling No. 2 fuel oil who do not have crude oil import allocations into Districts I–IV and who operate deep water terminals in District I or have through-put agreements with deep water terminal operators in District I who do not have crude oil import allocations into Districts I–IV, on a fair and equitable basis, to the extent possible, in relation to such persons' inputs of No. 2 fuel oil to such terminals, having regard to any product import allocations into Districts I–IV made to such persons."

(2) Section 1 of Proclamation 3279 of March 10, 1959, as amended, is hereby amended as follows:

(a) Strike the period at the end of paragraph (a) and add: "or (5) as provided in paragraph (d) of this section."

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[1] 24 F.R. 1781; 3 CFR, 1959–1963 Comp., p. 11.

(b) Add a new paragraph (d), reading:

"(d) The Secretary may by regulation provide that no license or allocation shall be required in connection with the transportation to the United States by pipeline through a foreign country of crude oil, unfinished oils, or finished products produced in the customs territory of the United States or, in the event of commingling with foreign oils of like kind and qualities incidental to such transportation, of quantities equivalent to the quantities produced in and shipped from such customs territory."

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of June, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 70-7849; Filed, June 18, 1970; 11:51 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Sections 213.3184 and 213.3384 are amended to show that one Program Assistant engaged in interdepartmental activities has been moved from Schedule A to Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 213.3184 and subparagraph (29) of paragraph (a) of § 213.3384 are amended as set out below.

§ 213.3184 Department of Housing and Urban Development.

* * * * *

(c) *Interdepartmental Programs.* (1) Two Program Assistants.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(29) Four Program Assistants for interdepartmental activities.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10588; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7775; Filed, June 18, 1970; 8:50 a.m.]

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Quarterly Examinations

Part 332 is amended to permit applications from 10-point veterans to be filed regardless of the existence of a register or whether an appointment has been made within the past 3 years. Section 332.311(a) is amended as set out below.

§ 332.311 Quarterly examinations.

(a) A 10-point preference eligible is entitled to file an application at any time for an examination for any position for which the Commission maintains or has maintained a register or for which a register is about to be established. For the purpose of this paragraph the Commission shall hold an examination not later than the quarterly period succeeding that in which the application is filed.

* * * * *

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7774; Filed, June 18, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Peas and Carrots [1]

On February 10, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 2787) regarding a proposed issuance of U.S. Standards for Grades of Canned Peas and Carrots. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (secs. 202–208, 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 the applicant and upon payment of a fee to cover the cost of such service.

Interested persons were allowed until May 11, 1970, to submit written comments in connection with the proposal.

Statement of consideration leading to the issuance of the standards. Comments from the Wisconsin Canners and Freezers Association were the only ones submitted in connection with the proposal of February 10, 1970.

After a careful consideration of the submitted comments, along with a reevaluation of commercially available samples of the product and other relevant information, the Department concludes that it would be in the best interests of consumers and processors of canned peas and carrots to change slightly the maximum allowances set forth in Table III of the proposal. The change would reduce the "maximum number of peas that sink" in a specified concentration of brine solution for U.S. Grade A.

Such a change would require the use of slightly more succulent and tender peas in U.S. Grade A, thereby up-grading slightly the eating quality for this grade.

After consideration of all relevant matters presented by interested persons, the U.S. Standards for Grades of Canned Peas and Carrots as proposed on February 10, 1970, are hereby adopted, subject to the following changes:

Table III in § 52.6212 is changed.

Effective date. The U.S. Standards for Grades of Canned Peas and Carrots (§§ 52.6201–52.6215, which is the first issue) contained in this subpart shall become effective 30 days after the publication hereof in the FEDERAL REGISTER.

Dated: June 12, 1970.

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

The standards are as follows:

PRODUCT DESCRIPTION, KINDS, STYLES, GRADES

Sec.
52.6201 Product description.
52.6202 Kinds, styles, proportions of vegetables.
52.6203 Grades of canned peas and carrots.

FILL OF CONTAINER, DRAINED WEIGHT

52.6204 Fill of container and drained weights.
52.6205 Compliance with recommended minimum drained weights.

SAMPLE UNIT SIZE, FACTORS OF QUALITY

52.6206 Sample unit size.
52.6207 Ascertaining the grade of a sample unit.
52.6208 Ascertaining the rating for the factors which are scored.
52.6209 Color.
52.6210 Uniformity of size and shape.
52.6211 Defects.
52.6212 Character.

METHODS OF ANALYSES

52.6213 Methods of analyses.

LOT COMPLIANCE

52.6214 Ascertaining the grade of a lot.

SCORE SHEET

52.6215 Score sheet for canned peas and carrots.

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

PRODUCT DESCRIPTION, KINDS, STYLES, GRADES

§ 52.6201 Product description.

Canned peas and carrots is the product which has been properly prepared from clean, sound, succulent garden peas

[1] Compliance with the provisions 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.

and clean, sound carrots. The peas and carrots are packed in a suitable packing medium with or without the addition of salt, sugar, or other ingredient(s) permissible under the Federal Food, Drug, and Cosmetic Act; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.6202 Kinds, styles, proportions of vegetables.

(a) *Peas.* Sweet type peas shall comprise not less than 50 percent, by weight, of the drained product.

(b) *Carrots.* Not less than 25 percent, by weight, of the drained product shall be carrots and shall be one of the following styles:

(1) *Sliced.* Predominantly of parallel slices which may be in the form of "corrugated," "fluted," "wavy," "scalloped," or "crinkle cut";

(2) *Diced.* Approximate cube-shaped;

(3) *Double-diced.* Approximate rectangular shaped which resemble the equivalent of two cube-shaped units; or

(4) *Strips.* Cut strips not exceeding three-eighth inch in width and of various lengths and which have four approximately parallel sides.

(c) *Determination of proportion of ingredients.* The proportion requirement for the respective ingredient is determined by averaging the total drained weight of each ingredient in all 10-ounce sample units in the sample: *Provided,* That any deviation from the requirement for proportions of ingredients in any one 10-ounce sample unit is within the range of variability of good commercial practice.

§ 52.6203 Grades of canned peas and carrots.

(a) "U.S. Grade A" or ("U.S. Fancy") is the quality of canned peas and carrots in which the vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor, and which score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or ("U.S. Extra Standard") is the quality of canned peas and carrots in which the vegetables have at least reasonably good color, reasonable freedom from defects, a reasonably good character, and fairly good flavor and odor, and which score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned peas and carrots that fail to meet the requirements of U.S. Grade B.

FILL OF CONTAINER, DRAINED WEIGHT

§ 52.6204 Fill of container and drained weights.

(a) *General.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be as full of peas and carrots as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(b) *Method for ascertaining drained weight.* The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned peas and carrots is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch, ±3 percent, square openings). The product is evenly distributed on the sieve, the sieve inclined slightly to facilitate drainage, and allowed to drain for 2 minutes. The drained weight is the weight of the sieve and the peas and carrots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.6205 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned peas and carrots is determined by averaging the drained weights from all the containers which are representative of a specific lot. Such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight; and

(b) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I

RECOMMENDED MINIMUM DRAINED WEIGHTS OF PEAS AND CARROTS

Container size or designation	If the style of the carrot is—	
	Sliced; strips	Diced; double-diced
	Ounces	*Ounces*
8 oz. Tall	5.5	5.5
No. 2 Vacuum (3⅝6 X 3⅝6)	9.5	9.5
No. 303	10.6	10.8
No. 303 (Glass)	10.6	10.8
No. 10	70.0	71.0

SAMPLE UNIT SIZE, FACTORS OF QUALITY

§ 52.6206 Sample unit size.

Compliance with requirements for factors of quality and for proportions of ingredients shall be based on a sample unit consisting of 10 ounces of drained product. A sample unit may be comprised of:

(a) The entire contents of a container;

(b) A combination of the contents of two or more containers;

(c) A representative portion of the contents of a container;

Provided, That not more than one (1) sample unit is derived from any one single container smaller than a No. 10 can and that no less than two (2) sample units are derived from any one single container of a No. 10 can size or larger.

§ 52.6207 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned peas and carrots is ascertained by considering: The flavor and odor which are not scored; the rating of the factors of color, uniformity of size and shape, absence of defects, and character which are scored; the total score; and the limiting rules which may be applicable.

(b) *Definition of flavor and odor.* (1) "Good flavor" means that the product and each of the vegetables has a good, characteristic, normal flavor and odor.

(2) "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Factor not rated by score points.* (1) Flavor and odor.

(d) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	20
Uniformity of size	20
Absence of defects	30
Character	30
Total	100

§ 52.6208 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "18 to 20 points" means 18, 19, or 20 points.)

§ 52.6209 Color.

(a) *General.* The factor of color refers to the overall appearance of the product and to the color and brightness of the vegetables individually.

(b) *(A) Classification.* Canned peas and carrots which possess a good color may be given a score of 18 to 20 points. "Good color" means that the product possesses an overall color that is at least reasonably bright and each of the vegetables is not more than slightly affected by variations in color; that the carrots possess an orange-yellow color which is bright and typical and the presence of green, white, or orange-brown units does not more than slightly affect the appearance or eating quality of the carrots; that the color of the peas is normal and is typical of at least reasonably young

and reasonably tender peas with practically no "blond" or "cream" colored peas.

(c) *(B) Classification.* Canned peas and carrots which possess a reasonably good color may be given a score of 16 or 17 points. Canned peas and carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (limiting rule). "Reasonably" good color means that the product possesses an overall color which may be slightly dull but is not off color; that the color of each of the vegetables may be variable but not to the extent that the appearance of the product is seriously affected; that the presence of green, white, or orange-brown units does not seriously affect the appearance of the carrots; that the color of the peas is typical of fairly young and fairly tender peas.

(d) *(SStd) Classification.* If the canned peas and carrots fail to meet the requirements of paragraph (c) of this section a score of 0 to 15 points may be given and the product shall not be graded above Substandard, regardless of the total score for the product (limiting rule).

§ 52.6210 Uniformity of size and shape.

(a) *General.* Under this factor, consideration is given only to the uniformity of size and shape of the carrot ingredient. The percentage, by weight, of the carrot ingredient consisting of units smaller, or larger, than the required size for a particular style is determined by separating all such units from the other carrot units in the sample unit, weighing such units, and dividing that weight by the total weight of the drained carrot ingredient in the sample unit.

(b) *Ascertaining dimensions.* Size dimensions of the various units are measured as follows:

(1) *Diameter and thickness of sliced carrots.* The diameter of a slice is the measurement across the largest cut surface of the slice. The thickness of a slice is measured at the thickest portion between the two cut surfaces of the slice.

(2) *Size of diced carrots.* The size of a dice is the length of the edge (other than rounded outer edges) which is most representative of the size of the approximate cube.

(3) *Width of a strip.* The width of a strip is the widest cut surface measured at right angles to the length of the unit.

(c) *(A) Classification.* Canned peas and carrots that are practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" means that:

(1) The carrots comply with the measurement, shape, and uniformity requirements for (A) classification in Table II; and, in addition

(2) The overall appearance of the product is not materially affected by variations or irregularities in size and shape of the units.

(d) *(B) Classification.* Canned peas and carrots that are reasonably uniform in size and shape may be given a score of 16 or 17 points. Canned peas and carrots that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (limiting rule). "Reasonably uniform in size and shape" means that:

(1) The carrots comply with the measurement, shape, and uniformity requirements for (B) classification in Table II; and, in addition

(2) The overall appearance of the product is not seriously affected by variations or irregularities in size and shape of the units.

(e) *(SStd) Classification.* Canned peas and carrots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (limiting rule).

TABLE II

UNIFORMITY OF SIZE AND SHAPE REQUIREMENTS FOR CARROT INGREDIENT IN CANNED PEAS AND CARROTS

Styles of carrots	Measurement and/or shape of individual units.	(A) Classification maximum variation (percent by weight of carrot ingredient in the sample unit)	(B) Classification maximum variation (percent by weight of carrot ingredient in the sample unit)
Sliced	1⅝"—maximum diameter; ⅜"—maximum thickness.	15 percent may exceed these measurement limits.	25 percent may exceed these measurement limits.
Diced	Approximate cube shape, ⅜"—minimum; ⅝"—maximum.	20 percent may fail these measurement limits, provided small chips do not materially affect appearance of product.	30 percent may fail these measurement limits, provided small chips do not seriously affect appearance of product.
Double-diced	Approximate double-cube shapes.	20 percent may be noticeably smaller or larger than average sized unit.	30 percent may be noticeably smaller or larger than average sized unit.
Strips	Approximate french-cut shapes, 1½" minimum length, ⅜" maximum width.	25 percent may be less than 1½" in length or exceed ⅝" width.	35 percent may be less than 1½" in length or exceed ⅝" width.

§ 52.6211 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, damaged units, seriously damaged units, and any other defect which detracts from the appearance or edibility of the product.

(1) "Harmless extraneous vegetable material" means:

(i) Material common to the pea or carrot plant (such as leaves, stems, or pods); and

(ii) Harmless material from other plants (such as thistle buds or seeds) which are succulent.

(2) "Damaged unit" means any pea or carrot unit that is affected by discoloration or other blemish to the extent that the appearance or edibility of the unit is materially affected and has the following specific meanings with respect to each vegetable:

(i) *Peas.* Any spotted or off-colored pea (other than blond peas) such as brown or gray discoloration.

(ii) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle one-eighth inch in diameter; and any unit blemished by internal or external discoloration, such as sunburn or green color, or other similar color.

(3) "Seriously damaged unit" means a pea or carrot unit that is damaged to the extent that the appearance or edibility of the unit is seriously affected and includes units with very dark spots or serious discoloration or other abnormalities.

(4) "Other defects" means defects not specifically mentioned that affect the appearance or edibility of the product and include, but are not limited to, the following:

(i) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof;

(ii) *Carrots.* Crushed, broken, or cracked units or units with excessively frayed edges and surfaces.

(b) *(A) Classification.* Canned peas and carrots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that there may be present:

(1) Not more than one (1) piece of harmless extraneous material per 60 ounces of drained product (average of entire sample); and

(2) Not more than the following per sample unit of 10 ounces:

(i) A total of 8 damaged and seriously damaged units of which not more than one (1) may be seriously damaged: *Provided,* That damaged and seriously damaged units, either singly or in combination, may no more than slightly affect the appearance or eating quality of the product;

(ii) Harmless extraneous material and/or other defects, individually or collectively, which materially affect the appearance of the product; and

(iii) Any combination of the foregoing which materially affect the appearance or eating quality of the product.

(c) *(B) Classification.* If the canned peas and carrots are reasonably free from defects a score of 24 to 26 points may be given. Canned peas and carrots that fall into this classification shall not be graded above Grade B, regardless of the total score for the product (limiting rule). "Reasonably free from defects" means that there may be present:

(1) Not more than one (1) piece of harmless extraneous material per 30 ounces of drained product (average of entire sample); and

(2) Not more than the following per sample unit of 10 ounces:

(i) A total of 15 damaged and seriously damaged units of which not more than 3 units may be seriously damaged: *Provided,* That damaged and seriously damaged units, either singly or in combination, do not seriously affect the appearance or eating quality of the product;

(ii) Harmless extraneous material and/or other defects, individually or collectively, which seriously affect the appearance or eating quality; and

(iii) Any combination of the foregoing which seriously affect the appearance or eating quality of the product.

(d) *(SStd) Classification.* Canned peas and carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (limiting rule).

§ 52.6212 Character.

(a) *General.* The factor of character refers to the tenderness and maturity of the peas; and the tenderness and degree of freedom from stringy or coarse fibers in the carrots.

(b) *(A) Classification.* Canned peas and carrots which possess a good character may be given a score of 27 to 30 points. Good character means that:

(1) *Carrots.* The carrot units are tender, are not fibrous, and possess a practically uniform texture.

(2) *Peas.* The peas are at least reasonably tender and comply with the requirements of Table III.

(c) *(B) Classification.* If the canned peas and carrots possess a reasonably good character, a score of 24 to 26 points may be given. Canned peas and carrots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (limiting rule). "Reasonably good character" means that:

(1) *Carrots.* The carrot units are at least reasonably tender, may be variable in texture but are not tough, hard, or mushy; and not more than 5 percent, by weight, of the carrot ingredient may possess coarse, fibrous material.

(2) *Peas.* The peas are at least fairly tender; the skins of not more than 5 percent, by count, of the peas may be ruptured to a width of one-sixteenth inch or more; and, the peas comply with the requirements of Table III.

TABLE III

SUMMARY OF MAXIMUM ALLOWANCES FOR THE BRINE FLOTATION TEST

Grade	Score range	Maximum number of peas that sink in 40 seconds		
		13% salt in solution	15% salt in solution	16% salt in solution
		Percent by count		
A	27 to 30	5	2	None
B	24 to 26	No limit	10	2

(d) *(SStd) Classification.* Canned peas and carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (limiting rule).

METHODS OF ANALYSES

§ 52.6213 Methods of analyses.

(a) *Brine flotation test.* The brine flotation test utilizes salt solutions of various specific gravities to separate the peas according to maturity. The brine solutions are based on the percentage, by weight, of pure salt (NaCl) in solution. In making the test a 250 ml. glass beaker is filled with the brine solution to a depth of approximately 2 inches. The brine equipment, solution, and peas should be at the same temperature. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink". Pieces of peas and loose skins should not be used in making the brine flotation test.

LOT COMPLIANCE

§ 52.6214 Ascertaining the grade of a lot.

The grade of a lot of canned peas and carrots covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.6215 Score sheet for canned peas and carrots.

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum reading (in inches)	
Drained weight (ounces)	

Kinds of ingredients	Per sample unit	
	Aggregate weight each ingredient	Proportion of ingredient
Peas, Sweet	..... oz.	.....%
Carrots:		
Diced (approx. "....." cubes)	..... oz.	.....%
Double-diced	..... oz.	.....%
Sliced (approx. "....." diameter)	..... oz.	.....%
Strips	..... oz.	.....%
Total weight of drained vegetables	..... oz.	100%

Factors		Score points	
Color	20	(A) 18-20 (B) † 16-17 (SStd) † 0-15	
Uniformity of Size and Shape	20	(A) 18-20 (B) † 16-17 (SStd) † 0-15	
Absence of Defects	30	(A) 27-30 (B) † 24-26 (SStd) † 0-23	
Character	30	(A) 27-30 (B) † 24-26 (SStd) † 0-23	
Flavor ( ) Good ( ) Fairly Good ( ) Off			
Total score			
Grade			

† Indicates limiting rule.

[F.R. Doc. 70-7640; Filed, June 18, 1970; 8:45 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.7, Amdt. 2]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1970

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended) hereinafter called the "Act", for the purpose of amending Sugar Regulation 813.7 (35 F.R. 169), as amended, which established allotments of the sugar quota for the domestic beet sugar area for the calendar year 1970.

This amendment is necessary (1) to substitute more up to date estimates for estimated data on 1969 crop sugar production, 1969 sugar marketings and January 1, 1970, sugar inventories on the basis of data which have become a part of the official records of the Department, (2) to establish allotments equal to 90 percent of the Domestic Beet Sugar Area Quota on the basis of such revised data instead of 80 percent as previously established, and (3) to reflect an increase in the beet sugar area quota of 143,000 short tons, raw value by Sugar Regulation 811, Amendments 3 and 4.

Findings heretofore made by the Administrator, Agricultural Stabilization and Conservation Service (35 F.R. 169) include the provision that this order shall be revised without further notice or hearing, for the purposes stated above.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Administrator.

In accordance with paragraph (6) of the findings and conclusions set forth in S.R. 813.7 (35 F.R. 169) and pursuant to paragraph (e) of such regulation, paragraphs (4) and (10) of such findings and conclusions are amended as follows:

(4) The determination of allotments in finding (3), are set forth in the following table. They are based on more up to date data of estimates for 1969 crop processings, 1969 sugar marketings and January 1, 1970, inventories which data shall be used pending availability and substitution of revised estimates or final data for such estimates and as applied to the Domestic Beet Sugar Area quota of 3,358,667 short tons, raw value. Allotments of the 1970 quota as established by this order are 90 percent of the allotments as shown in column (12).

Processors	Estimated processings of sugar from 1969 crop beets		Average marketings within the quota 1965-69		Percent of total (col. 2× 0.75+ col. 4× 0.25)	Base allotments, short tons, raw value (col. 5× quota) [1]	Jan. 1, effective inventories hundredweight, refined			Adjustments to base allotments [2]		Allotments, short tons, raw value (col. 6+ col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total			Estimated 1970	1965-69 Adjusted average to col. 7 total	Inventory imbalances col. 7− col. 8	Hundredweight refined	Short tons raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	8,650,000	13.7260	7,320,162	12.9581	13.5340	450,780	8,245,259	7,306,683	+938,576	+51,977	+2,781	453,561
American Crystal Sugar Co	8,850,000	14.0433	7,185,126	12.7190	13.7122	456,715	7,538,078	6,417,379	+1,120,699	+119,740	+6,406	463,121
Buckeye Sugars, Inc	480,427	.7623	441,755	.7820	.7672	25,553	239,166	230,739	+8,427	0	0	25,553
Great Western Sugar Co	13,307,845	21.1171	13,370,798	23.6688	21.7550	724,899	11,082,384	12,816,552	−1,734,168	−107,296	−5,740	718,859
Holly Sugar Corp	8,900,945	14.1242	9,383,681	16.6109	14.7459	491,145	7,371,326	9,223,759	−1,852,433	−114,613	−6,132	485,013
Layton Sugar Co. [4]	329,792	.5233	340,033	.6019	.5430	18,086	316,128	361,862	−45,734	−2,839	−152	17,934
Maine Sugar Industries, Inc. [3]												27,944
Michigan Sugar Co	2,380,786	3.7779	1,925,477	3.4085	3.6856	122,757	2,011,465	1,811,000	+200,465	−4,841	+259	123,016
Monitor Sugar Co	1,025,947	1.6280	937,279	1.6592	1.6358	54,484	725,018	854,957	−129,939	−8,040	−430	54,054
Spreckels Sugar Co	9,400,000	14.9161	7,440,116	13.1704	14.4797	482,279	6,633,794	5,826,282	+807,512	+56,221	+3,008	485,287
Union Sugar Division, Consolidated Foods Corp	2,750,000	4.3637	2,393,484	4.2369	4.3320	144,287	2,264,150	2,071,505	+192,645	0		144,287
Utah-Idaho Sugar Co	6,943,504	11.0181	5,753,238	10.1843	10.8096	360,038	5,978,356	5,484,406	+493,950	0		360,038
Total	63,019,246	100.0000	56,491,149	100.0000	100.0000	3,330,723	52,405,124	52,405,124	±3,762,274	±232,779	±12,454	3,358,667

[1] Column (5)×quota less allotments of 27,944 tons for Maine Sugar Industries, Inc.

[2] Plus (+) adjustments in col. 10=(Extent (+) quantities in col. 9 exceeds 10 percent of col. 8)×(25 percent); Minus (−) adjustments in col. 10=total of (+) adjustments in col. 10, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11=(col. 10 adjustments)×(0.0535).

[3] This processor not included in the basic allotment method computations. The allotment established for Maine Sugar Industries, Inc., is based on its effective inventory on January 1, 1970 of 356,145 cwts. plus 15 percent of its estimated 1970 crop beet sugar production. Estimated 1970 crop sugar production is based on 37,042 acres planted for Maine Sugar Industries, Inc.

[4] Prior to the application of the alternative measure of "processings" 1969 crop processings were 328,072 cwts. and Jan. 1, 1970, effective inventories were 314,408 cwts. for Layton Sugar Co.

(10) To assure that an allottee will not market a quantity of sugar in excess of his final allotment to be established later on the basis of final data, allotments established by this order should be limited to 90 percent of the quota pending the allotment of the quota based upon final data.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.7 of this chapter, paragraph (a) of § 813.7 is amended to read as follows:

§ 813.7 Allotment of the 1970 sugar quota for the Domestic Beet Area.

(a) *Allotments.* For the period January 1, 1970, until the date allotments of the entire 1970 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, 90 percent of the 1970 quota for the Domestic Beet Sugar Area is hereby alloted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	408,205	7,630,000
American Crystal Sugar Co	416,809	7,790,822
Buckeye Sugars, Inc	22,998	429,869
Great Western Sugar Co., The	646,973	12,092,953
Holly Sugar Corp	436,512	8,159,103
Layton Sugar Co	16,141	301,701
Maine Sugar Industries, Inc	25,149	470,075
Michigan Sugar Co	110,714	2,069,421
Monitor Sugar Division, Robert Gage Coal Co	48,649	909,327
Spreckels Sugar Co., Division of American Sugar Co	436,758	8,163,701
Union Sugar Division, Consolidated Foods Corp	129,858	2,427,252
Utah-Idaho Sugar Co	324,034	6,056,710
Subtotal	3,022,800	56,500,934
Unallotted	335,867	6,277,888
Total	3,358,667	62,778,822

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order differ from those currently in effect as established in S.R. 813.7 (35 F.R. 4693). To afford adequate opportunity for processors to plan and to market sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective data requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 12, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-7639; Filed, June 18, 1970; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Wheat Loan and Purchase Program

Correction

In F.R. Doc. 70-7036 appearing at page 8867 in the issue for Tuesday, June 9, 1970, in the rate tables under § 1421.489 (a) the following changes should be made:

1. Under "Louisiana" the reference to "East Baton Rogue" should read "East Baton Rouge".

2. Under "Maryland" the rate for the county "St. Marys" should read "1.36".

3. Under "Minnesota":

a. The rate for the county "Big Stone" should read "1.39".

b. The reference to "Mille Laos" should read "Mille Lacs".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

Overtime Work of Meat Inspection Employees

On April 30, 1970, there was published in the FEDERAL REGISTER (page 6856, Doc. 70-5323) an amendment to the Federal meat inspection regulations relating to the change of fees for overtime work of meat inspection employees. The words "on any Saturday, Sunday, or holiday, or for more than 8 hours" were inadvertently omitted.

Section 307.4 is corrected to read as follows:

§ 307.4 Overtime work of meat inspection employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the program on any Saturday, Sunday, or holiday, or for more than 8 hours on

any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $8.40 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(34 Stat. 1264, Sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89)

Done at Washington, D.C., on June 15, 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70-7757; Filed, June 18, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9323; Amdt. 135-18]

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

Additional Airworthiness Standards for Airplanes With 10 or More Passenger Seats

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to require that, after May 31, 1972, reciprocating-engine and turbopropeller powered small airplanes having 10 or more passenger seats meet certain additional airworthiness standards, and to require operation of those airplanes in compliance with specified performance operating limitations.

This amendment is based on a notice of proposed rule making (Notice 68-370 published in the FEDERAL REGISTER on January 7, 1969 (34 F.R. 210). Except for minor editorial changes and as specifically discussed below, this amendment and the reasons therefor are the same as those proposed in Notice 68-37.

This amendment is part of a three-step regulatory program, which is discussed in Notice 68-37, that is intended to upgrade the level of airworthiness for airplanes in Part 135 operations. The first step in this program was the issuance of Special Federal Aviation Regulation No. 23 (SFAR No. 23), which established additional airworthiness standards for small airplanes that are capable of carrying more than 10 occupants and that are intended to be used in operations under Part 135.

This amendment implements the second step of the program. This amendment requires that after May 31, 1972, reciprocating-engine and turbopropeller powered small airplanes that have 10 or more passenger seats must be type certificated in accordance with specified airworthiness standards in addition to the applicable airworthiness standards in Part 23 or predecessor regulations. After May 31, 1972, no person may operate such an airplane under Part 135 unless it is type certificated in the transport category or in accordance with the applicable regulations of Part 23 or predecessor regulations and the additional airworthiness standards in new Appendix A, which is adopted by this amendment. However, such an airplane may be operated under Part 135 after May 31, 1972, if it has been type certificated before July 1, 1970, in accordance with Part 23, or predecessor regulations, and special conditions issued by the Administrator or SFAR No. 23.

Interested persons have been afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

The Aerospace Industries Association of America, Inc., (AIA) and the National Air Transportation Conference (NATC) requested in response to Notice 68-37, that the FAA defer action on Notice 68-37 and convene a meeting with air taxi operators, manufacturers, the Civil Aeronautics Board, and the National Transportation Safety Board to establish a regulatory program, both from airworthiness and operating points of view, that would enhance commuter type airline service. The NATC stated the objective of such a meeting would be to determine the feasibility for a comprehensive study of the types of aircraft needed to assure the orderly growth and development of air carriers operating under Part 298 of the Economic Regulations of the Civil Aeronautics Board.

The AIA and the NATC contend that because of the variabilities involved in the commuter air carrier and air taxi/charter industry, from an economic point of view, the FAA alone cannot determine how much safety the public can afford. These commentators state that the level of safety provided by the FAA through SFAR No. 23 is, in fact, an adequate level of safety that meets the complete intent of the Federal Aviation Act of 1958; that is, to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad and to consider the duty resting upon air carriers to perform their service with the highest possible degree of safety in the public interest. The AIA contends that a viable commuter service cannot in fact be established, or where established cannot continue to operate, in a manner that will serve the public if these regulations are adopted as proposed. The AIA contends that because of the 0.6 factor in the computation of landing distance, a 5,000-foot runway would be required for aircraft that now safely operate from a 3,000-foot runway and that communities that cannot afford airport improvements would no longer receive commuter airline service. The AIA further contends that the basic cost of the aircraft to the operator would be increased by the additional equipment and testing required for aircraft certification and this cost, in addition to increased operating costs, would have a serious dampening effect on expansion of service into communities now being served. The AIA also states that the accident history of the commuter airlines clearly shows that the record of the aircraft certificated in accordance with either the special conditions (upon which SFAR No. 23 is based) or SFAR No. 23 is without blemish, that aircraft accidents that have occurred involve aircraft certificated prior to 1956, and that the accident record of the commuter airlines using aircraft certificated under Part 23 of the Federal Aviation Regulations and Part 3 of the Civil Air Regulations is equivalent to that of certificated air carriers.

We have determined that there is not sufficient justification for withdrawing Notice 68-37 or for holding the meeting as requested by the AIA and the NATC. Interested persons have been given the opportunity to submit data to support their positions. To this end the expiration date of Notice 68-37 was extended 30 days in response to the AIA and the NATC requests to enable them to submit technical data showing the effect of the proposed regulation on specific airplane designs. Such data were not submitted. The FAA believes that the meeting requested by the AIA and the NATC would lead to no constructive results and would only serve to delay action on needed regulations. Therefore, the FAA is proceeding with this amendment for the reasons set forth in Notice 68-37 and further amplified herein.

We do not agree with the view that no further regulatory action beyond SFAR No. 23 is needed, especially when the projected growth of operations with the new class of airplanes capable of carrying 10 or more passengers is considered. We believe that service experience does not support the views of the AIA and the NATC. As we indicated in Notice 68-37, we believe that since the operations with airplanes affected by the increased airworthiness requirements is a relatively small part of operations under Part 135, a satisfactory history of operations with these airplanes does not necessarily support the contention that the level of airworthiness is now adequate. Service experience with airplanes certificated under SFAR No. 23 represents even a smaller sample, and such a limited service experience should not be used to support the conclusion that SFAR No. 23 is adequate for future air taxi operations.

In developing the additional performance requirements in Appendix A, the FAA has drawn upon the experience gained in the development of the airworthiness standards for transport category airplanes and in the many years of operation of such airplanes. We believe that as sufficient exposure is accumulated with the affected airplanes, the need for a higher performance level for takeoff and landing will be demonstrated as it was for transport category airplanes. Present technology does not justify reaffirming this need by actual operating experience. In developing the rules in

Notice 68–37, we also considered the operating experience with presently certificated air taxi airplanes. A review of the accidents with small multiengine air taxi airplanes reveals that there were 13 accidents in the 5-year period from the beginning of 1964 through the end of 1968 in which engine failure occurred in flight during takeoff. There were 6 injuries and 32 fatalities in those 13 accidents. During that period, there were no accidents in transport category airplanes in air carrier operations in which engine failure occurred in flight during takeoff. We believe that the safety record of the transport category airplanes is due, to a large extent, to airplane performance requirements that provide stay-up ability when an engine fails. Therefore, we believe that there is adequate justification for upgrading takeoff performance as proposed in the notice.

A review of landing accidents and incidents reveals that there have been enough long, short, and hard landings to justify upgrading landing performance requirements. The FAA is aware that the use of a 0.6 factor in establishing the landing field length operating limitation will have a significant economic impact. As pointed out by the AIA, this would require a runway length of 5,000 feet for an airplane that has a flight test landing distance of 3,000 feet. We believe the need for this runway length margin is verified by experience with transport category airplanes and by the relatively large number of accidents in air taxi operations during landings. We believe that curtailment of operations at airports where adequate runways do not exist is justified. Communities desiring air taxi service must provide adequate runways, be served by smaller and slower airplanes, or await the development of aircraft with appropriate charactertistics to serve limited facilities. There are airplanes currently available that have landing field lengths less than 3,500 feet. We do not agree with the AIA's contention that an airplane can land safely day-in and day-out on a runway that provides no margin over the landing distance determined in the performance flight tests, since the flight test distance does not account for variations in runway surface condition and other operational variations. The landing field length operating limitation in Appendix A is therefore adopted as proposed for destination airports.

Furthermore, the FAA does not agree with the contention that the air taxi industry cannot afford to operate any airplane certificated in accordance with Appendix A. We believe that the technology and hardware now available will allow attainment of the level of performance provided by Appendix A at reasonable cost and will allow profitable operation by air taxi operators.

The Air Line Pilots Association (ALPA) expressed the view that Notice 68–37 did not go far enough and that a considerably higher level of airworthiness should be prescribed for all air taxi airplanes. The application of one level of airworthiness to all air carriers is a worthy long-range regulatory objective. However, we do not consider it practicable to impose standards comparable to those applicable to transport category airplanes at this time upon all air taxi airplanes. The air taxi industry has grown into a major industry under Parts 23 and 135 and predecessor regulations. The level of airworthiness prescribed by those regulations has changed little over the last 20 years. Approximately 75 percent of the 14,000 airplanes used in operations under Part 135 in 1968 were single-engine airplanes. We believe that the only practicable way to increase the level of airworthiness of air taxi airplanes to a level comparable to that of transport category airplanes is by an evolutionary process as provided by the FAA's three-step program. The NTSB has indicated its support for the FAA's three-step program.

The ALPA objected to the application of the additional airworthiness standards based on airplane capacity and expressed the view that such a basis for application of the standards would be difficult to justify to air taxi passengers. The FAA is using seating capacity because it is considered an appropriate means of identifying a class of airplanes on which it is considered necessary to impose additional airworthiness standards in upgrading the airworthiness of air taxi airplanes.

Applicability. Section 135.144 is a new section in Part 135 which states the applicability of these additional airworthiness standards. As adopted, § 135.144 is changed from the notice. Under the proposal all reciprocating-engine or turbopropeller powered small airplanes of a type which were type certificated as capable of carrying more than 10 occupants would have had to comply with the additional airworthiness standards. The effect of the proposal would have been to make the additional airworthiness requirements applicable to every airplane covered by a type certificate when the maximum number of occupants approved for any airplane covered by that type certificate was more than 10. Many type certificates cover several models, all of the same basic design, but having different maximum seating capacities. Under the proposal, if any model covered by a type certificate were approved for more than 10 occupants, all other models covered by that type certificate would have been required to comply with the additional airworthiness requirements when used in Part 135 operations, regardless of the number of passenger seats.

In the light of the comments received and upon further consideration, the FAA has concluded that the applicability portion of the proposal was not practicable and should be modified in the rule adopted. Accordingly, as adopted, the additional airworthiness standards required by § 135.144 apply to reciprocating-engine or turbopropeller powered small airplanes, as proposed, but only to airplanes that have a passenger seating configuration, excluding any pilot seat, of 10 seats or more. Therefore, under the regulations as amended herein an ATCO certificate holder may continue to operate an airplane that is type certificated with a seating configuration for 10 or more passengers without meeting the additional airworthiness standards if the passenger seating configuration is reduced to nine seats or less, excluding any pilot seat.

Section 5(c): Accelerate-stop distance. One comment questioned the need for determination of accelerate-stop distances for small airplanes on the basis of the history of transport category airplanes which has shown a reduced engine failure rate for turbine engines. We consider the need for the accelerate-stop distance to be justified. Takeoffs are aborted as often for reasons other than engine failure as they are for engine failure. Transport category airplane experience in air carrier operations has verified the need for the accelerate-stop distance.

One comment pointed out that the accelerate-stop distance as determined under Appendix A would be greater than under Part 25 of the Federal Aviation Regulations. As indicated by the commentator, the accelerate-stop distance for a twin turbopropeller powered airplane determined under Appendix A may be as much as 10 percent greater than the accelerate-stop distance determined under Part 25 for such an airplane. The increased accelerate-stop distance results from a V_1 speed that is higher than V_1 determined under Part 25. The higher V_1 speed compensates for the fact that Appendix A does not require the determination of the one-engine-inoperative takeoff distance that is required under Part 25.

One comment contended that the frequency of takeoffs from runways where the accelerate-stop distance is critical should be taken into consideration in establishing the accelerate-stop distance The comment was also made that the accelerate-stop distance should be different for scheduled operations and nonscheduled operations. The FAA believes that neither of the criteria suggested by these comments can be justifiably related to the determination or application of the accelerate-stop distance.

Section 5(e): One-engine-inoperative takeoff. One comment expressed the view that section 5(e) should allow one-engine-inoperative takeoff capability to be demonstrated in such a manner that the airplane maintains flight after engine failure by using ground effect. It was contended that the proposed requirement would penalize certain airplane designs that make better use of ground effect by their aspect ratio, wing loading, or wing location.

We believe that an airplane that cannot climb out of ground effect until it has accelerated to a speed at which it can be configured for cruise is an airplane with marginal performance. The cost for the additional power needed to climb within a reasonable time to a safe altitude is justifiable in the interest of the resulting gain in safety, and the FAA believes the resulting gain in safety is substantial.

Section 5(f): One-engine-inoperative takeoff flight path data. Section 5(f) requires the determination of one-engine-inoperative takeoff flight path

data. One commentator expressed a belief that this is a high performance requirement which would not materially improve the level of safety for operations under Part 135 and would make small airplanes uneconomical. Section 5(f) does not limit the weight of the airplane and is not an operating limitation. Section 5(f) provides data which is required, by section 20 of the Appendix, to be contained in the airplane flight manual as performance information for use by the pilot and is not an operating limitation.

Section 6(b)(2): Takeoff climb: landing gear retracted. One commentator asserted that the proposed two percent climb gradient is three times the gradient required by special conditions on small turbine-engine-powered aircraft which have a good safety record, and this requirement will make small airplanes uneconomical for Part 135 operations. A gradient of two percent is equal to a rate of climb of 200 feet per minute at 100 knots. This rate of climb is needed to insure that the airplane is capable of attaining a safe altitude within a reasonable time after failure of one engine during takeoff, and to provide some margin for gusts and other adverse factors. It is our view that the cost of the additional horsepower needed to meet the requirement will not prohibit economical use of airplanes to which Appendix A applies.

Section 7(b): Landing field length. The FAA agrees with a comment that the proposed factor of 0.6 for both intended destination and alternate destination landing field length is too restrictive in view of the fact that § 127.187 of Part 121 allows a factor of 0.7 for alternate airports. Therefore, section 7(b) is changed from the proposal to require a factor of 0.6 for the destination airport and 0.7 for an alternate airport.

The requirement for a gradient of descent not greater than 3° was questioned by commentators who contended that the slope for approach should be a function of the speed. The 3° glide slope is used as a standard for determining the landing distance and is based on the fact that 3° is the general value for the glide slope upon which most airplanes make their instrument approaches. We recognize that certain airplanes are being designed to operate with a steeper glide slope capability and the novel characteristics of such airplanes will be handled under § 21.16 of Part 21 by issuing special conditions.

Commentators claimed that there is no need for the 50-foot height and the factor of 0.6, both of which provide margins for operational variations. They pointed out that the margins for operational variations are unnecessary because of the maneuverability at low approach speeds and low inertia of small airplanes, and because of the position of the pilot near the ground during flareout should lead to more precise touchdowns than is possible in large aircraft. The 50-foot height is based, in part, on obstacle clearance and this provision for obstacle clearance on approaches at the smaller airports, which are frequently used in operations under Part 135, may be more important than it is at larger airports, which usually have an instrument landing system with a cleared approach. The factor of 0.6 is based on touchdown dispersion and other variables including runway condition. Although the maneuverability of small airplanes may enable more precise touchdowns than can be made in transport category airplanes, it is doubtful that the ratios of touchdown dispersion to landing field length differs significantly for large and small airplanes.

Two commentators requested that the requirement for determination of landing field length not be applied to airplanes that have a speed of less than 100 knots at the 50-foot height. In view of the fact that the steady approach airspeed in section 7(b) is $1.3V_{S1}$ rather than the $1.5V_{S1}$ airspeed required in § 23.75(a)(1) and the fact that the effects of gusts are greater at lower airspeed, the FAA believes the landing distance requirements should not be eliminated for airplanes that have an approach speed of less than 100 knots.

Section 8: Trim. The symbol V_{MO}/V_{MO}, which appeared in § 8 (a) and (b) of the notice, should be V_{MO}/M_{MO}. The symbol is changed where it appears in § 8.

Section 25: Turbine-engine-gyroscopic loads. Under section 25 the engine mount and structure may be designed for the loads that result under either paragraph (a) or (b). One comment stated that there is no justification for allowing (b) to be used instead of (a) without limitation. Paragraph (b) contains yaw, pitch, load, and thrust factors that have been developed by experience in the issuance of special conditions for type certification. The FAA believes the use of (b) as an alternative to (a) is justified without limitation. The commentator also stated that the load factor under paragraph (b) should be not less than 3.2, the design maneuvering load factor. The FAA believes the combination of the design maneuvering load factor with the yaw and pitch velocities specified in (b) would be unlikely to occur in flight.

Section 28: Fatigue evaluation. One comment suggested that the fatigue evaluation requirements should apply to all major structures including the tail plane, fin, and rudder. The suggested expansion of the applicability of § 28 in this amendment would be beyond the scope of the notice. However, the FAA intends to expand the fatigue evaluation requirements to cover other flight structures in future rule making.

Section 32: Doors and exits. One comment questioned the need for an emergency exit on the same side of the airplane as the passenger entrance door. The need for this exit is based on the fact that the use of the passenger entrance as an emergency exit is restricted by the minimum aisle width specifications, the limited access to the door, the possibility of damage to the door, and the possibility that the door could not be opened in a water landing.

Although a reduction in the evacuation time of 90 seconds in section 32(d) would be outside the scope of the notice, consideration will be given to comments recommending such a reduction in a future rule-making action.

Several commentators objected to the requirement for a minimum aisle width and suggested that other aisle configurations could provide equivalent access to the exits. However, suggested configurations fail to provide for the obstruction that could be caused by a disabled passenger in a seat that must be folded to provide egress for some passengers. A seating configuration without the specified minimum aisle width which in fact provides an equivalent level of safety could be approved under § 21.21(b) of Part 21, which allows type certification if provisions with which an aircraft does not comply are compensated for by factors that provide an equivalent level of safety.

Miscellaneous corrections. SFAR No. 23 was amended effective December 24, 1969 (Amendment No. SFAR 23–1; published in the FEDERAL REGISTER on Dec. 24, 1969 (34 F.R. 20176)) to clarify certain provisions of the regulation, to remove an unnecessary restriction, and to make minor editorial corrections. The changes made to SFAR No. 23 also apply to Appendix A:

(1) The reference to paragraph (f) in section 4(d) is changed to reference paragraph (e).

(2) Appropriate changes are made in paragraph (b) of section 5 to make it clear that the V_1 speed is not an airborne speed and the speed in 5(b)(1)(iv) is not the "rotation speed" used in operating the airplane.

(3) There is a slight inconsistency between the provisions of paragraphs (b) and (c) of section 5. Paragraph (b) defines V_1 as the decision speed, which, in the case of engine failure, would occur subsequent to the failure. But the accelerate-stop distance in paragraph (c), as proposed in the notice, is based on the assumption that the critical engine fails at V_1. Since paragraph (b) contains the correct definition of V_1 speed, paragraph (c) is changed to make it consistent with paragraph (b).

(4) Paragraph (a) of section 6 is changed to allow the landing climb to be demonstrated at a speed not greater than the approach to the 50-foot height speed, and to specify a lower limit on the speed, which is necessary to prevent the climb from being conducted at a speed less than the engine out minimum control speed or the stalling speed.

(5) The word "aircraft" is changed to "airplane" in paragraphs (h) and (i) of section 35.

(6) Section 12 states that required flight instruments must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. Section 12 is changed to make it clear that the flight instruments must be centered as nearly as practicable about the vertical plane of each pilot's forward vision.

since two pilots are required for operation of airplanes having a seating configuration for 10 or more passengers under Part 135.

One other miscellaneous correction is made by changing "attitude" to "airspeed" in section 12(b)(2).

It should be noted that the performance requirements are considered to apply only to two-engine airplanes. Special conditions for climb performance would be established for the certification of each type of airplane with more than two engines. It should also be noted that inasmuch as no single-engine airplane can meet the engine-out performance standards, no person may operate a single-engine airplane that has a passenger seating configuration, excluding any pilot seat, of 10 seats or more under Part 135 after May 31, 1972.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective July 19, 1970, as follows:

1. By adding a new § 135.144 to read as follows:

§ 135.144 Additional airworthiness requirements: 10 or more passenger airplanes.

After May 31, 1972, no person may operate a reciprocating engine or turbopropeller powered small airplane in operations to which this part applies that has a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless that airplane is type certificated—

(a) In the transport category;

(b) Before July 1, 1970, in the normal category and meets special conditions issued by the Administrator for airplanes intended for use in operations under this part;

(c) Before July 1, 1970, in the normal category and meets the additional airworthiness standards in SFAR No. 23; or

(d) In the normal category and meets the additional airworthiness standards prescribed in Appendix A of this part.

2. By adding a new § 135.148 to read as follows:

§ 135.148 Small airplane performance operating limitations.

(a) No person may operate a reciprocating engine powered small transport category airplane unless he complies with the weight limitations prescribed in § 121.175 of this chapter, the takeoff limitations prescribed in § 121.173(e) and § 121.177 (except subparagraph (a)(3)), and the landing limitations prescribed in § 121.185 and § 121.187.

(b) No person may operate a turbine engine powered small transport category airplane unless he complies with the takeoff limitations prescribed in § 121.189 of this chapter (except paragraphs (d) and (f)) and the landing limitations prescribed in § 121.195 and § 121.197.

(c) No person may operate a reciprocating engine or turbopropeller powered small airplane that is certificated in accordance with paragraphs (b), (c), or (d) of § 135.144 unless he complies with the takeoff weight limitations prescribed in the Airplane Flight Manual for operations under this part, and if the airplane is certificated in accordance with paragraph (d) of § 135.144, with the landing weight limitations prescribed in the Airplane Flight Manual for operations under this part.

3. By adding a new Appendix A to read as follows:

APPENDIX A

ADDITIONAL AIRWORTHINESS STANDARDS FOR 10 OR MORE PASSENGER AIRPLANES

Applicability

1. *Applicability.* This appendix prescribes the additional airworthiness standards required by § 135.144(d) of this part.

2. *References.* Unless otherwise provided, all references in this appendix to specific sections of Part 23 of the Federal Aviation Regulations are those sections of Part 23 in effect on March 30, 1967.

Flight Requirements

3. *General.* Compliance must be shown with the applicable requirements of Subpart B of Part 23 of the Federal Aviation Regulations in effect on March 30, 1967, as supplemented or modified in sections 4 through 10 of this appendix.

Performance

4. *General.* (a) Unless otherwise prescribed in this appendix, compliance with each applicable performance requirement in sections 4 through 7 of this appendix must be shown for ambient atmospheric conditions and still air.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions and the particular flight condition. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(c) Unless otherwise prescribed in this appendix, the applicant must select the takeoff en route, and landing configurations for the airplane.

(d) The airplane configuration may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures required by paragraph (e) of this section.

(e) Unless otherwise prescribed in this appendix, in determining the critical engine inoperative takeoff performance, the accelerate-stop distance, takeoff distance, changes in the airplane's configuration, speed, power, and thrust, must be made in accordance with procedures established by the applicant for operation in service.

(f) Procedures for the execution of balked landings must be established by the applicant and included in the Airplane Flight Manual.

(g) The procedures established under paragraphs (e) and (f) of this section must—

(1) Be able to be consistently executed in service by a crew of average skill;

(2) Use methods or devices that are safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

5. *Takeoff*—(a) *General.* Takeoff speeds described in paragraph (b), the accelerate-stop distance described in paragraph (c), the takeoff distance described in paragraph (d), and the one-engine-inoperative takeoff flight path data described in paragraph (f), must be determined for—

(1) Each weight, altitude, and ambient temperature within the operational limits selected by the applicant;

(2) The selected configuration for takeoff;

(3) The center of gravity in the most unfavorable position;

(4) The operating engine within approved operating limitations; and

(5) Takeoff data based on smooth, dry, hard-surface runway.

(b) *Takeoff speeds.* (1) The decision speed V_1 is the calibrated airspeed on the ground at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The speed V_1 must be selected by the applicant but may not be less than—

(i) $1.10V_{s_1}$;

(ii) $1.10V_{mc}$;

(iii) A speed that permits acceleration to V_1 and stop in accordance with paragraph (c); or

(iv) A speed at which the airplane can be rotated for takeoff and shown to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

(2) The initial climb out speed V_2, in terms of calibrated airspeed, must be selected by the applicant so as to permit the gradient of climb required in section 6(b)(2), but it must not be less than V_1 nor less than $1.2V_{s_1}$.

(3) Other essential takeoff speeds necessary for safe operation of the airplane.

(c) *Accelerate-stop distance.* (1) The accelerate-stop distance is the sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1; and

(ii) Come to a full stop from the point at which V_1 is reached assuming that in the case of engine failure, failure of the critical engine is recognized by the pilot at the speed V_1.

(2) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means is available with the critical engine inoperative and—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected under normal operating conditions; and

(iii) Is such that exceptional skill is not required to control the airplane.

(d) *All engines operating takeoff distance.* The all engine operating takeoff distance is the horizontal distance required to takeoff and climb to a height of 50 feet above the takeoff surface according to procedures in FAR 23.51(a).

(e) *One-engine-inoperative takeoff.* Determine the weight for each altitude and temperature within the operational limits established for the airplane, at which the airplane has the capability, after failure of the critical engine at V_1 determined in accordance with paragraph (b) of this section, to take off and climb at not less than V_2, to a height 1,000 feet above the takeoff surface, and attain the speed and configuration at which compliance is shown with the enroute one-engine inoperative gradient of climb specified in section 6(c).

(f) *One-engine-inoperative takeoff flight path data.* The one-engine-inoperative takeoff flight path data consist of takeoff flight paths extending from a standing start to a point in the takeoff at which the airplane reaches a height 1,000 feet above the takeoff surface in accordance with paragraph (e) of this section.

6. *Climb*—(a) *Landing climb: All-engines-operating.* The maximum weight must be determined with the airplane in the landing configuration, for each altitude, and ambient temperature within the operational

limits established for the airplane, with the most unfavorable center of gravity, and out-of-ground effect in free air, at which the steady gradient of climb will not be less than 3.3 percent, with:

(1) The engines at the power that is available 8 seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position.

(2) A climb speed not greater than the approach speed established under section 7 of this appendix and not less than the greater of $1.05V_{MC}$ or $1.10V_{S1}$.

(b) *Takeoff climb; one-engine-inoperative* The maximum weight at which the airplane meets the minimum climb performance specified in subparagraphs (1) and (2) of this paragraph must be determined for each altitude and ambient temperature within the operational limits established for the airplane, out of ground effect in free air, with the airplane in the takeoff configuration, with the most unfavorable center of gravity, the critical engine inoperative, the remaining engines at the maximum takeoff power or thrust, and the propeller of the inoperative engine windmilling with the propeller controls in the normal position except that, if an approved automatic feathering system is installed, the propellers may be in the feathered position:

(1) *Takeoff landing gear extended.* The minimum steady gradient of climb must be measurably positive at the speed V_2.

(2) *Takeoff; landing gear retracted.* The minimum steady gradient of climb may not be less than 2 percent at speed V_2. For airplanes with fixed landing gear this requirement must be met with the landing gear extended.

(c) *En route climb; one-engine-inoperative.* The maximum weight must be determined for each altitude and ambient temperature within the operational limits established for the airplane, at which the steady gradient of climb is not less 1.2 percent at an altitude 1,000 feet above the takeoff surface, with the airplane in the en route configuration, the critical engine inoperative, the remaining engine at the maximum continuous power or thrust, and the most unfavorable center of gravity.

7. *Landing.* (a) The landing field length described in paragraph (b) must be determined for standard atmosphere at each weight and altitude within the operational limits established by the applicant.

(b) The landing field length is equal to the landing distance determined in accordance with FAR 23.75(a) divided by a factor of 0.6 for the destination airport and 0.7 for the alternate airport. Instead of the gliding approach specified in FAR 23.75(a)(1), the landing may be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3°) at a calibrated airspeed not less than $1.3V_{S1}$.

Trim

8. *Trim* (a) *Lateral and directional trim.* The airplane must maintain lateral and directional trim in level flight at a speed of V_H or V_{MO}/M_{MO}, whichever is lower, with landing gear and wing flaps retracted.

(b) *Longitudinal trim.* The airplane must maintain longitudinal trim during the following conditions, except that it need not maintain trim at a speed greater than V_{MO}/M_{MO}:

(1) In the approach conditions specified in FAR 23.161(c) (3) through (5), except that instead of the speeds specified therein, trim must be maintained with a stick force of not more than 10 pounds down to a speed used in showing compliance with section 7 of this appendix or $1.4V_{S1}$, whichever is lower.

(2) In level flight at any speed from V_H or V_{MO}/M_{MO}, whichever is lower, to either V_X or $1.4V_{S1}$, with the landing gear and wing flaps retracted.

Stability

9. *Static longitudinal stability.* (a) In showing compliance with the provisions of FAR 23.175(b) and with paragraph (b) of this section, the airspeed must return to within $\pm 7\frac{1}{2}$ percent of the trim speed.

(b) *Cruise stability.* The stick force curve must have a stable slope for a speed range of ±50 knots from the trim speed except that the speeds need not exceed V_{FC}/M_{FC} or be less than $1.4V_{S1}$. This speed range will be considered to begin at the outer extremes of the friction band and the stick force may not exceed 50 pounds with—

(i) Landing gear retracted;

(ii) Wing flaps retracted;

(iii) The maximum cruising power as selected by the applicant as an operating limitation for turbine engines or 75 percent of maximum continuous power for reciprocating engines except that the power need not exceed that required at V_{MO}/M_{MO};

(iv) Maximum takeoff weight; and

(v) The airplane trimmed for level flight with the power specified in subparagraph (iii) of this paragraph.

V_{FC}/M_{FC} may not be less than a speed midway between V_{MO}/M_{MO} and V_{DF}/M_{DF}, except that, for altitudes where Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

(c) *Climb stability. (For turbopropeller powered airplanes only).* In showing compliance with FAR 23.175(a), an applicant must, in lieu of the power specified in FAR 23.175(a)(4), use the maximum power or thrust selected by the applicant as an operating limitation for use during climb at the best rate of climb speed, except that the speed need not be less than $1.4V_{S1}$.

Stalls

10. *Stall warning.* If artificial stall warning is required to comply with the requirements of FAR 23.207, the warning device must give clearly distinguishable indications under expected conditions of flight. The use of a visual warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

Control Systems

11. *Electric trim tabs.* The airplane must meet the requirements of FAR 23.677 and in addition it must be shown that the airplane is safely controllable and that a pilot can perform all the maneuvers and operations necessary to effect a safe landing following any probable electric trim tab runaway which might be reasonably expected in service allowing for appropriate time delay after pilot recognition of the runaway. This demonstration must be conducted at the critical airplane weights and center of gravity positions.

Instruments: Installation

12. *Arrangement and visibility.* Each instrument must meet the requirements of FAR 23.1321 and in addition—

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) The flight instruments required by FAR 23.1303 and by the applicable operating rules must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of each pilot's forward vision. In addition—

(1) The instrument that most effectively indicates the attitude must be in the panel in the top center position;

(2) The instrument that most effectively indicates the airspeed must be on the panel directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

13. *Airspeed indicating system.* Each airspeed indicating system must meet the requirements of FAR 23.1323 and in addition—

(a) Airspeed indicating instruments must be of an approved type and must be calibrated to indicate true airspeed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are supplied to the instruments.

(b) The airspeed indicating system must be calibrated to determine the system error, i.e., the relation between IAS and CAS, in flight and during the accelerate takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1, considering the approved ranges of altitude and weight. The ground run calibration will be determined assuming an engine failure at the minimum value of V_1.

(c) The airspeed error of the installation excluding the instrument calibration error, must not exceed 3 percent or 5 knots whichever is greater, throughout the speed range from V_{SO} to $1.3V_{S1}$ with flaps retracted and from $1.3V_{SO}$ to V_{FE} with flaps in the landing position.

(d) Information showing the relationship between IAS and CAS must be shown in the Airplane Flight manual.

14. *Static air vent system.* The static air vent system must meet the requirements of FAR 23.1325. The altimeter system calibration must be determined and shown in the Airplane Flight Manual.

Operating Limitations and Information

15. *Maximum operating limit speed V_{MO}/M_{MO}.* Instead of establishing operating limitations based on V_{NE} and V_{NO}, the applicant must establish a maximum operating limit speed V_{MO}/M_{MO} in accordance with the following:

(a) The maximum operating limit speed must not exceed the design cruising speed V_C and must be sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

(b) The speed V_{MO} must not exceed $0.8V_D/M_D$ or $0.8V_{DF}/M_{DF}$ unless flight demonstrations involving upsets as specified by the Administrator indicates a lower speed margin will not result in speeds exceeding V_D/M_D or V_{DF}. Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations will be taken into account.

16. *Minimum flight crew.* In addition to meeting the requirements of FAR 23.1523, the applicant must establish the minimum number and type of qualified flight crew personnel sufficient for safe operation of the airplane considering—

(a) Each kind of operation for which the applicant desires approval;

(b) The workload on each crewmember considering the following:

(1) Flight path control.

(2) Collision avoidance.

(3) Navigation.

(4) Communications.

(5) Operation and monitoring of all essential aircraft systems.

(6) Command decisions; and

(c) The accessibility and ease of operation of necessary controls by the appropriate crewmember during all normal and

emergency operations when at his flight station.

17. *Airspeed indicator.* The airspeed indicator must meet the requirements of FAR 23.1545 except that, the airspeed notations and markings in terms of V_{NO} and V_{NE} must be replaced by the V_{MO}/M_{MO} notations. The airspeed indicator markings must be easily read and understood by the pilot. A placard adjacent to the airspeed indicator is an acceptable means of showing compliance with the requirements of FAR 23.1545(c).

Airplane Flight Manual

18. *General.* The Airplane Flight Manual must be prepared in accordance with the requirements of FARs 23.1583 and 23.1587, and in addition the operating limitations and performance information set forth in sections 19 and 20 must be included.

19. *Operating limitations.* The Airplane Flight Manual must include the following limitations—

(a) *Airspeed limitations.* (1) The maximum operating limit speed V_{MO}/M_{MO} and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training;

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures; and

(3) The airspeed limits, shown in terms of V_{MO}/M_{MO} instead of V_{NO} and V_{NE}.

(b) *Takeoff weight limitations.* The maximum takeoff weight for each airport elevation, ambient temperature, and available takeoff runway length within the range selected by the applicant. This weight may not exceed the weight at which:

(1) The all-engine operating takeoff distance determined in accordance with section 5(b) or the accelerate-stop distance determined in accordance with section 5(c), whichever is greater, is equal to the available runway length;

(2) The airplane complies with the one-engine-inoperative takeoff requirements specified in § 5(e); and

(3) The airplane complies with the one-engine-inoperative takeoff and en route climb requirements specified in § 6 (b) and (c).

(c) *Landing weight limitations.* The maximum landing weight for each airport elevation (standard temperature) and available landing runway length, within the range selected by the applicant. This weight may not exceed the weight at which the landing field length determined in accordance with section 7(b) is equal to the available runway length. In showing compliance with this operating limitation, it is acceptable to assume that the landing weight at the destination will be equal to the takeoff weight reduced by the normal consumption of fuel and oil en route.

20. *Performance information.* The Airplane Flight Manual must contain the performance information determined in accordance with the provisions of the performance requirements of this appendix. The information must include the following:

(a) Sufficient information so that the takeoff weight limits specified in § 19(b) can be determined for all temperatures and altitudes within the operation limitations selected by the applicant.

(b) The conditions under which the performance information was obtained, including the airspeed at the 50-foot height used to determine landing distances.

(c) The performance information (determined by extrapolation and computed for the range of weights between the maximum landing and takeoff weights) for—

(1) Climb in the landing configuration; and

(2) Landing distance.

(d) Procedure established under section 4 of this appendix related to the limitations and information required by this section in the form of guidance material including any relevant limitations or information.

(e) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

(f) Airspeeds, as indicated airspeeds, corresponding to those determined for takeoff in accordance with section 5(b).

21. *Maximum operating altitudes.* The maximum operating altitude to which operation is permitted, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be specified in the Airplane Flight Manual.

22. *Stowage provision for airplane flight manual.* Provision must be made for stowing the Airplane Flight Manual in a suitable fixed container which is readily accessible to the pilot.

23. *Operating procedures.* Procedures for restarting turbine engines in flight (including the effects of altitude) must be set forth in the Airplane Flight Manual.

Airframe Requirements

Flight Loads

24. *Engine Torque.* (a) Each turbopropeller engine mount and its supporting structure must be designed for the torque effects of—

(1) The conditions set forth in FAR 23.361 (a).

(2) The limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering action, simultaneously with 1*g* level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the mean torque by a factor of 1.25.

25. *Turbine engine gyroscopic loads.* Each turbopropeller engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either—

(a) The conditions prescribed in FARs 23.351 and 23.423; or

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1.0 radians per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

26. *Unsymmetrical loads due to engine failure.* (a) Turbopropeller powered airplanes must be designed for the unsymmetrical loads resulting from the failure of the critical engine including the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{MC} and V_D, the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{MC} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in FAR 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

Ground Loads

27. *Dual wheel landing gear units.* Each dual wheel landing gear unit and its supporting structure must be shown to comply with the following:

(a) *Pivoting.* The airplane must be assumed to pivot about one side of the main gear with the brakes on that side locked. The limit vertical load factor must be 1.0 and the coefficient of friction 0.8. This condition need apply only to the main gear and its supporting structure.

(b) *Unequal tire inflation.* A 60–40 percent distribution of the loads established in accordance with FAR 23.471 through FAR 23.483 must be applied to the dual wheels.

(c) *Flat tire.* (1) Sixty percent of the loads specified in FAR 23.471 through FAR 23.483 must be applied to either wheel in a unit.

(2) Sixty percent of the limit drag and side loads and 100 percent of the limit vertical load established in accordance with FARs 23.493 and 23.485 must be applied to either wheel in a unit except that the vertical load need not exceed the maximum vertical load in paragraph (c)(1) of this section.

Fatigue Evaluation

28. *Fatigue evaluation of wing and associated structure.* Unless it is shown that the structure, operating stress levels, materials and expected use are comparable from a fatigue standpoint to a similar design which has had substantial satisfactory service experience, the strength, detail design, and the fabrication of those parts of the wing, wing carrythrough, and attaching structure whose failure would be catastrophic must be evaluated under either—

(a) A fatigue strength investigation in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service; or

(b) A fail-safe strength investigation in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_C. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

Design and Construction

29. *Flutter.* For multiengine turbopropeller powered airplanes, a dynamic evaluation must be made and must include—

(a) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(b) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

Landing Gear

30. *Flap operated landing gear warning device.* Airplanes having retractable landing

gear and wing flaps must be equipped with a warning device that functions continuously when the wing flaps are extended to a flap position that activates the warning device to give adequate warning before landing, using normal landing procedures, if the landing gear is not fully extended and locked. There may not be a manual shut off for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) provided for other landing gear warning devices.

Personnel and Cargo Accommodations

31. *Cargo and baggage compartments.* Cargo and baggage compartments must be designed to meet the requirements of FAR 23.787 (a) and (b), and in addition means must be provided to protect passengers from injury by the contents of any cargo or baggage compartment when the ultimate forward inertia force is 9*g*.

32. *Doors and exits.* The airplane must meet the requirements of FAR 23.783 and FAR 23.807 (a)(3), (b), and (c), and in addition:

(a) There must be a means to lock and safeguard each external door and exit against opening in flight either inadvertently by persons, or as a result of mechanical failure. Each external door must be operable from both the inside and the outside.

(b) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors and exits, for which the initial opening movement is outward, are fully locked. In addition, there must be a visual means to signal to crewmembers when normally used external doors are closed and fully locked.

(c) The passenger entrance door must qualify as a floor level emergency exit. Each additional required emergency exit except floor level exists must be located over the wing or must be provided with acceptable means to assist the occupants in descending to the ground. In addition to the passenger entrance door:

(1) For a total seating capacity of 15 or less, an emergency exit as defined in FAR 23.807(b) is required on each side of the cabin.

(2) For a total seating capacity of 16 through 23, three emergency exits as defined in 23.807(b) are required with one on the same side as the door and two on the side opposite the door.

(d) An evacuation demonstration must be conducted utilizing the maximum number of occupants for which certification is desired. It must be conducted under simulated night conditions utilizing only the emergency exits on the most critical side of the aircraft. The participants must be representative of average airline passengers with no prior practice or rehearsal for the demonstration. Evacuation must be completed within 90 seconds.

(e) Each emergency exit must be marked with the word "Exit" by a sign which has white letters 1 inch high on a red background 2 inches high, be self-illuminated or independently internally electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if the passenger compartment illumination is essentially the same.

(f) Access to window type emergency exits must not be obstructed by seats or seat backs.

(g) The width of the main passenger aisle at any point between seats must equal or exceed the values in the following table.

Total seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 23	9 inches	15 inches.

Miscellaneous

33. *Lightning strike protection.* Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part—

(a) Is improbable because of shielding by other parts; or

(b) Is not hazardous.

34. *Ice protection.* If certification with ice protection provisions is desired, compliance with the following requirements must be shown:

(a) The recommended procedures for the use of the ice protection equipment must be set forth in the Airplane Flight Manual.

(b) An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions as described in FAR 25, Appendix C.

(c) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

35. *Maintenance information.* The applicant must make available to the owner at the time of delivery of the airplane the information he considers essential for the proper maintenance of the airplane. That information must include the following:

(a) Description of systems, including electrical, hydraulic, and fuel controls.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary to the proper operation of the airplane.

(i) Special repair methods applicable to the airplane.

(j) Special inspection techniques, such as X-ray, ultrasonic, and magnetic particle inspection.

(k) List of special tools.

Propulsion

General

36. *Vibration characteristics.* For turbopropeller powered airplanes, the engine installation must not result in vibration characteristics of the engine exceeding those established during the type certification of the engine.

37. *In-Flight restarting of engine.* If the engine on turbopropeller powered airplanes cannot be restarted at the maximum cruise altitude, a determination must be made of the altitude below which researts can be consistently accomplished. Restart information must be provided in the Airplane Flight Manual.

38. *Engines.*—(a) *For turbopropeller powered airplanes.* The engine installation must comply with the following requirements:

(1) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(i) Prevent the continued safe operation of the remaining engines; or

(ii) Require immediate action by any crewmember for continued safe operation.

(2) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight except that engine rotation need not be stopped if continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(3) *Engine speed and gas temperature control devices.* The powerplant systems associated with engine control devices, systems, and instrumentation must provide reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

(b) *For reciprocating-engine powered airplanes.* To provide engine isolation, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect that engine, will not—

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crewmember for continued safe operation.

39. *Turbopropeller reversing systems.* (a) Turbopropeller reversing systems intended for ground operation must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbopropeller reversing systems intended for in-flight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the type certification of the propeller and associated installation components. Credit will be given for pertinent analysis and testing completed by the engine and propeller manufacturers.

40. *Turbopropeller drag-limiting systems.* Turbopropeller drag-limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the

airplane was designed. Failure of structural elements of the drag-limiting systems need not be considered if the probability of this kind of failure is extremely remote.

41. *Turbine engine powerplant operating characteristics.* For turbopropeller powered airplanes, the turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

42. *Fuel flow.* (a) For turbopropeller powered airplanes—

(1) The fuel system must provide for continuous supply of fuel to the engines for normal operation without interruption due to depletion of fuel in any tank other than the main tank; and

(2) The fuel flow rate for turbopropeller engine fuel pump systems must not be less than 125 percent of the fuel flow required to develop the standard sea level atmospheric conditions takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

(b) For reciprocating engine powered airplanes, it is acceptable for the fuel flow rate for each pump system (main and reserve supply) to be 125 percent of the takeoff fuel consumption of the engine.

Fuel System Components

43. *Fuel pumps.* For turbopropeller powered airplanes, a reliable and independent power source must be provided for each pump used with turbine engines which do not have provisions for mechanically driving the main pumps. It must be demonstrated that the pump installations provide a reliability and durability equivalent to that provided by FAR 23.991(a).

44. *Fuel strainer or filter.* For turbopropeller powered airplanes, the following apply:

(a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be—

(1) Between the tank outlet and the engine-driven positive displacement pump inlet, if there is an engine-driven positive displacement pump;

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable; and

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs; and

(c) The fuel strainer or filter must be of adequate capacity (with respect to operating limitations established to insure proper service) and of appropriate mesh to insure proper engine operation, with the fuel contaminated to a degree (with respect to particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine type certification.

45. *Lightning strike protection.* Protection must be provided against the ignition of flammable vapors in the fuel vent system due to lightning strikes.

Cooling

46. *Cooling test procedures for turbopropeller powered airplanes.* (a) Turbopropeller powered airplanes must be shown to comply with the requirements of FAR 23.1041 during takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions that are critical relative to cooling during each stage of flight. For the cooling tests a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated unless the entry condition is not one during which component and engine fluid temperatures would stabilize, in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry. The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

Induction System

47. *Air induction.* For turbopropeller powered airplanes—

(a) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake systems; and

(b) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

48. *Induction system icing protection.* For turbopropeller powered airplanes, each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of FAR 25. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

49. *Turbine engine bleed air systems.* Turbine engine bleed air systems of turbopropeller powered airplanes must be investigated to determine—

(a) That no hazard to the airplane will result if a duct rupture occurs. This condition must consider that a failure of the duct can occur anywhere between the engine port and the airplane bleed service; and

(b) That, if the bleed air system is used for direct cabin pressurization, it is not possible for hazardous contamination of the cabin air system to occur in event of lubrication system failure.

Exhaust System

50. *Exhaust system drains.* Turbopropeller engine exhaust systems having low spots or pockets must incorporate drains at such locations. These drains must discharge clear of the airplane in normal and ground attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

Powerplant Controls and Accessories

51. *Engine controls.* If throttles or power levers for turbopropeller powered airplanes are such that any position of these controls will reduce the fuel flow to the engine(s) below that necessary for satisfactory and safe idle operation of the engine while the airplane is in flight, a means must be provided to prevent inadvertent movement of the control into this position. The means provided must incorporate a positive lock or stop at this idle position and must require a separate and distinct operation by the crew to displace the control from the normal engine operating range.

52. *Reverse thrust controls.* For turbopropeller powered airplanes, the propeller reverse thrust controls must have a means to prevent their inadvertent operation. The means must have a positive lock or stop at the idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime.

53. *Engine ignition systems.* Each turbopropeller airplane ignition system must be considered an essential electrical load.

54. *Powerplant accessories.* The powerplant accessories must meet the requirements of FAR 23.1163, and if the continued rotation of any accessory remotely driven by the engine is hazardous when malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

Powerplant Fire Protection

55. *Fire detector system.* For turbopropeller powered airplanes, the following apply:

(a) There must be a means that insures prompt detection of fire in the engine compartment. An overtemperature switch in each engine cooling air exit is an acceptable method of meeting this requirement.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the flight crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in a fire zone must be at least fire resistant.

56. *Fire protection, cowling and nacelle skin.* For reciprocating engine powered airplanes, the engine cowling must be designed and constructed so that no fire originating in the engine compartment can enter, either through openings or by burn through, any other region where it would create additional hazards.

57. *Flammable fluid fire protection.* If flammable fluids or vapors might be liberated by the leakage of fluid systems in areas other than engine compartments, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

Equipment

58. *Powerplant instruments.* (a) The following are required for turbopropeller airplanes:

(1) The instruments required by FAR 23.1305(a) (1) through (4), (b) (2) and (4).

(2) A gas temperature indicator for each engine.

(3) Free air temperature indicator.

(4) A fuel Flowmeter indicator for each engine.

(5) Oil pressure warning means for each engine.

(6) A torque indicator or adequate means for indicating power output for each engine.

(7) Fire warning indicator for each engine.

(8) A means to indicate when the propeller blade angle is below the low-pitch position corresponding to idle operation in flight.

(9) A means to indicate the functioning of the ice protection system for each engine.

(b) For turbopropeller powered airplanes, the turbopropeller blade position indicator must begin indicating when the blade has moved below the flight low-pitch position.

(c) The following instruments are required for reciprocating-engine powered airplanes:

(1) The instruments required by FAR 23.1305.

(2) A cylinder head temperature indicator for each engine.

(3) A manifold pressure indicator for each engine.

Systems and Equipments

General

59. *Function and Installation.* The systems and equipment of the airplane must meet the requirements of FAR 23.1301, and the following:

(a) Each item of additional installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors, unless misuse or inadvertent actuation cannot create a hazard;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) Systems and installations must be designed to safeguard against hazards to the aircraft in the event of their malfunction or failure.

(c) Where an installation, the functioning of which is necessary in showing compliance with the applicable requirements, requires a power supply, such installation must be considered an essential load on the power supply, and the power sources and the distribution system must be capable of supplying the following power loads in probable operation combinations and for probable durations:

(1) All essential loads after failure of any prime mover, power converter, or energy storage device.

(2) All essential loads after failure of any one engine of two-engine airplanes.

(3) In determining the probable operating combinations and durations of essential loads for the power failure conditions described in subparagraphs (1) and (2) of this paragraph, it is permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized.

60. *Ventilation.* The ventilation system of the airplane must meet the requirements of FAR 23.831, and in addition, for pressurized aircraft the ventilating air in flight crew and passenger compartments must be free of harmful or hazardous concentrations of gases and vapors in normal operation and in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems, and equipment. If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished.

Electrical Systems and Equipment

61. *General.* The electrical systems and equipment of the airplane must meet the requirements of FAR 23.1351, and the following:

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of FAR 23.1301.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation and protective devices. It must be designed so that—

(1) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating conditions;

(2) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(3) There are means, accessible in flight to appropriate crewmembers, for the individual and collective disconnection of the electrical power sources from the system; and

(4) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, including the voltage and current supplied by each generator.

62. *Electrical equipment and installation.* Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

63. *Distribution system.* (a) For the purpose of complying with this section, the distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits, including faults in heavy current carrying cables.

(c) If two independent sources of electrical power for particular equipment or systems are required by this regulation, their electrical energy supply must be ensured by means such as duplicate electrical equipment, throwover switching, or multichannel or loop circuits separately routed.

64. *Circuit protective devices.* The circuit protective devices for the electrical circuits of the airplane must meet the requirements of FAR 23.1357, and in addition circuits for loads which are essential to safe operation must have individual and exclusive circuit protection.

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

Issued in Washington, D.C., on June 12, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-7751; Filed, June 18, 1970; 8:48 a.m.]

[Docket No. 7641; Amdt. 39-1014]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Accessory Gear Boxes

Amendment 39-322, 31 F.R. 16264, AD 67-2-4, requires replacement of the tunnel shaft assemblies with modified assemblies on certain Dowty Rotol accessory gear boxes installed on Hawker Siddeley Argosy Type AW650 Series 101, Grumman Model G-159 Series, and BAC Viscount Model 810 Series airplanes. After issuing Amendment 39-322, it has come to the attention of the FAA that the manufacturer has developed new replacement assemblies and that these assemblies should be added to the alternate replacement part numbers listed in column 4 of the AD. It has also come to the attention of the FAA that two of the part numbers and one of the modification numbers listed in columns 4 and 5, respectively, of the AD were in error, and these should be corrected. Therefore, the AD is being amended to add the new replacement assembly part numbers and to correct the erroneous part numbers and modification number.

Since this amendment provides clarification and an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations, Amendment 39-322, 31 F.R. 16264, AD 67-2-4, is amended as follows:

1. By adding the new replacement part number "6.0207.2125" to follow part number "6.0207.2069" in column 4 in each of the three places where part number "6.0207.2069" appears.

2. By striking out modification number "GB2300" in the last place in column 5 and inserting modification number "GB2320" in place thereof.

3. By adding the new modification number "GB2371" to follow modification number "GB2320" in column 5 in each of the four places where modification number "GB2320" appears.

4. By striking out replacement part number "6.0207.2000" in column 4 and inserting replacement part number "6.0207.2050" in place thereof.

5. By striking out replacement part number "6.0207.2066" in column 4 and inserting replacement part number "6.0207.2060" in place thereof.

6. By adding the new replacement part number "6.0207.2126" to the bottom of column 4.

This amendment becomes effective June 23, 1970.

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

Issued in Washington, D.C., on June 11, 1970.

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

[F.R. Doc. 70-7744; Filed, June 18, 1970; 8:47 a.m.]

[Docket No. 70-EA-37; Amdt. 39-1013]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 70-4-2 applicable to McCauley Propellers.

Since the publication of AD 70-4-2, information received indicates the need to apply the AD to other aircraft in addition to the Mooney M20C and M20D. Because of the lack of specificity of the information, it is determined to apply

the AD to other aircraft which may have the engine propeller combination. It is further intended to include additional hubs under the AD.

The safety problems which justified the original AD are likewise apparent as justification for the airworthiness directive and, therefore, notice and public procedure are impractical and the amendment may be made effective in less than 30 days.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator under 14 CFR 11.89 (31 F.R. 13697), AD 70-4-2 is amended as follows:

(1) Delete in the applicability statement the words "installed on Mooney M20C and M20D type aircraft".

(2) Delete in paragraph (b) the words "or reworked hub model 2D34C53-M or 2D34C53-AM" and insert in lieu thereof "B2D34C53-N or subsequently produced hub assembly; or reworked hub Model 2D34C53 with -M, -AM, -MN, -AMN, -XM, or -XMN suffix".

(3) Insert in the effectivity date after the figures 1970 as the phrase "and as amended effective June 30, 1970".

This amendment is effective June 30, 1970.

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

Issued in Jamaica, N.Y., on June 10, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-7743; Filed, June 18, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-32]

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

Alteration of Control Zone

On May 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6968), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Rucker, Ala., control zone.

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., August 20, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Fort Rucker, Ala., control zone is amended to read:

FORT RUCKER, ALA.

Within a 7-mile radius of lat. 31°18'30" N., long. 85°42'20" W.; within 3 miles each side of Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VOR; within 2 miles each side of Cairns AAF Runway 36 extended centerline, extending from the 7-mile radius zone to 5 miles south of the runway end; within 3 miles each side of the 242° bearing from Lowe, Ala., NDB, extending from the 5-mile radius zone to 8.5 miles southwest of the NDB; within 3 miles each side of Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8.5 miles north of the VOR; within a 2-mile radius of Blackwell Field, Ozark, Ala. (lat. 31°25'50" N., long. 85°37'10" W.); within a 2-mile radius of Hooper, Ala. Army Stage Field (lat. 31°24'25" N., long. 85°41'20" W.); within a 2-mile radius of Allen, Ala., Army Stage Field (lat. 31°13'50" N., long. 85°38'40" W.); excluding the portion within R-2103.

(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 June 9, 1970.

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

[F.R. Doc. 70-7746; Filed, June 18, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-34]

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

Alteration of Transition Area

On May 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6969), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Goldsboro, N.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 35°27'30" N., long. 77°58'00" W.) for Goldsboro-Wayne Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by adding the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Goldsboro, N.C., transition area (35 F.R. 3881) is amended to read:

GOLDSBORO, N.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour Johnson AFB (lat. 35°20'20" N., long. 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 9-mile radius area to 8 miles east of the TACAN; within 2.5 miles each side of Seymour Johnson TACAN 253° radial, extending from the 9-mile radius area to 21 miles west of the TACAN; within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Goldsboro-Wayne Municipal Airport (lat. 35°27'30" N., long. 77°58'00" 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 June 9, 1970.

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

[F.R. Doc. 70-7747; Filed, June 18, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-15]

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Areas

On April 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6512) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Brookville, Kans., Restricted Area R-3601.

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 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

1. Section 73.36 (35 F.R. 231) is amended as follows:

a. "R-3601 Brookville, Kans." is revoked.

b. "R-3601A Brookville, Kans." is added:

R-3601A BROOKVILLE, KANS.

Boundaries: Beginning at lat. 38°45'20" N., long. 97°46'00" W.; to lat. 38°39'45" N., long. 97°46'00" W.; along the Missouri Pacific Railroad to lat. 38°38'20" N., long. 97°47'30" W.; to lat. 38°38'20" N., long. 97°56'00" W.; to lat. 38°45'20" N., long. 97°56'00" W.; to point of beginning.

Designated altitudes. Surface to FL-200.

Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, McConnell AFB, Kans.

c. "R-3601B Brookville, Kans." is added:

R-3601B BROOKVILLE, KANS.

Boundaries. Beginning at lat. 38°38'20" N., long. 97°50'00" W.; to lat. 38°35'00" N., long. 97°50'00" W.; to lat. 38°35'00" N., long. 97°56'00" W.; to lat. 38°38'20" N., long. 97°56'00" W.; to point of beginning.

Designated altitudes. Surface to 6,500 feet MSL.

Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, McConnell AFB, Kans.

(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 June 11, 1970.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-7748; Filed, June 18, 1970; 8:47 a.m.]

[Docket No. 10383; Amdt. 135-17]

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

Miscellaneous Amendments

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is: (1) To amend § 135.85(c) to reflect a change in Weather Bureau terminology for reporting airframe icing; (2) to delete instrument demonstrations and navigation-by-pilotage demonstrations from the initial and recurrent pilot testing requirements in § 135.138; and (3) to correct and clarify certain provisions of that part.

1. The Weather Bureau has changed the classification of the intensity of icing conditions for airframe icing reporting purposes. In § 135.85(c) the term "heavy" has been changed to "severe" to reflect the change in terminology by the U.S. Weather Bureau.

2. As adopted by Amendment 135-12, paragraph (b)(2) of § 135.138(b) requires instrument demonstrations during the initial and recurrent flight checks required by paragraph (b). Paragraph (b)(2) of § 135.138 is deleted because the instrument demonstrations are covered by the 6-month instrument check required by § 135.131.

As adopted by Amendment 135-12, paragraph (b)(3) of § 135.138 requires demonstrations of skill in navigation by pilotage in each class of single-engine airplane other than turbojet and each type of aircraft, if multiengine, helicopter, or turbojet. Since the initial and recurrent testing requirements in paragraph (a)(4) of § 135.138 cover navigation appropriate to the certificate holder's operation, a demonstration of skill in navigation by pilotage is not necessary in each class or type of aircraft. Therefore, in order to eliminate the duplicate requirements, § 135.138 (b)(3) is deleted by this amendment.

3. As adopted by Amendment 135-12, §§ 135.138 and 135.139 prescribe initial and recurrent pilot and flight attendant crewmember testing requirements. The 12-month recurrent testing period was stated in paragraph (a) of § 135.138, but was omitted from paragraph (b) of § 135.138 and from § 135.139. Sections 135.138(b) and 135.139 are amended to state the 12-month period for the pilot flight check and flight attendant test as proposed in Notice 69-4.

As adopted by Amendment 135-12, § 135.131(h) states that the letter of competency issued to a pilot who passes the instrument check contains, among other things, the types of instrument approach procedures authorized for that pilot when using an autopilot. However, the autopilot check required by § 135.131 (g) does not require a demonstration of every type of instrument approach procedure that the pilot is authorized to use in connection with the use of an autopilot. Therefore, § 135.131(h) is amended to conform with the autopilot check by deleting the statement that the letter of competency contains a list of each authorized instrument approach procedure.

Sections 135.99(a)(2), 135.133, and 135.145(b)(2)(iv) are amended to correct the references to other sections.

4. Section 135.136(d) requires 16 hours of rest for a flight crewmember who, because of circumstances beyond the control of the certificate holder or the flight crewmember, has been on duty for more than 8 hours during any 24 hours. However, some operators have questioned the application of this rest period requirement to two-pilot crews who are scheduled for duty during flight time for more than 8 hours, as permitted by § 135.136 (a)(2). As written, § 135.136(d) places an unnecessary restriction upon those pilots who may be scheduled for 10 hours of duty during flight time under § 135.-136(a)(2). Therefore, § 135.136(d) is amended to clarify the 16-hour rest requirement.

Paragraph 135.138(b) is revised for clarification to specify the sections and paragraphs of Part 61 that contain the maneuvers for the flight check, and to require instrument maneuver demonstrations only for those pilots who do not have instrument ratings.

Section 135.43(a) is amended to make it clear that the date of completion of each training phase required by Part 135 is to be recorded in the individual record of each pilot.

In Amendment No. 135-12 most of the sections of Part 135 which apply to "holder of an ATCO certificate" or "persons holding an ATCO certificate" were changed for consistency to apply to the "certificate holder." This amendment makes the same word change to other sections not affected by Amendment No. 135-12.

Since this amendment makes minor corrections, clarifies existing regulations, and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective June 19, 1970, as follows:

1. By adding the following new subdivison to § 135.43(a)(4):

§ 135.43 Recordkeeping requirements.

(a) * * *

(4) * * *

(x) The date of the completion of the initial phase and each recurrent phase of the training required by this part.

* * * * *

2. By amending §§ 135.31(a), 135.45, 135.47, 135.51, 135.77(b), and 135.77(c) by striking out the words "holder of an ATCO certificate", "holder of the ATCO certificate", or "person holding an ATCO certificate" wherever they appear and inserting the words "certificate holder" in place thereof.

3. By amending § 135.85(c) by striking out the word "heavy" and inserting the word "severe" in place thereof.

4. By amending § 135.99(a)(2) by striking out the section reference "§ 91.117(f)" and inserting "§ 91.116(f)" in place thereof.

5. By amending § 135.131(h) to read as follows:

§ 135.131 Pilot in command: instrument check requirements.

* * * * *

(h) The Administrator or authorized check pilot issues a letter of competency to each pilot who passes the instrument check. The letter of competency contains a list of the types of instrument approach procedures authorized and, if the pilot passes the autopilot check, an authorization to use an autopilot system in place of a second in command.

6. By amending § 135.133 to read as follows:

§ 135.133 Crewmember training, tests, and checks; grace provisions.

If a crewmember who is required to take a test, a flight check, or recurrent training completes the test, check, or training in the calendar month before or after the calendar month in which it is required, he is considered to have completed it in the calendar month in which it is required.

7. By revising § 135.136(d) by striking out the words "has been on duty during flight time for more than 8 hours during any 24 consecutive hours" and inserting the words "has exceeded the flight time limitations in paragraph (a) of this section," in place thereof.

8. By revising § 135.138(b) to read as follows:

§ 135.138 Initial and recurrent pilot testing requirements.

* * * * *

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th calendar month before that service, he has passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or that type of aircraft, if helicopter, multiengine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least the maneuvers that are set forth in § 61.117(b)(2), except (iii)(*f*); § 61.117(b)(3), except (i), (ii), (iii), (v), and (vi); § 61.117(c); § 61.121(b) (1) and (2); § 61.121(c) (2) and (3) of this chapter, and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate. However, a pilot who holds an instrument rating need not demonstrate the instrument flight maneuvers in § 61.117 (c).

* * * * *

9. By revising the introductory paragraph of § 135.139 to read as follows:

§ 135.139 Initial and recurrent flight attendant crewmember testing requirements.

No certificate holder may use the services of a flight attendant crewmember, nor may any person serve as a flight attendant crewmember, unless, since the beginning of the 12th calendar month before that service, the certificate holder has determined by appropriate initial

and recurrent testing that the person is knowledgeable and competent in the following areas as appropriate to assigned duties and responsibilities:

* * * * *

10. By amending § 135.145(b)(2)(iv) by striking out the section reference "91.117(f)" and inserting "91.116(f)" in place thereof.

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 12, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-7750; Filed, June 18, 1970; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

PART 379—TECHNICAL DATA

Miscellaneous Amendments

13th Gen. Rev. of the Export Regs. (Amdt. 1). Parts 370 and 379 of the Code of Federal Regulations are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: June 5, 1970.

RAUER H. MEYER,
Director, Office of Export Control.

In § 370.10 *Exports authorized by U.S. Government Agencies Other Than Office of Export Control*, paragraph (c) is deleted.

In § 379.4 *General License GTDR: Technical data under restriction*, paragraph (e)(1)(iii) *(j)*, *(k)* and *(o)* are deleted.

[F.R. Doc. 70-7765; Filed, June 18, 1970; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Uniform Warranty and Warranty Service System

§ 15.414 **Uniform warranty and warranty service system.**

(a) The Commission rendered an advisory opinion concerning a "Zip" Warranty and Warranty Service System to be offered farm and industrial machinery manufacturers for use in connection with sales of their equipment.

(b) Under the proposed plan an equipment manufacturer, in warranting his merchandise, would supply (1) a geographically convenient replacement parts depot from which repair and replacement parts would be readily available to dealers and users; (2) a central means for receiving and handling equipment deficiency reports and complaints; (3) an incentive award program for employee-assemblers of individual troublefree equipment; (4) a comprehensive, uniform warranty on all equipment; (5) a cash award program for employee-assemblers based on annual sales of troublefree equipment. The heart of the seventeen (17) page warranty and service plan is a series of cash and other awards intended to encourage purchasers to report equipment deficiencies and to encourage service personnel to strive towards the goal of zero defects.

(c) The Commission advised that use by farm and industrial equipment manufacturers of the submitted warranty plan would be unobjectionable except for the possible adoption by competitors of a warranty common to both. The Commission was of the view that it would be preferable for any participating supplier to establish the terms and conditions of his own warranty program without reference to the terms and conditions of a competitor's warranty program.

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

Issued: June 15, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-7764; Filed, June 18, 1970; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Country of Origin Labeling on Crates Containing Unfinished Imported Raincoats and on Garments After Being Finished in the United States

§ 15.415 **Country of origin labeling on crates containing unfinished imported raincoats and on garments after being finished in the United States.**

(a) The Commission rendered an advisory opinion with respect to (1) its requirements for foreign origin disclosure in the labeling on containers of unfinished "Dacron" polyester and rayon raincoat bodies and raincoat carry-bags to be imported from the Orient and (2) the necessity for disclosing the foreign country of origin on labels of the finished garments and bags which are to be sold as a unit to consumers at the retail level.

(b) Under the proposed operation various sized raincoat bodies will be imported without collars, buttons or buttonholes. Material for the carry-bags, cut to size, will also be imported without buttons or buttonholes. After importation, American made buttons and various styled American made collars will be sewn onto the coat body, and the buttonholes cut out and bound. American made buttons will be sewn onto the carry-bags and the buttonholes cut out and bound. The estimated costs in the operation are $2 as the f.o.b. value of the unfinished garment body and bag material and $1.23 as the cost of domestic labor and material.

(c) The submittal of facts disclosed that the Bureau of Customs would consider importer-finishers as the ultimate purchasers of the unfinished raincoats and bags within the meaning of the amended Tariff Act of 1930, and that an exception from the marking of the country of origin requirement on each individual raincoat body and carry-bag would be granted so long as the containers in which the unfinished material will be imported are legibly and conspicuously marked as to indicate the foreign country of origin of the contents and so long as Customs Officers at the Port of Entry are satisfied that such containers will reach the ultimate purchasers unopened.

(d) The Commission advised, based on its understanding of the factual submittal, particularly in light of the provisions of section 4(b)(4) of the Textile Fiber Products Identification Act and the labeling exception granted by the Bureau of Customs, that (1) no additional marking on the containers or unfinished materials therein will be required beyond that requirement imposed by the Bureau of Customs; (2) that the raincoats to be sold to consumers at the retail level after having been finished in the United States must be labeled so as to clearly and conspicuously disclose the foreign country of origin of the imported fabrics; and (3) in the absence of any affirmative representation that the finished raincoat carry-bag is made entirely in the United States it will not be necessary to disclose the foreign country of origin of the imported fabric thereof.

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

Issued: June 15, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-7760; Filed, June 18, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Meaning of Phrase "Leave Your Pocketbook at Home"

§ 15.416 **Meaning of phrase "Leave your pocketbook at home".**

(a) The Commission rendered an advisory opinion concerning the proposed use of the phrase "Leave your pocketbook at home" in light of the requirements of the Truth in Lending Act, section 144, and Regulation "Z", promulgated thereunder (12 CFR § 226.10(d)(2)).

(b) The phrase in question would be used in television and mail circular advertising by sellers of clothing at retail on installment sales contracts. It was presented that customers may make the first payment at some future time and that "The customer may take the clothing with him at the time the purchase is made rather than wait until the first payment has been made. In ninety-nine out of a hundred cases, the purchaser does take the clothing with him at the time the purchase is made."

(c) The Commission advised it had concluded that the proposed phrase is equivalent to, or synonymous with, a "no down payment" claim. Under these circumstances it would be improper to use the proposed phrase without disclosing the specific credit terms required by section 226.10(d)(2) of Regulation "Z". Specifically, the advertising must disclose the following credit information whenever no down payment claims are made:

(1) The cash price,

(2) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended,

(3) The annual percentage rate, and

(4) The deferred payment price of the article offered for sale.

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

Issued: June 15, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-7761; Filed, June 18, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Term "Manufacturer"

§ 15.417 Use of term "manufacturer".

(a) The Commission rendered an advisory opinion as to whether producers of electronic display systems may be referred to as "manufacturers" of such equipment in informational materials furnished the press.

(b) It was submitted that such firms produce and sell electronic display systems and related equipment to those interested in obtaining current transactions on the stock exchange. In order to produce such equipment, various components such as electronic parts, motors, pumps, frames, and related materials are purchased from many sources and assembled into a completed unit at a manufacturing plant in the northeastern States. Some of these components are stock items, others are made to specification and in some instances machine work is necessary in order to properly assemble the basic components into completed units.

(c) On the basis of the information supplied, the Commission concluded that such producers, because they shape basic materials and components into finished products by hand-labor and by machinery, are the manufacturers of electronic display systems and related equipment. In the premises, the Commission advised that it would not object to references of such producers as the manufacturer of the systems in informational materials sent to the press.

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

Issued: June 15, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-7762; Filed, June 18, 1970; 8:49 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Investigation of a Charge; Limitation of Applicability of Procedures

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends the unnumbered introduction to an amendment to Title 29, Chapter XIV, Subpart B, §§ 1601.14, 1601.19, and 1601.25(a) of the Code of Federal Regulations by changing the phrase describing the applicability of those sections as it appeared Thursday, February 19, 1970, 35 F.R. 3163.

The unnumbered introduction states that this amendment "shall be applicable with respect to charges presently pending before or hereafter filed with the Equal Employment Opportunity Commission." Under internal Commission procedures, individual charges have been treated an denominated as such until the completion of investigation (i.e., completion of the Final Investigative Report) at which time the matter is considered a "case" and a case number is assigned. Accordingly, the above quoted introductory statement was intended to make the amendment applicable only to "charges" as to which the investigation had not been completed prior to the effective date thereof, and not with respect to "cases" where the investigation had been completed.

Therefore, the phrase appearing in the second paragraph of the unnumbered introductory heading "Investigation of a Charge" reading "shall be applicable with respect to charges presently pending before or hereafter filed with the Equal Employment Opportunity Commission" shall be amended to read "shall be applicable with respect to charges presently pending in which the investigation had not been completed by February 19, 1970, or those thereafter filed with the Equal Employment Opportunity Commission."

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

Signed at Washington, D.C., this 12th day of June 1970.

WILLIAM H. BROWN III, *Chairman.*

[F.R. Doc. 70-7733; Filed, June 18, 1970; 8:46 a.m.]

PART 1601—PROCEDURAL REGULATIONS

Amendment of 1601.19a Field Director's Findings of Fact

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends title 29, Chapter XIV, Subpart B, § 1601.19a by changing the words "the evidence upon which such findings are based," to "a summary of the evidence upon which such findings are based."

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

Signed at Washington, D.C., this 12th day of June 1970.

WILLIAM H. BROWN III, *Chairman.*

[F.R. Doc. 70-7734; Filed, June 18, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 533—NATIONAL CEMETERIES

Interments

In § 553.18(b), subparagraph (3) is revised and subdivision (4)(v)(*a*) is amended, as follows:

§ 553.18 Interments and disinterments.

* * * * *

(b) *Interments.* * * *

(3) *Persons ineligible for burial.* (i) Fathers, mothers, and in-laws are not eligible for interment in a national cemetery by reason of relationship to an eligible service person regardless of whether they are dependent upon the service member for support and/or are members of his household.

(ii) Persons whose last separation from the Armed Forces of the United States was under other than honorable conditions are not eligible for burial in a national cemetery notwithstanding the fact that they may have received veterans benefits, treatment in a Veterans' Administration hospital, or that they died in such a hospital.

(iii) Persons who, although they may have been ordered to report to an induction station, but were "discharged from draft" and were not actually inducted into the military service, are not eligible.

(iv) Nonservice-connected spouses who have been divorced from the service-connected spouse or who have remarried subsequent to the interment of the service-connected spouse are not eligible based on his/her service.

(v) Members of the family of the service persons listed in subparagraphs (2) (ii) and (iii) of this paragraph, are not eligible for burial (except when eligible in their own right) unless such service member actually dies on the training duty specified or under one of the other conditions cited pertaining to such training duty and his remains are interred in a national cemetery.

(vi) Dependents are not eligible for burial in a national cemetery unless the service-connected family member has been or will be interred in the national cemetery in which interment of the dependent is desired. This does not apply to widows/widowers of members of the Armed Forces lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action.

(4) *Special provisions.* * * *

(v) * * *

(a) Any member or retired member of the Armed Forces. A retired member of the Armed Forces, in the application of this subdivision, is defined as a retired member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, who has performed active Federal service, is carried on an official retired list, and is entitled to receive compensation stemming from service in the Armed Forces. If, at the time of his death, a retired member of the Armed Forces is not entitled to receive compensation stemming from his service in the Armed Forces until some future date, the retired member will not be eligible for burial.

* * * * *

[C5, AR 290-5, May 19, 1970] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-7732; Filed, June 18, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.54—Procurement Clearance of Motion Pictures and Video Tape Productions

Subpart 3-4.54 is added to read as follows:

Subpart 3-4.54—Procurement Clearance of Motion Pictures and Video Tape Productions

Sec.
3-4.5400 Scope of subpart.
3-4.5401 Responsibility.
3-4.5403 Methods of contracting.
3-4.5404 Competition.

AUTHORITY: The provisions of this Part 3-4 are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3-4.54—Procurement Clearance of Motion Pictures and Video Tape Productions

§ 3-4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for procurement of motion picture and/or video tape productions. The term "production," as used in this subpart refers to all steps and techniques used to procure a finished motion picture or video tape recording, including the preparation of scripts, filming or taping, editing, and sound recording. Instructions relating to procurement of similar productions obtained with grant funds are contained in Chapter 1-450, Grants Administration Manual.

§ 3-4.5401 Responsibility.

No procurement action for acquisition of motion picture and/or video tape productions shall be initiated without first obtaining proper clearance and approvals as set forth below. The Office of Public Information (OPI), Office of the Secretary, has been designated as the office of primary responsibility for the review and approval of all motion pictures and/or video tape productions. Requests for the procurement of motion pictures and/or video tape recordings shall be submitted to OPI for review and approval (or disapproval).

§ 3-4.5403 Methods of contracting.

(a) Contracts shall be negotiated competitively in accordance with § 1-3.210(a)(6) of this title whenever practicable. The requirement for publicizing proposed procurements by synopsis in the Commerce Business Daily, as set forth in § 1-1.1003 of this title shall be followed.

(b) When considered desirable, current approved call contract lists or procurement arrangements of another Federal agency or department may be used subject to prior concurrence of the Office of Public Information, OS, and the Office of General Services, OS-OASA.

(c) When operating agencies wish to supplement any qualified call contract list with additional contractors not already on the list, such additions shall be coordinated with OPI and OGS.

§ 3-4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed-price basis whenever possible. Requests for sole source procurement shall receive the concurrence of the Office of Public Information and the Office of General Services.

(b) When call contracts or procurement arrangements have already been synopsized, no further synopsis is necessary when issuing calls against the basic contract list. However, this procedure does not eliminate the requirement to obtain adequate competition from sources on the list consistent with the nature and size of the requirement.

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

Approved: June 12, 1970.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 70-7772; Filed, June 18, 1970; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 70-78]

PART 171—STANDARDS FOR NUMBERING

Sticker Evidencing Currency of Certificate and Amended Fees

1. A notice of proposed rule making was published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3916) and in the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 30, 1970. The proposed amendments were identified as Items PH 1-70 to PH 12-70, inclusive.

2. The Merchant Marine Council held a public hearing on March 30, 1970, in Washington, D.C., on these 12 items in accordance with the terms of the notice. Interested persons were given the opportunity to submit written comments and to make oral comments regarding all the proposed amendments at the public hearing. At the conclusion of the public hearing, the Council, at an executive session held on March 30, 1970, duly considered all the proposed amendments and the comments received.

3. This is the first of a series of documents which concern the amendments considered by the Merchant Marine Council at the public hearing. This document concerns the proposal designated as Item PH 11-70, consisting of Items PH 11a-70 and PH 11b-70, which involve amendments of Part 171, Title 46, Code of Federal Regulations. Item PH 11a-70 proposed amendments to the fees charged by the Coast Guard for the original or renewal number of an undocumented vessel. The Federal Boating Act of 1958 (46 U.S.C. 527c) provides that reasonable fees or charges for the numbering of a vessel may be prescribed. Three dollars for a period covering 3 years is the current charge for an original or renewal number, but the annual cost of administering the Coast Guard numbering program averages $2.19 for each certificate of number issued. It was proposed to raise the $3 fee for original and renewal numbers to $6 for a 3-year period, to retain the $1 fee for the reissue of lost or destroyed certificates of number, and to add a new fee of 25 cents for the replacement of each lost or destroyed sticker which, as hereinafter explained, evidences the

currency of the certificate of number. One comment was received in support of the proposal and the Council recommended that the proposal be adopted without any change.

4. Item 11b–70 proposed the use of a sticker to be placed on the bow of the vessel to evidence the currency of its certificate of number issued by the Coast Guard. The proposed sticker would be color coded to indicate the year of the expiration of the certificate of number and would be numbered to correspond with the assigned bow number of the vessel. The sticker would permit enforcement officers to determine the currency of the vessel's certificate of number without stopping and boarding the vessel. The two comments received on this proposal did not oppose it, and the Council recommended approval.

5. This document includes an additional amendment to Part 171 which was not included in the Merchant Marine Council Public Hearing Agenda, dated March 30, 1970 (CG–249). This amendment consists of editorial changes to § 171.10–1 including the insertion in paragraph (b) of the date of approval for each State having an approved numbering system. This change relieves the researchers of resorting to the Source Note to determine such dates. Since the changes are editorial in nature, notice and public procedure thereon are unnecessary.

6. Accordingly, after due consideration of all the relevant matter concerned with Item PH 11–70, including the comments of the interested persons and the recommendations of the Merchant Marine Council, the Commandant, U.S. Coast Guard, has approved the amendments set forth below. As required by section 7 of the Federal Boating Act of 1958, the effective date of this document is being deferred until 60 days after the submission thereof to the President of the Senate and the Speaker of the House.

Subpart 171.10—Application for Number

1. Section 171.10–1 is revised to read as follows:

§ 171.10–1 Application submission.

(a) The owner of an undocumented vessel required to be numbered by Subpart 171.01 who uses his vessel principally in a State that does not have an approved numbering system shall secure a number from the Coast Guard.

(1) Those jurisdictions in which applications shall be submitted directly to the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, are as follows:

Alaska. New Hampshire.
District of Columbia. Washington.

(2) Those jurisdictions in which applications shall be submitted directly to the local Officer in Charge, Marine Inspection, are as follows:

Guam.

(b) An undocumented vessel principally used in a State which has an approved numbering system will not be numbered by the Coast Guard. The States which have approved numbering systems are as follows:

State	Date of approval
Alabama	Dec. 23, 1959
Arizona	Nov. 4, 1959
Arkansas	Nov. 23, 1959
California	Nov. 24, 1959
Colorado	Mar. 22, 1960
Connecticut	Nov. 24, 1961
Delaware	Dec. 30, 1959
Florida	June 25, 1959
Georgia	May 26, 1960
Hawaii	Apr. 8, 1966
Illinois	Jan. 21, 1960
Indiana	Jan. 13, 1960
Idaho	June 20, 1961
Iowa	June 1, 1961
Kansas	Nov. 16, 1959
Kentucky	Apr. 22, 1960
Louisiana	July 5, 1960
Maine	Jan. 22, 1964
Maryland	June 14, 1960
Massachusetts	June 10, 1960
Michigan	Sept. 30, 1959
Minnesota	Aug. 19, 1959
Mississippi	June 23, 1960
Missouri	Mar. 29, 1960
Montana	July 1, 1959
Nebraska	Dec. 23, 1959
Nevada	Apr. 19, 1960
New Jersey	July 3, 1962
New Mexico	July 8, 1960
New York	Mar. 21, 1960
North Carolina	Aug. 27, 1959
North Dakota	Dec. 16, 1960
Ohio	Feb. 16, 1960
Oklahoma	Mar. 1, 1960
Oregon	Nov. 2, 1959
Pennsylvania	Jan. 24, 1964
Puerto Rico	Mar. 20, 1967
Rhode Island	Dec. 16, 1959
South Carolina	Aug. 27, 1959
South Dakota	Jan. 13, 1960
Tennessee	July 1, 1965
Texas	Sept. 11, 1959
Utah	July 13, 1959
Vermont	Dec. 16, 1959
Virginia	June 6, 1960
Virgin Islands	Nov. 1, 1962
West Virginia	Aug. 31, 1959
Wisconsin	Jan. 22, 1960
Wyoming	June 1, 1963

Subpart 171.15—Certificate of Number

1. Subpart 171.15 is amended by adding § 171.15–12 to read as follows:

§ 171.15–12 Indication of Currency of Coast Guard Certificate.

(a) With each certificate of number issued by the Coast Guard, two stickers also will be issued to provide ready identification of vessels with currently valid numbers.

(b) The stickers shall be approximately 3" x 3" and color coded to indicate the year of expiration of the assigned number. Each sticker will contain the date of expiration and the assigned number of the vessel. The sticker shall not be used on any other vessel.

(c) The stickers shall be displayed on each bow of the vessel, at a location 3 inches beyond the last letter of the identification number and on a level therewith.

(d) If a sticker is destroyed, a replacement may be ordered from the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591. The order must contain an explanation as to why the replacement is necessary and the fee as provided by § 171.17–1(b)(4).

(e) Stickers will be issued for original and renewal identification numbers issued on and after September 1, 1970.

Subpart 171.17—Fees and Charges

3. Section 171.17–1 is revised to read as follows:

§ 171.17–1 Fees.

(a) The fees charged by the U.S. Coast Guard are based upon the estimated cost of administering the numbering of undocumented vessels in accordance with the Federal Boating Act of 1958 (46 U.S.C. 527c).

(b) The fees are as follows:

(1) Original numbering, including stickers evidencing currency of certificate—$6.

(2) Reissue of lost or destroyed certificate of number—$1.

(3) Renewal of number, including stickers evidencing currency of certificate—$6.

(4) Replacement of lost or destroyed stickers evidencing currency of certificate—$0.25 each.

(Sec. 7, 72 Stat. 1757, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 527d, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. These amendments shall become effective September 1, 1970.

Dated: June 15, 1970.

[SEAL] C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70–7742; Filed, June 18, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 462]

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING FIREMAN'S FUND AMERICAN LIFE INSURANCE CO.

Proposed Variation From Reporting

Where benefits under an employee benefit plan are provided by an insurance carrier or service or other organization which does not maintain separate experience records covering the specific groups it serves, section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act, 29 U.S.C. 306(d)(2)(A) (hereinafter the Act), requires a copy of the financial report of the carrier or other organization to be included with the annual report of the plan. Section 5(a) of the Act (29 U.S.C. 304(a)) provides, among other things, that if information required to be published under the Act would be "duplicative", the Secretary of Labor may prescribe another manner for the publication of such information. By petition dated January 13, 1970, the Fireman's Fund American Life Insurance Co., 3333 California Street, San Francisco, Calif. 94120, asserting that it funds over 150 employee benefit plans with respect to which it does not maintain separate experience records requested a variation from the requirement of section 7(d)(2)(A) that each of the plans attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act (29 U.S.C. 307(b)), a copy of the financial report of the Fireman's Fund American Life Insurance Co. It appears that the requirement of section 7(d)(2)(A) of the Act, as described above, is "duplicative" within the meaning of section 5(a) of the Act when applied to the employee benefit plans which utilize the Fireman's Fund American Life Insurance Co.

Therefore, in accordance with section 5(a) of the Welfare and Pension Plans Disclosure Act, Subpart A of Part 462, Code of Federal Regulations, and Secretary's Order No. 16-68 (33 F.R. 15574), a variation, to appear as new §§ 462.33 and 462.34 of that part preceded by an appropriate undesignated centerhead, is proposed in the manner indicated below.

Pursuant to 29 CFR 462.7(c), interested persons may file objections thereto within 15 days from the date of publication of this proposed variation in the FEDERAL REGISTER. Such objections shall be in writing and addressed to the Director, Office of Labor-Management and Welfare-Pension Reports, Room 801, 8701 Georgia Avenue, Silver Spring, Md. 20910, and shall show wherein the person filing will be adversely affected by the proposed variation deemed objectionable and the grounds for the objections. If such interested person desires a hearing, he shall file a request for a hearing with his objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in triplicate.

As proposed, the new §§ 462.33 and 462.34 and their preceding undesignated centerhead would read as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE FIREMAN'S FUND AMERICAN LIFE INSURANCE CO.

§ 462.33 Rule of variation.

Every employee benefit plan which utilizes the Fireman's Fund American Life Insurance Co., 3333 California Street, San Francisco, Calif. 94120, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Fireman's Fund American Life Insurance Co. will no longer be required to do so, subject to the following conditions.

§ 462.34 Condition of variation.

(a) The Fireman's Fund American Life Insurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the Fireman's Fund American Life Insurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Fireman's Fund American Life Insurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D-2, or attachment thereto, the complete name and address of the Fireman's Fund American Life Insurance Co. and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The Fireman's Fund American Life Insurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Fireman's Fund American Life Insurance Co. maintains separate experience records, since said plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Fireman's Fund American Life Insurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and Part 461 of this chapter. (Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304).

Signed at Washington, D.C., this 12th day of June 1970.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 70-7773; Filed, June 18, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 205]

GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Availability of Agency Program Manuals

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations require that State agency program manuals and other policy materials governing eligibility and receipt of assistance and other services be made available to the public, singly, or in groups, upon specific request.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

AUTHORITY: The proposed regulations are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: April 3, 1970.

JOE PARKS,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 10, 1970.

JOHN G. VENEMAN,
Acting Secretary.

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new § 205.70 as set forth below.

§ 205.70 Availability of agency program manuals.

State plan requirements. A State plan under title I, IV–A, IV–B, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(a) Program manuals and other policy issuances which affect the public, including the State agency's rules and regulations governing eligibility need and amount of assistance, recipient rights and responsibilities, and services offered by the agency, will be maintained in the State office and in each local and district office for examination on regular workdays during regular office hours by individuals, upon request, for review, study, or reproduction by the individual.

(b) A current copy of such material will be made available for access by the public in other centrally located and publicly accessible institutions or organizations serving an entire State or locality, such as the local office of the Bureau of Indian Affairs, other local or district office serving a large minority group, a library, legal services office, or welfare rights office, if such custodians agree to accept responsibility for filing all amendments and changes forwarded by the agency.

(c) Upon request, the agency will reproduce without charge the specific materials necessary for an applicant or recipient, or his representative, to determine whether a fair hearing should be requested or to prepare for a fair hearing; and will establish policies for reproducing policy materials without charge, or at a charge related to cost, for any individual who requests material for other purposes.

[F.R. Doc. 70–7421; Filed, June 18, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70–SO–40]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jasper, Tenn., 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 in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Jasper transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Marion County-Brown Field; excluding the portion that coincides with the Chattanooga, Tenn., transition area.

The proposed designation is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Marion County-Brown Field, utilizing the Jasper (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

(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 June 9, 1970.

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

[F.R. Doc. 70–7752; Filed, June 18, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–SW–37]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Morriltor, Ark.

Interested persons may submit such written views, data, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

MORRILTON, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Petit Jean Airport (lat. 35°08'15" N., long. 92°54'30" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton RBN (lat. 35°07'07" N., long. 92°55'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN.

This transition area will provide controlled airspace protection for aircraft executing approach/departure procedures proposed to serve the Petit Jean Airport at Morrilton, Ark. Additional controlled airspace, extending upward from 1,200 feet above the surface, is required and is contained in a separate proposal for the Arkansas transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 8, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70–7753; Filed, June 18, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–WE–47]

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 descriptions of the Modesto, Calif., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, 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. No

public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The instrument approach procedures for Modesto City-County Airport have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPS). Revised instrument approach procedures are proposed changing the final approach radials for the VOR Runway 11L and VOR Runway 29R from 274° M (291° T) and 102° M (119° T) to 285° M (302° T) and 105° M (122° T) respectively. These changes will require amending the description of the control zone and provide 700-foot transition area for these changes and the procedure turn areas for both approach procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (35 F.R. 2054) the description of the Modesto, Calif., control zone is amended to read as follows:

MODESTO, CALIF.

Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 302° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Modesto VOR 122° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. 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) for the description of the Modesto, Calif., transition area is amended by deleting all before " * * *"; and that airspace extending upward from 1,200 Feet * * * " and substituting therefor, "that airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Modesto VOR 122° and 302° radials, extending from 18.5 miles northwest to 18.5 southeast of the VOR; * * * ".

These amendments are issued under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Los Angeles, California, on June 8, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-7754; Filed, June 18, 1970; 8:48 a.m.]

[14 CFR Part 121]

[Docket No. 9276; Notice 68-32A]

EMERGENCY TRANSCEIVERS

Supplemental Notice of Proposed Rule Making

Notice 68-32 (33 F.R. 17923) solicited comments on a proposed amendment to Part 121 that would require a portable battery-powered transceiver to be carried on all large airplanes subject to the equipment requirements of Part 121 for emergency use in the event of electrical power failure, or communications equipment failure. Consideration of the comments on Notice 68-32 indicates that many of the requirements for an emergency transceiver should be changed, and, accordingly, this supplemental notice of proposed rule making sets forth new proposed specifications for emergency VHF transceivers to be carried on airplanes subject to Part 121 equipment requirements.

Part 123 certificate holders (Air Travel Clubs) and those Part 135 (ATCO) certificate holders who are authorized to operate large airplanes are required to comply with the Part 121 emergency equipment requirements, and would, therefore, be subject to this proposed equipment requirement if adopted.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 17, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The purpose of Notice 68-32 and this supplement is to propose a requirement for reliable equipment that will provide VHF communications in the event of airplane electrical generating system failure or communications equipment failure. Comments received objected to the system proposed in Notice 68-32 because of its redundancy, limited power output, transmission signal dispersal pattern, and limited power source. In light of those comments and suggestions contained therein, the FAA is proposing new specifications for the emergency transceiver system.

It is proposed that the emergency transceiver meet the standards contained in the Radio Technical Commission for Aeronautics Document No. DO-139, entitled "Minimum Operational Characteristics—Airborne VHF Communication Systems," dated October 10, 1968, and the Radio Technical Commission for Aeronautics Document No. DO-138, entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968. These documents would be incorporated by reference if the proposal is adopted. These documents are widely distributed and readily available to interested persons. In addition, they may be purchased from the Commission, or examined at FAA regional offices, and at the FAA offices in Washington, D.C.

This proposal does not require the emergency transceiver to be portable. However, it must meet the specifications of Appendix G for emergency transceivers. As proposed herein the emergency transceiver may be powered from a battery source independent of the airplane electrical system. It may also be connected either to the airplane battery hot bus or to an auxiliary battery that is connected so as to be charged from the airplane electrical system, but not to discharge back into the airplane electrical system.

Some of the comments to Notice 68-32 question the signal propagation of a transceiver with only an integral antenna. One comment states that a transmission signal from a transceiver with an integral antenna is highly directional, because it can be sent only through the glass cockpit windows, and is unreliable in airplanes equipped with electrically heated window elements. The specifications in proposed Appendix G would permit the transceiver to have a self-contained antenna, but with a means for connection to an external antenna by a flight crewmember.

In response to comments about the strength of the transmission signal, the specification for transmitter power output has been changed to 1.6 watts when measured at the output terminals across a 50 ohm resistive load.

To allow for design time and orderly installation schedules, it is proposed to require progressive compliance. Affected persons would be required to show compliance on 50 percent of their airplanes 1 year after the effective date of the amendment, and on 100 percent of their airplanes after 2 years from that date.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations as follows:

1. By adding the following new paragraph, designated (g), at the end of § 121.309:

§ 121.309 Emergency equipment.

* * * * *

(g) *Emergency transceiver.* After (1 year after effective date) as to 50 percent of a certificate holder's large airplanes, and after (2 years after effective date), each airplane must have an emergency transceiver system that meets the specifications and requirements of Appendix G.

2. By adding the following new Appendix G to Part 121:

APPENDIX G

EMERGENCY VHF TRANSCEIVERS

An emergency transceiver system required by § 121.309 must meet the performance standards contained in Radio Technical

Commission for Aeronautics (RTCA) Document No. 138, "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments," dated June 27, 1968, and RTCA Document No. 139, "Minimum Operational Characteristics—Airborne VHF Communication Systems," dated October 10, 1968. These documents are hereby incorporated by reference as though fully set out herein, in accordance with 5 U.S.C. 552(a)(1) and 1 CFR 20.1–20.23. The documents may be examined at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590, and any FAA regional office, and they may be obtained from the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006. Document No. 138 costs $4 per copy, and No. 139 costs $3 per copy.

In addition, an emergency transceiver system must meet the following requirements:

1. The transceiver must be capable of transmitting and receiving on at least the worldwide emergency frequency 121.5 MHz.

2. If the transceiver has a self-contained antenna, it must be connected to or have provisions for being connected to an external antenna by a flight crewmember.

3. The transceiver power output must be at least 1.6 watts when measured at the output terminals of the transmitter across a 50 ohm resistive load.

4. If the transceiver is designed for multichannel operation, it must be capable of receiving signals assigned on a 50 KHz basis; and if the transceiver is designed for 121.5 MHz single-channel operation, it must be capable of receiving signals assigned on a 100 KHz basis.

5. The transceiver must be connected to one of the following battery power sources:

a. The airplane battery hot bus;

b. An auxiliary battery that is connected so as to be charged from the airplane electrical system and connected so as not to discharge back into the airplane electrical system; or

c. A power source that is completely independent of the airplane electrical system.

6. The transceiver must be capable of operating at least 45 minutes without dependence on the airplane electrical generating system with a transmit-receive ratio of 1: 4, and at the end of that operating period the transmitter power output measured at the output terminals across a 50 ohm resistive load must be not less than 0.8 watts.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 11, 1970.

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

[F.R. Doc. 70-7755; Filed, June 18, 1970; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 427]

UNORDERED MERCHANDISE

Notice of Public Hearing and Opportunity To Submit Data, Views or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding unordered merchandise.

Accordingly, the Commission publishes this notice and proposes the following Trade Regulation Rule:

§ 427.1 **The Rule.**

(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise shipped by a charitable organization soliciting contributions, the shipment of unordered merchandise constitutes an unfair method of competition and an unfair trade practice in violation of section 5 of the Federal Trade Commission Act.

(b) Any merchandise shipped in violation of paragraph (a), or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender; and all such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

For purposes of this rule, "Unordered merchandise" shall mean merchandise shipped without the prior expressed request or consent of the recipient.

All interested persons are hereby notified that where a finally adopted Trade Regulation Rule is relevant to any issue involved in any adjudicative proceeding, thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the practices described herein with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than September 15, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to these practices and the proposed rules at a public hearing to be held at 10 a.m., e.d.t., September 22, 1970, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Chief, Division of Trade Regulation Rules, not later than September 15, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Chief, Division of Trade Regulation Rules on or before September 15, 1970.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: June 19, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-7763; Filed, June 18, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved April 24, 1970, is officially filmed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 96

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 11 S., R. 30 E.,
Secs. 1 to 36, inclusive.
T. 11 S., R. 31 E.,
Secs. 1 to 36, inclusive.
T. 11 S., R. 31½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 11 S., R. 32 E.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 31 E.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 31½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 12 S., R. 32 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7615; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 105

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 7 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 8 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 8 S., R. 29 E.,
Secs. 1 to 36 inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7616; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 106

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 7 S., R. 30 E.,
Sec. 28, S½;
Sec. 33, N½.
T. 7 S., R. 31 E.,
Sec. 6, N½ and SW¼;
Sec. 7, W½;
Sec. 18, W½ and SE¼;
Sec. 19, N½ and SW¼.
T. 7 S., R. 32 E.,
Sec. 31, NE¼ and S½;
Sec. 32, 33, and 34;
Sec. 35, NW¼ and S½.
T. 8 S., R. 30 E.,
Secs. 1 to 36, inclusive.
T. 8 S., R. 31, E.,
Sec. 27, NW¼ and S½;
Sec. 28;
Sec. 29, excluding mineral surveys;
Sec. 30, NE¼ and S½, excluding mineral surveys;
Secs. 31 to 34, inclusive;
Sec. 35, NW¼ and S½.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7617; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 107

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 6 S., R. 39 E.,
Sec. 30, N½ and SE¼;
Sec. 32, N½ and SE¼.
T. 7 S., R. 40 E.,
Secs. 30, 31, and 32.
T. 8 S., R. 40 E.,
Secs. 4 to 10, inclusive;
Secs. 14 to 36, inclusive.
T. 8 S., R. 41 E.,
Secs. 30, 31, and 32.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1144 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7618; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the

Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 108

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 5 S., R. 34 E.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 35 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 34 E.,
Secs. 1 to 5, inclusive;
Secs. 6 and 7, excluding mineral surveys;
Secs. 8 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7619; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 109

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 S., R. 33 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Secs. 8 to 17, inclusive;
Sec. 20, N½ and SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, E½;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 3 S., R. 34 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 33 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive, excluding mineral surveys.
T. 4 S., R. 34 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 35 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7620; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 111

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 5 S., R. 28 E.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 29 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 28 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 29 E.,
Secs. 1 to 36, inclusive.
T. 6½ S., R. 28 E.,
Secs. 25 to 36, inclusive.
T. 6½ S., R. 29 E.,
Secs. 31 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7621; Filed, June 18, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 2, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, the protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 113

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 2½ S., R. 25 E.,
Secs. 31 to 36, inclusive.
T. 3 S., R. 25 E.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 26 E.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 27 E.,
Sec. 6, N½ and SW¼;
Sec. 31;
Sec. 32, W½.
T. 3 S., R. 28 E.,
Sec. 30, W½.
T. 4 S., R. 25 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 26 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 27 E.,
Sec. 1, NW¼ and S½;
Sec. 2, NE¼ and S½;
Sec. 5, NW¼ and S½;
Secs. 6 and 7;
Sec. 8, N½;
Sec. 10, S½NE¼ and S½, excluding mineral surveys;
Secs. 11 to 14, inclusive;
Sec. 15, excluding mineral surveys;
Sec. 17, NW¼ and S½;
Secs. 18, 19, and 20;
Sec. 21, NE¼ and S½;
Secs. 22 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7622; Filed, June 18, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 2, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 114

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 24½ E.,
Secs. 1, 12, 13, 24, 25, and 36.

T. 1 S., R. 25 E.,
Secs. 1 to 8, inclusive;
Secs. 9 and 10, excluding mineral surveys;
Secs. 11 to 36, inclusive.
T. 1 S., R. 27 E.,
Sec. 3, W½;
Secs. 4 to 9, inclusive;
Sec. 15, lot 5;
Secs. 16 to 21, inclusive;
Sec. 22, W½;
Secs. 28 to 32, inclusive;
Sec. 33, N½ and SW¼.
T. 2 S., R. 24½ E.,
Secs. 1, 12 13, 24, 25, and 36.
T. 2 S., R. 25 E.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 27 E.,
Sec. 19, NW¼ and S½;
Secs. 30 and 31.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant,
Land Office Manager.

[F.R. Doc. 70-7623; Filed, June 18, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 2, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 115

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 S., R. 23 E.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 23½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 3 S., R. 24 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 23½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 4 S., R. 24 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage, Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7624; Filed, June 18, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 10, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 133

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 5 S., R. 26 E.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 27 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 26 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 27 E.,
Secs. 1 to 36, inclusive.
T. 6½ S., R. 27 E.,
Secs. 25 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7625; Filed, June 18, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 149

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 S., R. 33 E.,
Secs. 1 to 36, inclusive.
T. 13 S., R. 34 E.,
Secs. 6, 7, 18, 19, 30, 31 and 32.
T. 14 S., R. 33 E.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 34 E.,
Secs. 5 to 8, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 35, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7626; Filed, June 18, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 2, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 148

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 32 E.,
Sec. 2;
Secs. 11, 12, and 13;
Sec. 14, NE¼ and S½;
Sec. 22, NE¼ and S½;
Secs. 23 to 26, inclusive;
Sec. 27, N½ and SE¼;
Sec. 34, E½;
Secs. 35 and 36.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7627; Filed, June 18, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1970.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. R 2818, for the withdrawal of lands described below from prospecting, location, entry, and purchase under the mining laws, subject to valid existing rights.

The lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential Proclamation No. 48 of February 25, 1893, now the San

Bernardino National Forest, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit use of such lands for a watershed and scenic resource protection area, which use is incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations, 43 CFR 2311.1–3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Devil Canyon—Cloudland Watershed Area

T. 1 N., R. 4 W.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, NW¼SE¼;
Sec. 5, lots 1, 2, 3, 4, 6, 7, 8, 9, and 10.
T. 2 N., R. 4 W.,
Sec. 19, lots 3, 4, 5, 6, 7, 8, 9, and 10, NE¼, E½NW¼;
Sec. 20, lots 2 and 3;
Sec. 28, lots 2, 3 and 4, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 29;
Sec. 30, lots 1, 2, 3, and 4, NE¼, E½W½, E½SE¼;
Sec. 31, lot 4, SW¼NE¼, E½SW¼, N½SE¼;
Sec. 32, E½, SE¼NW¼, NE¼SW¼, N½SE¼SW¼;
Sec. 33, W½E½, W½.
T. 2 N., R. 5 W.,
Sec. 24, E½SE¼, E½W½SE¼.

The described areas aggregate 3,962.71 acres in San Bernardino County.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-7741; Filed, June 18, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

HYTHA-HEINDL STUDIOS ET AL.

Order Terminating Indefinite Denial Order

In the matter of Hytha-Heindl Studios, Gerhard Hytha, Erich Heindl, Lascygasse 2–8, Vienna XVII, Austria, respondents, TV Studio Film und Fernsehproduktion, Gesellschaft m.b.H., Lascygasse 2–8, Venna XVII, Austra, related party; File No. 23–954.

On August 10, 1964, effective on August 18, 1964 (29 F.R. 12140) an order was entered against the above respondents and related party, denying them, for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States because they failed to answer interrogatories duly served in accordance with section 382.15 of the Export Regulations (now section 388.15 of the Export Control Regulations) without showing good cause for such failure.

The respondent Gerhard Hytha is also know as Gerry Hytha. At the time the order of August 10, 1964 was entered the parties were located at 3 Georg-Coch Platz, Vienna, Austria, and said parties are now located at the address as shown in the caption in this order.

The respondents have now furnished complete and responsive answers to the interrogatories.

Accordingly, it is hereby ordered,

That the above-mentioned order dated August 10, 1964, be and the same hereby is terminated.

Dated: June 11, 1970.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 70-7759; Filed, June 18, 1970; 8:48 a.m.]

FOREIGN-TRADE ZONES BOARD

[Foreign Trade Zone No. 7; Order No. 83]

MAYAGUEZ, P.R.

Approval for Construction of Facilities for Manufacturing Pharmaceuticals for Export

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u) (the "Act"), the Foreign-Trade Zones Board (the "Board") has adopted the following order:

Whereas, section 13 of the Act (§ 400.815 of the Board's regulations) provides in part that a zone grantee may, with approval of the Board, permit zone users to erect such buildings and other structures within the zone as will meet their particular requirements;

Whereas, the Grantee of Foreign-Trade Zone No. 7, Mayaguez, P.R., Puerto Rico Industrial Development Co. (PRIDCO), has requested (filed, Mar. 10, 1970) that the Board approve a proposal for the construction of a plant and related facilities for the manufacture of bulk pharmaceuticals for export within the existing authorized area of said zone No. 7, by a proposed zone user, Chemexport, Inc., a Delaware corporation and wholly owned subsidiary of Bristol-Myers Co., also a Delaware corporation;

Whereas, the necessary documentation and evidence have been submitted by PRIDCO to support its request; and,

Whereas, the provisions of the Act and regulations on such matters are satisfied;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to permit the construction of a plant and related facilities within the authorized area of Zone No. 7, Mayaguez, P.R., in accordance with its proposal filed with the Board on March 10, 1970, and subject to the terms of the Act, including section 13, and the Board's regulations, including section 400.815. The facilities herein authorized shall, prior to becoming operational, be inspected by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C., this 12th day of June 1970. This order will be published in the FEDERAL REGISTER.

[SEAL] MAURICE H. STANS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:
JOHN J. DAPONTE, JR.,
Acting Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 70-7783; Filed, June 18, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[Docket No. 69–7; Notice 5]

OCCUPANT CRASH PROTECTION

Agenda for Public Meeting

On May 7, 1970, a notice of a proposed safety standard on Occupant Crash Protection was published (35 F.R. 7187), which announced a public meeting to be held on the subject on June 24, 1970.

Because of the number of persons who have requested time to make presentations, and to allow time to discuss the items included in the proposal, an additional day has been scheduled. The meeting will therefore be held on June 24 and 25, 1970, at the Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

In order to achieve the main purpose of the meeting, and in view of the large number of persons who probably will attend, the topics for presentation and discussion must be limited to the May 7

notice and issues directly related to it. All parties are specifically requested to refrain from discussing particular designs or products except as they are directly pertinent to the proposed rule, and to limit their comments to matters of general interest. Discussions of matters of specific interest to a particular party, such as a manufacturer's own cost, lead time, and product design should be submitted to the docket, and not presented at the meeting.

A tentative agenda for the meeting is set forth below. The lengths of time allotted will be adhered to, but presenters should be prepared for slight changes in the hour of their presentation. A final agenda will be available at the meeting.

Issued on June 17, 1970.

DOUGLAS W. TOMS,
Director,
National Highway Safety Bureau.

TENTATIVE AGENDA FOR PUBLIC MEETING ON OCCUPANT CRASH PROTECTION

June 24, 1970

9:00–9:10	Introductory remarks by Chairman.
9:10–10:00	National Highway Safety Bureau.
10:00–10:20	Ford Motor Co.
10:20–10:40	General Motors Corp.
10:40–10:55	International Harvester Co.
10:55–11:15	American Safety Belt Council.
11:15–11:35	International Mobile Air Conditioning Association, Inc.
11:35–11:55	Pacific Scientific Co.
11:55–12:15	Hamill Manufacturing Co.
12:15–2:00	Lunch.
2:00–2:20	Klippan AB Bröderna Ottosson & Co.
2:20–2:35	Wayne State University.
2:35–2:55	Chrysler Corp.
2:55–3:15	American Motors.
3:15–3:20	Renault.
3:20–3:40	Volkswagen of America, Inc.
3:40–3:50	Mr. William F. Thompson.
3:50–4:10	American Automobile Association.
4:10–4:25	Charles J. Garbarini.
4:25–4:30	Colt Industries.
4:30–4:50	Center for Auto Safety.
4:50–5:30	Questions on Presentations.

June 25, 1970

9:00–9:15	Mr. Edward Apri.
9:15–9:35	Japan Automobile Manufacturers Association.
9:35–9:50	Eaton, Yale & Towne.
9:50–10:10	Cornell Aeronautical Laboratory.
10:10–10:30	Biological Acoustics Branch (MRBA) 6570th Aerospace Medical Research Laboratory Wright-Patterson Air Force Base, Ohio.
10:30–10:45	Recess.
10:45–11:15	6571st Aeromedical Research Laboratory Holloman Air Force Base, N. Mex.
11:15–11:45	Questions on Presentations.
11:45–1:15	Lunch.
1:15–3:15	Discussion of Notice of Proposed Rule Making.
3:15–3:30	Recess.
3:30–5:00	Discussion of NPRM, continued.
5:00	Adjournment.

[F.R. Doc. 70-7835; Filed, June 18, 1970; 8:50 a.m.]

National Transportation Safety Board

[Docket No. SA-420]

ST. CROIX, V.I.

Investigation of Accident Involving Antilliaanse Luchtvaart Maatschappij DC-9

Notice of Hearing

In the matter of investigation of accident involving Antilliaanse Luchtvaart Maatschappij DC-9, of U.S. Registry N935F, ditching approximately 30 miles east-northeast of St. Croix, V.I., May 2, 1970.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m., local time, on July 7, 1970, in the Caribbean Suite of the Americana Hotel, San Juan, P.R.

Dated this 15th day of June 1970.

[SEAL] RICHARD G. RODRIGUEZ,
Hearing Officer.

[F.R. Doc. 70-7766; Filed, June 18, 1970; 8:49 a.m.]

Urban Mass Transportation Administration

ASSISTANT ADMINISTRATOR, OFFICE OF PROGRAM OPERATIONS

Redelegation of Authority With Respect to Urban Mass Transportation Program; Amended

The redelegation of authority to the Assistant Administrator, Office of Program Operations, dated November 26, 1968 (33 F.R. 18062) is hereby amended by deleting therefrom the words "and for approved grants for managerial training under section 10" and the words "and 1607b," and by inserting the word "and" after the words "under section 3," and also after the figures "1602,".

This amendment becomes effective June 15, 1970.

Issued in Washington, D.C., on June 10, 1970.

CARLOS C. VILLARREAL,
Urban Mass Transportation Administrator.

[F.R. Doc. 70-7767; Filed, June 18, 1970; 8:49 a.m.]

ASSISTANT ADMINISTRATOR, OFFICE OF PROGRAM DEMONSTRATIONS

Redelegation of Authority With Respect to Urban Mass Transportation Program; Amended

The redelegation of authority to the Assistant Administrator, Office of Research, with respect to sections 6(a) and 11 of the Urban Mass Transportation Act of 1964, as amended, dated November 26, 1968 (33 F.R. 18062, 18063), is hereby revoked.

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Assistant Administrator, Office of Program Demonstrations, is hereby authorized to execute grant contracts and contract amendments for approved research, development and demonstration projects under section 6(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. sec. 1605 (a)), grant contracts and contract amendments for approved managerial training grants under section 10 of that Act (49 U.S.C. sec. 1607(b)), and grant contracts and contract amendments for approved university research and training grants under section 11 of said Act (49 U.S.C. sec. 1607(c)); and is further authorized in connection with the administration of such contracts to approve requisitions for funds, third-party contracts and project budget amendments within previously approved limits.

The Assistant Administrator, Office of Program Demonstrations, is further authorized to redelegate to one or more employees under his jurisdiction the authority redelegated herein.

This redelegation becomes effective June 15, 1970.

Issued in Washington, D.C., June 10, 1970.

CARLOS C. VILLARREAL,
Urban Mass Transportation Administrator.

[F.R. Doc. 70-7768; Filed, June 18, 1970; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of May 16, 1970, F.R. Doc. 70-6113, the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Executive Director, National Industrial Pollution Control Council. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Economic Affairs and Executive Director, National Industrial Pollution Control Council.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7780; Filed, June 18, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer

executive assignment in the excepted service the position of Assistant to the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7777; Filed, June 18, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment the position of Deputy Director for Programs, National Highway Safety Bureau.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7778; Filed, June 18, 1970; 8:50 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Planning, Program Analysis, and Information, Office of Planning, Research and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7776; Filed, June 18, 1970; 8:50 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Assistant Director for National Councils and Organizations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-7779; Filed, June 18, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1704 etc.]

HIGHLAND RESOURCES, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 11, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 29, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1704..	Highland Resources, Inc.....	7	[1] 3	Michigan Wisconsin Pipe Line Co. (Ship Shoal Area, Offshore Louisiana) (Federal Domain).	$3,414	5-21-70	[4] 6-21-70	[5] 6-22-70	[6] [10] 19.5	[7] [8] 20.0	
RI70-1705..	General Crude Oil Co.....	12	[1] 3	.....do.....	4,604	5-20-70	[4] 6-20-70	[4] 6-21-70	[10] [12] 19.5	[7] [8] 20.0	
RI70-1706..	Shell Oil Co.....	[13] 358	[14] [15] 5	Trunkline Gas Co. (Ship Shoal Block 274 Field, Offshore Louisiana) (Federal Domain).	7,300	5-20-70	[16] 6-20-70	[4] 6-21-70	[17] 19.5	[7] [8] 20.0	

[1] Applicable only to gas well gas sales from newly discovered reservoirs.
[2] Documents previously submitted by Placid Oil Co. on Apr. 1, 1970, establishing newly discovered reservoirs incorporated by reference herein.
[3] The stated effective date is the first day after expiration of the statutory notice period.
[4] The suspension period is limited to 1 day.
[5] Pursuant to Opinion No. 546-A based on the rate levels established in Opinion No. 567.
[6] Pressure base is 15.025 p.s.i.a.
[7] Initial rate as conditioned by temporary certificate issued May 3, 1968, in Docket No. C168-917.
[8] Quality statement per Opinion No. 546 establishes an area rate of 18 cents for the gas involved herein.
[9] Supporting documents required by Opinion No. 567 filed May 14, 1970.
[10] Initial rate as conditioned by temporary certificate issued May 3, 1968, in Docket No. C168-950.
[11] Contract dated Nov. 1, 1968, which supersedes a contract dated Dec. 18, 1967.
[12] Includes documents establishing newly discovered reservoirs which entitles respondent to higher ceiling rates in accordance with Opinion No. 567.
[13] "G" Sand Reservoir.
[14] The stated effective date is the effective date requested by respondent.
[15] Initial rate as conditioned by temporary certificate issued in C168-1211.

Highland Resources, Inc. (Highland), and General Crude Oil Co. (General Crude), request a retroactive effective date of November 1, 1969, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Highland and General Crude's rate filings and such requests are denied.

Highland, General Crude, and Shell Oil Co. (Shell), are proposing increases pursuant to paragraph (A) of Opinion No. 546-A with respect to gas well gas determined in accordance with Opinion No. 567 to qualify for third vintage prices. Opinion No. 546-A lifted the moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price and permitted such producers to file for contractually authorized increases up to the 20-cent area base rate established in Opinion No. 546 for onshore gas. The subject increases are from initial rates permitted under temporary certificates containing condition (2) provisions prohibiting changes in the initial rates. Consistent with prior Commission action on similar filings, we believe that condition (2) provision with respect to Highland, General Crude, and Shell's rate increases should be waived, and the producers' increases should be suspended for 1 day upon expiration of the statutory notice. Thereafter, the proposed rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 70-7737; Filed, June 18, 1970; 8:45 a.m.]

[Docket No. RP70-33]

TEXAS GAS TRANSMISSION CORP.

Order Permitting Tracking of Purchased Gas Increase, and Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase

JUNE 12, 1970.

In the order permitting tracking of purchased gas increase, and suspending proposed revised tariff sheets pending effectiveness of supplier rate increase, issued May 28, 1970, and published in the FEDERAL REGISTER June 6, 1970, 35 F.R. 8844, in the last paragraph, insert "28" after "May".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7735; Filed, June 18, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

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)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Atlantic Bancorporation, which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of not less than 80 percent of the voting shares of The Exchange Bank of St. Augustine, St. Augustine, Fla.

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 anticompetitve 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 Atlanta.

By order of the Board of Governors, June 11, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7739; Filed, June 18, 1970; 8:47 a.m.]

FLORIDA NATIONAL BANKS OF FLORIDA, 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)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Florida National Banks of Florida, Inc., Jacksonville, Fla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of the voting shares of 30 banks which are presently subsidiaries of a trust formed under the will of Alfred I. du Pont, which is a registered bank holding company. With respect to each of the banks, applicant proposes to acquire the shares now owned by the trust, and in addition, will offer to acquire shares held by minority shareholders. The name and location of the banks and the percentage of shares proposed to be acquired are as follows:

Name and location of bank	Percentage of voting shares
Florida National Bank at Arlington, Jacksonville, Fla.	70 or more.
The Florida National Bank at Bartow, Bartow, Fla.	71 or more.
Florida First National Bank at Belle Glade, Belle Glade, Fla.	54 or more.
Florida First National Bank at Brent, Pensacola, Fla.	68 or more.
The Florida Bank at Bushnell, Bushnell, Fla.	58 or more.
Florida Bank at Chipley, Chipley, Fla.	63 or more.
Florida National Bank at Coral Gables, Coral Gables, Fla.	62 or more.
Florida Bank & Trust Co. at Daytona Beach, Daytona Beach, Fla.	51 or more.
Florida Bank at De Land, De Land, Fla.	61 or more.
Florida Dealers and Growers Bank, Jacksonville, Fla.	60 or more.
The Florida First National Bank at Fernandina Beach, Fernandina Beach, Fla.	87 or more.
Florida Bank at Fort Pierce, Fort Pierce, Fla.	60 or more.
The Florida National Bank at Gainesville, Gainesville, Fla.	85 or more.
The Florida National Bank of Jacksonville, Jacksonville, Fla.	51 or more.
Florida First National Bank at Key West, Key West, Fla.	59 or more.
Florida National Bank at Lake Shore, Jacksonville, Fla.	60 or more.
The Florida National Bank at Lakeland, Lakeland, Fla.	66 or more.
Florida First National Bank at Madison, Madison, Fla.	62 or more.
The Florida National Bank & Trust Co. at Miami, Miami, Fla.	86 or more.
Florida Northside Bank of Jacksonville, Jacksonville, Fla.	70 or more.
Florida First National Bank at Ocala, Ocala, Fla.	65 or more.
Florida First National Bank at Opa-Locka, Opa-Locka, Fla.	87 or more.
The Florida National Bank at Orlando, Orlando, Fla.	66 or more.
The Florida First National Bank at Pensacola, Pensacola, Fla.	73 or more.
The Florida National Bank at Perry, Perry, Fla.	60 or more.
Florida First National Bank at Port St. Joe, Port St. Joe, Fla.	80 or more.
The Florida National Bank at St. Petersburg, St. Petersburg, Fla.	63 or more.
Florida Bank at Starke, Starke, Fla.	62 or more.
Florida First National Bank at Vero Beach, Vero Beach, Fla.	71 or more.
Florida National Bank & Trust Co. at West Palm Beach, West Palm Beach, Fla.	69 or more.

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 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 Atlanta.

By order of the Board of Governors, June 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7740; Filed, June 18, 1970; 8:47 a.m.]

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PART II

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Labor-Management Relations

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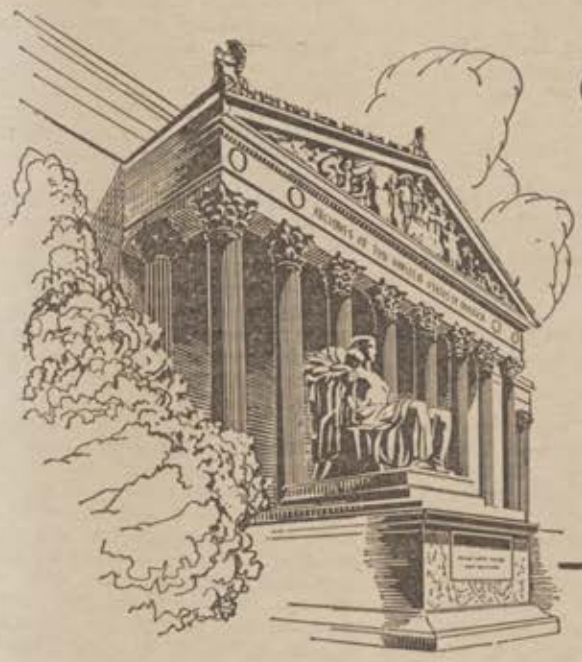
STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS



Title 29—LABOR

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

PART 204—STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS

On March 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 3996) a notice of proposed rule making to add a new Part 204 to 29 CFR, Chapter II, in order to implement further the duties delegated to the Assistant Secretary of Labor for Labor-Management Relations by Executive Order 11491. Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed regulations not later than March 25, 1970. After consideration of all relevant matter presented, I have decided to adopt the proposed regulations, with some changes. As adopted, the rules are set forth below.

Accordingly, pursuant to sections 6(d) and 18(d) of Executive Order 11491 (34 F.R. 17605), I hereby amend Title 29 of the Code of Federal Regulations by adding to Chapter II a new Part 204 to read as follows:

Subpart A—Substantive Requirements Concerning Standards of Conduct

Subpart B—Proceedings for Enforcing Standards of Conduct

AUTHORITY: The provisions of this Part 204 issued under secs. 6 and 18, E.O. 11491, 34 F.R. 17605.

Subpart A—Substantive Requirements Concerning Standards of Conduct

§ 204.1 General.

The term "LMRDA" means the Labor-Management Reporting and Disclosure Act of 1959, as amended (29 U.S.C. 401 et seq.). Unless otherwise provided in this part or in the order, any term in any section of the LMRDA which is incorporated into this part by reference and any term in this part which is also used in the LMRDA, shall have the meaning which that term has under the LMRDA, unless the context in which it is used indicates that such meaning is not applicable. In applying the standards contained in this subpart the Assistant Secretary will be guided by the interpretations and policies followed by the Department of Labor in applying the provisions of the LMRDA, and, where no such interpretations exist, he will be guided, as appropriate, by decisions of the courts.

§ 204.2 Bill of Rights of members of labor organizations.

(a) (1) *Equal rights.* Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) *Freedom of speech and assembly.* Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided*, That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) *Dues, initiation fees, and assessments.* Except in the case of a federation of national or international labor organizations, the rates of dues and initiation fees payable by members of any labor organization in effect on the date this section is published shall not be increased, and no general or special assessment shall be levied upon such members, except—

(i) In the case of a local organization, (*a*) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or (*b*) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot; or

(ii) In the case of a labor organization, other than a local labor organization or a federation of national or international labor organizations, (*a*) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than 30 days' written notice to the principal office of each local or constituent labor organization entitled to such notice, or (*b*) by majority vote of the members in good standing of

such labor organization voting in a membership referendum conducted by secret ballot, or (c) by majority vote of the members of the executive board or similar governing body of such labor organization, pursuant to express authority contained in the constitution and bylaws of such labor organization: *Provided*, That such action on the part of the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) *Protection of the right to sue.* No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided*, That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a 4-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof.

(5) *Safeguards against improper disciplinary action.* No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (i) served with written specific charges; (ii) given a reasonable time to prepare his defense; (iii) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall not be a defense to any proceeding instituted against the labor organization under this part or Executive Order 11491.

(c) Nothing contained in this section shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

(d) It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each agreement made by such labor organization with any agency or activity to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer, copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. An employee's rights under this paragraph shall be enforceable in the same manner as the rights of a member.

§ 204.3 Adoption of constitution and bylaws.

Every labor organization shall adopt a constitution and bylaws and file copies thereof pursuant to § 204.5.

§ 204.4 Filing of labor organization registration report.

Every labor organization shall file a registration report, signed by its president and secretary or corresponding principal officers. This registration report shall be filed in duplicate with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, on Form G–1 entitled "Federal Labor Organization Registration Report"[1] before August 1, 1970, or within 90 days after the date on which the labor organization becomes subject to the order, whichever is later.

§ 204.5 Filing of constitution and bylaws.

Every labor organization shall file two copies of its constitution and bylaws with the Form G–1.

§ 204.6 Labor organizations filing under the LMRDA.

The provisions of §§ 204.4 and 204.5 are not applicable to any labor organization which is required to report and is reporting pursuant to section 201(a) of the LMRDA.

§ 204.7 Alternative method of filing constitution and bylaws.

(a) A labor organization may adopt as its constitution and bylaws (whether by formal action or by virtue of affiliation with a parent organization) the constitution and bylaws of a national or international organization which the national or international organization has filed under section 201(a) of the LMRDA or under § 204.5.

(b) Copies of the constitution and bylaws filed by a national or international organization will be accepted in lieu of the filing of such documents by each subordinate labor organization which adopts and is subject to such constitution and bylaws if (1) the national or international organization so informs the Office of Labor-Management and Welfare-Pension Reports on its registration report (Form G–1), (or otherwise, if that report is not required to be filed) and files as many additional copies as the Office of Labor-Management and Welfare-Pension Reports may request; and (2) the subordinate labor organization indicates in its registration report (Form G–1) that copies of the constitution and bylaws of the national or international organization are being filed on its behalf.

(c) A subordinate labor organization which is governed by the constitution and bylaws of a national or international organization and which also adopts its own bylaws or other supplements to the national constitution must submit two copies of the supplemental documents with its registration report (Form G–1).

§ 204.8 Amendments to constitution and bylaws.

All changes in and amendments to the constitution and bylaws filed pursuant to this subpart shall be reported through submission of the required number of copies of the labor organization's revised constitution and bylaws. These revised copies shall be filed with the labor organization's annual report filed pursuant to § 204.9 or § 204.12 for the year in which the revisions are made: *Provided, however*, That if the constitution and bylaws were filed on its behalf pursuant to paragraph (b) of § 204.7, the revised constitution and bylaws may also be filed on its behalf with the annual report of its national or international labor organization and with the same number of copies as were submitted pursuant to paragraph (b) of § 204.7, and both labor organizations shall indicate on their respective annual reports that such filings were made by the national or international labor organization.

Annual Reports

§ 204.9 Annual reports.

Every labor organization shall, except as otherwise provided in this subpart, file an annual report in duplicate signed by its president and treasurer or corresponding principal officers within 90 days after the end of its fiscal year with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, on Form G–2 entitled "Federal Labor Organization Annual Report"[2] in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 204.10 Labor organizations filing under the LMRDA.

If a labor organization is also subject to the LMRDA, and is filing annual reports pursuant to section 201 of the Act, it is not required to file the report required by § 204.9.

§ 204.11 Labor organizations under trusteeship.

If a labor organization is in trusteeship on the date for filing the annual report, the organization which has assumed the trusteeship shall file the report required in § 204.9.

§ 204.12 Small labor organizations.

(a) If a labor organization, not in trusteeship, has gross annual receipts totaling less than $30,000 but $2,000 or more for its fiscal year, it may file the annual report required by § 204.9 in duplicate on Form G–3 entitled "Federal Labor Organization Simplified Annual Report"[3] in accordance with the instructions accompanying such form and constituting a part thereof.

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(b) If a labor organization, not in trusteeship, has gross annual receipts of less than $2,000 for its fiscal year, it may file the annual report required by § 204.9 in duplicate on Form G–4 entitled "Federal Labor Organization Abbreviated Annual Report"[4] in accordance with the instructions accompanying such form and constituting a part thereof.

(c) A local labor organization, not in trusteeship, which has no assets, no liabilities, no receipts and no disbursements during the period covered by the annual report of the national organization with which it is affiliated need not file the annual report required by § 204.9 if the following conditions are met:

(1) It is governed by a uniform constitution and bylaws filed on its behalf pursuant to § 204.7(b) and the proviso in § 204.8, does not have governing rules of its own, and is not authorized to adopt such rules;

(2) Its members are subject to uniform fees and dues applicable to all members of the local labor organizations for which exemption is claimed; and

(3) The national organization with which it is affiliated assumes responsibility for the accuracy of, and submits with its annual report, Form G–2, a statement with as many copies as the Office of Labor-Management and Welfare-Pension Reports shall request, that the conditions of the exemption have been met for the specified local organizations for which exemption is claimed. This statement must be signed by the president and treasurer of the national labor organization and must contain the following additional information:

(i) If the national labor organization reports its dues in section B of Item 12 of its annual report, Form G–2, a statement of the required dues and fees of such exempt organizations, set forth in the same manner as prescribed in Item 12 of the Form G–2; and

(ii) With respect to each local labor organization for which exemption is claimed:

(*a*) The name and designation number or other identifying information.

(*b*) The file number (G–number) which the Office of Labor-Management and Welfare-Pension Reports has assigned to it.

(*c*) The mailing address.

(*d*) The city, county, and State where it is chartered to operate, if these have changed since last reported to the Office of Labor-Management and Welfare-Pension Reports.

(*e*) The names and titles of the officers as of the end of the reporting period.

REPORTING OF TRUSTEESHIPS

§ 204.13 Labor organizations filing under the LMRDA.

A labor organization subject to the LMRDA which has or assumes trusteeship over any subordinate labor organization subject to that Act as well as the order is not required to file reports under §§ 204.14–204.17, but must file the reports required under section 301 of the LMRDA and Part 408 of this title.

§ 204.14 Initial trusteeship report.

Except as provided in § 204.13, every labor organization which has or assumes trusteeship over any subordinate labor organization subject to the order shall file with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after the imposition of any such trusteeship, a trusteeship report, signed by its president and treasurer or corresponding principal officers, as well as by the trustees of the subordinate labor organization. Such report shall be filed in duplicate on Form G–15 entitled "Federal Labor Organization Trusteeship Report"[5] in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 204.15 Semiannual trusteeship report.

Every labor organization required to file a report under § 204.14 shall thereafter during the continuance of a trusteeship over the subordinate labor organization, file with the Office of Labor-Management and Welfare-Pension Reports a semiannual trusteeship report on Form G–15 in duplicate containing the information required by that form in accordance with the instructions therein relating to the semiannual trusteeship report. If during the period covered by the semiannual trusteeship report there was (a) a convention or other policy determining body to which the subordinate organization under trusteeship sent delegates or would have sent delegates if not in trusteeship, or (b) an election of officers of the labor organization assuming trusteeship, a report on Form G–15A entitled "Federal Labor Organization Schedule on Selection of Delegates and Officers"[6] shall be filed in duplicate with the Form G–15.

§ 204.16 Annual report.

During the continuance of a trusteeship, the organization which has assumed trusteeship over a subordinate labor organization subject to the order shall file with the Office of Labor-Management and Welfare-Pension Reports on behalf of the subordinate labor organization the annual report required by § 204.9 on Form G–2 in duplicate signed by the president and treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship. In addition, such labor organization shall file Form G–6, "Information and Signature Sheet for Financial Report of Federal Labor Organization Under Trusteeship,"[7] in duplicate signed by the trustees of the subordinate labor organization.

§ 204.17 Terminal trusteeship information and financial reports.

Each labor organization which has assumed trusteeship over a subordinate labor organization subject to the order shall file within 90 days after the termination of such trusteeship a report in duplicate on Form G–16 entitled "Federal Labor Organization Terminal Trusteeship Information Report"[8] in the detail required by the instructions accompanying such form and constituting a part thereof. The organization submitting the terminal trusteeship information report must also file at the same time on behalf of the subordinate labor organization a final financial report in duplicate for the organization under trusteeship on Forms G–2 and G–6, in conformance with the requirements of §§ 204.9 and 204.16, covering the period from the beginning of the fiscal year through the termination date of the trusteeship.

MISCELLANEOUS PROVISIONS RELATING TO REPORTING REQUIREMENTS

§ 204.18 Fiscal year.

As used in this subpart the term "fiscal year" means the calendar year, or other period of 12-consecutive-calendar months, on the basis of which financial accounts are kept by a labor organization reporting under this subpart. Where a labor organization designates a new fiscal year prior to the expiration of a previously established fiscal year, the resultant period of less than 12-consecutive-calendar months, and thereafter the newly established fiscal year, shall in that order each constitute a fiscal year for purposes of the reports required by this subpart.

§ 204.19 Initial annual report.

(a) The initial annual report of any labor organization whose current fiscal year ends prior to August 1, 1970, shall be filed within 90 days after the end of its next fiscal year.

(b) A labor organization which is subject to the order for only a portion of its fiscal year because the effective date of the order occurred during such fiscal year or because the labor organization otherwise first becomes subject to the order during such fiscal year, may at its option consider such portion as the entire fiscal year in filing the annual report required under § 204.9 or § 204.12.

§ 204.20 Terminal report.

Any labor organization required to file a report under the provisions of this subpart, which during its fiscal year loses its identity as a reporting labor organization through merger, consolidation, or otherwise, shall within 30 days after such loss, file a terminal report in duplicate with the Office of Labor-Management and Welfare-Pension Reports on Form G–2, Form G–3, or Form G–4, as may be appropriate under § 204.9 or § 204.12, signed by the persons who were the president and treasurer or corresponding principal officers of the labor organization immediately prior to its loss of reporting identity. For the purpose of such terminal report the fiscal year shall be considered to be the period

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from the beginning of the labor organization's fiscal year to the date of its loss of reporting identity.

§ 204.21 Effect of acknowledgment and filing by the Office of Labor-Management and Welfare-Pension Reports.

Acknowledgment by the Office of Labor-Management and Welfare-Pension Reports of the receipt of the reports and documents submitted for filing under this subpart is intended solely to inform the sender of the receipt thereof. Neither such acknowledgment nor the filing of such reports and documents by the Office of Labor-Management and Welfare-Pension Reports constitutes express or implied approval thereof or in any manner indicates that the content of any such report or document fulfills the reporting or other requirements of the order, or of the regulations in this subpart applicable thereto.

§ 204.22 Personal responsibility of signatories of reports.

Each individual required to sign any report under this subpart shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false. Penalties for filing false reports are provided in 18 U.S.C. 1001.

§ 204.23 Dissemination and verification of reports.

Every labor organization required to submit a report under this subpart shall furnish or otherwise make available to all its members the information required to be contained in such report and shall furnish or otherwise make available to every member a copy of its constitution and bylaws. Every labor organization and its officers shall be under a duty to permit any member for just cause to examine any books, records, and accounts necessary to verify such report and constitution and bylaws.

§ 204.24 Maintenance and retention of records.

Every labor organization required to file any report under this subpart shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office of Labor-Management and Welfare-Pension Reports may be verified, explained or clarified, and checked for accuracy and completeness. This includes vouchers, worksheets, receipts, and applicable resolutions (including any such records in existence on the date the order became effective). Every labor organization shall keep such records available for examination for a period of not less than 5 years after the filing of the report.

§ 204.25 Examination and copying of reports required by this subpart.

Examination of any report or other document filed as required by this subpart, and the furnishing by the Office of Labor-Management and Welfare-Pension Reports of copies thereof to any person requesting them, shall be governed by Part 70 of this title.

TRUSTEESHIPS

§ 204.26 Purposes for which a trusteeship may be established.

Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of (a) correcting corruption or financial malpractice, (b) assuring the performance of negotiated agreements or other duties of a representative of employees, (c) restoring democratic procedures, or (d) otherwise carrying out the legitimate objects of such labor organization.

§ 204.27 Prohibited acts relating to subordinate body under trusteeship.

During any period when a subordinate body of a labor organization is in trusteeship, (a) the votes of delegates or other representatives from such body in any convention or election of officers of the labor organization shall not be counted unless the representatives have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate; and (b) no current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship shall be transferred directly or indirectly to the labor organization which has imposed the trusteeship: *Provided, however,* That nothing contained in this section shall prevent the distribution of the assets of a labor organization in accordance with its constitution and bylaws upon the bona fide dissolution thereof.

§ 204.28 Presumption of validity.

In any proceeding involving § 204.26, a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution and bylaws shall be presumed valid for a period of 18 months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for purposes allowable under § 204.26. After the expiration of 18 months the trusteeship shall be presumed invalid in any such proceeding, unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under § 204.26.

ELECTIONS

§ 204.29 Election of officers.

Every labor organization subject to the order shall conduct periodic elections of officers in a fair and democratic manner. All elections of officers shall be governed by the standards prescribed in sections 401 (a), (b), (c), (d), (e), (f) and (g) of the LMRDA to the extent that such standards are relevant to elections held pursuant to the order.

ADDITIONAL PROVISIONS APPLICABLE

§ 204.30 Removal of elected officers.

When an elected officer of a local labor organization is charged with serious misconduct and the constitution and bylaws of such organization do not provide an adequate procedure meeting the standards of § 417.2(e) of this title for removal of such officer, the labor organization shall follow a procedure which meets those standards. A labor organization which has adequate procedures in its constitution and bylaws shall follow those procedures.

§ 204.31 Maintenance of fiscal integrity in the conduct of the affairs of labor organizations.

The standards of fiduciary responsibility prescribed in section 501(a) of the LMRDA are incorporated into this subpart by reference and made a part hereof.

§ 204.32 Provision for accounting and financial controls.

Every labor organization shall provide accounting and financial controls necessary to assure the maintenance of fiscal integrity.

§ 204.33 Prohibition of conflicts of interest.

(a) No officer or agent of a labor organization shall, directly or indirectly through his spouse, minor child, or otherwise (1) have or acquire any pecuniary or personal interest which would conflict with his fiduciary obligation to such labor organization, or (2) engage in any business or financial transaction which conflicts with his fiduciary obligation.

(b) Actions prohibited by paragraph (a) of this section include, but are not limited to, buying from, selling, or leasing directly or indirectly to, or otherwise dealing with the labor organization, its affiliates, subsidiaries, or trusts in which the labor organization is interested, or having an interest in a business any part of which consists of such dealings, except bona fide investments of the kind exempted from reporting under section 202(b) of the LMRDA. The receipt of salaries and reimbursed expenses for services actually performed or expenses actually incurred in carrying out the duties of the officer or agent is not prohibited.

§ 204.34 Loans to officers or employees.

No labor organization shall directly or indirectly make any loan to any officer or employee of such organization which results in a total indebtedness on the part of such officer or employee to the labor organization in excess of $2,000.

§ 204.35 Bonding requirements.

Every officer, agent, shop steward, or other representative of any labor organization subject to the order (other than a labor organization whose property and annual financial receipts do not exceed $5,000 in value), or of a trust in which a labor organization is interested,

who handles funds or other property thereof shall be bonded in accordance with the principles of section 502(a) of the LMRDA. In enforcing this requirement the Assistant Secretary will be guided by the interpretations and policies followed by the Department of Labor in applying the provisions of section 502(a) of the LMRDA.

§ 204.36 Prohibitions against certain persons holding office or employment.

The prohibitions against holding office or employment in a labor organization contained in section 504(a) of the LMRDA are incorporated into this subpart by reference and made a part hereof. The prohibitions shall also be applicable to any person who has been convicted of, or who has served any part of a prison term resulting from his conviction of, violating 18 U.S.C. 1001 by making a false statement in any report required to be filed pursuant to this subpart: *Provided, however,* That the duties and responsibilities of the Board of Parole of the U.S. Department of Justice under section 504(a) of the LMRDA shall be assumed under this section by the Assistant Secretary or such other person as he may designate for the purpose of determining whether it would not be contrary to the order and this section to permit a person barred from holding office or employment to hold such office or employment.

§ 204.37 Prohibition of certain discipline.

No labor organization or any officer, agent, shop steward, or other representative or any employee thereof shall fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of the order or of this chapter.

§ 204.38 Deprivation of rights under the order by violence or threat of violence.

No labor organization or any officer, agent, shop steward, or other representative or any employee thereof shall use, conspire to use, or threaten to use force or violence to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of the order or this chapter.

Subpart B—Proceedings for Enforcing Standards of Conduct

§ 204.50 Investigations.

When he believes it necessary in order to determine whether any person has violated or is about to violate any provisions of this part (other than § 204.2, *Bill of Rights of members of labor organizations*) the Director shall cause an investigation to be conducted. The authority to investigate possible violations of this part (other than § 204.2) shall not be contingent upon receipt of a complaint.

§ 204.51 Inspection of records and questioning.

In connection with such investigation an Area Administrator or his representative may inspect such records and question such persons as he may deem necessary to enable him to determine the relevant facts. Every labor organization, its officers, employees, agents, or representatives shall cooperate fully in any investigation and shall testify and produce the records or other documents requested in connection with the investigation. This section shall be enforced in accordance with the procedures in §§ 204.66 through 204.73.

§ 204.52 Report of investigation.

The Area Administrator's report of investigation (except those relating to complaints under § 204.2, *Bill of Rights of members of labor organizations*) shall be submitted through the Regional Administrator to the Director, who may report to interested persons concerning any matter which he deems to be appropriate as a result of such an investigation.

§ 204.53 Filing of complaints.

A complaint alleging violations of this part may be filed with any Area Administrator.

Procedures Under Bill of Rights

§ 204.54 Complaints alleging violations of § 204.2, Bill of Rights of members of labor organizations.

Any member of a labor organization whose rights under the provisions of § 204.2 are alleged to have been infringed or violated, may file a complaint in accordance with § 204.53: *Provided, however,* That such member may be required to exhaust reasonable hearing procedures (but not to exceed a 4-month lapse of time) within such organization.

§ 204.55 Content of complaint.

(a) The complaint shall contain appropriate identifying information and a clear and concise statement of the facts constituting the alleged violation.

(b) The complainant shall submit with his complaint a statement setting forth the procedures, if any, invoked to remedy the alleged violation including the dates when such procedures were invoked and copies of any written ruling or decision which he has received.

§ 204.56 Service on respondent.

Simultaneously with the filing of a complaint, a copy of the complaint shall be served upon the respondent, and a written statement of such service shall be furnished to the Area Administrator.

§ 204.57 Investigation.

(a) Upon the filing of a complaint pursuant to §§ 204.54–204.56, the Area Administrator shall make such investigation as he deems necessary and shall report the essential facts, the positions of the parties, and any offers of settlement to the Regional Administrator.

(b) An investigation to determine whether any person has violated § 204.2 shall be conducted only after receipt of a complaint filed pursuant to §§ 204.54–204.56 and shall be limited to the allegations of such complaint.

§ 204.58 Dismissal of complaint.

If the Regional Administrator, after receipt of a report of the Area Administrator pursuant to § 204.57, determines that a reasonable basis for the complaint has not been established, or that a satisfactory offer of settlement has been made, he may dismiss the complaint. If he dismisses the complaint, he shall furnish the complainant with a written statement of the grounds for dismissal, sending a copy of the statement to the respondent.

§ 204.59 Review of dismissal.

The complainant may obtain a review of such action by filing a request for review with the Assistant Secretary within ten (10) days of service of the notice of dismissal and simultaneously serving a copy of such request on the Regional Administrator and the respondent. A statement of service shall be filed with the Assistant Secretary. The request for review shall contain a complete statement of the facts and reasons upon which a request is based.

§ 204.60 Actionable complaint.

If it appears to the Regional Administrator that there is a reasonable basis for the complaint, and that no satisfactory offer of settlement has been made, he shall cause a notice of hearing to be issued and served on both the complainant and the labor organization.

§ 204.61 Notice of hearing.

The notice of hearing shall include:

(a) A copy of the complaint;

(b) A statement of the time and place of the hearing which shall be not less than 10 days after service of notice of the hearing, except in extraordinary circumstances;

(c) A statement of the nature of the hearing; and

(d) A statement of the authority and jurisdiction under which the hearing is to be held.

§ 204.62 Hearing procedures.

The proceedings following issuance of the notice of hearing shall be as provided in §§ 203.10 through 203.26 of this chapter.

Election of Officers

§ 204.63 Complaints alleging violations of § 204.29, election of officers.

(a) A member of a labor organization may file a complaint alleging violations of § 204.29 within 1 calendar month after he has (1) exhausted the remedies available under the constitution and bylaws of the labor organization and of any parent body, or (2) invoked such available remedies without obtaining a final decision within 3 calendar months of such invocation.

(b) The complaint shall contain a clear and concise statement of the facts constituting the alleged violation(s) and a statement of what remedies have been invoked under the constitution and bylaws of the labor organization and when such remedies were invoked.

(c) The complainant shall submit with his complaint a copy of any ruling or decision he has received in connection with the subject matter of his complaint.

§ 204.64 Investigation; dismissal of complaint.

If investigation discloses (a) that there has been no violation or (b) that a violation has occurred but was not of the kind that may have affected the outcome or (c) that a violation has occurred but has been remedied, the Director shall issue a determination dismissing the complaint and stating the reasons for his action.

§ 204.65 Procedures following actionable complaint.

(a) If the Director concludes that there is probable cause to believe that a violation has occurred and has not been remedied and may have affected the outcome of the election, he shall proceed in accordance with §§ 204.66 through 204.73.

(b) The challenged election shall be presumed valid pending a final decision thereon by the Assistant Secretary, and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

OTHER ENFORCEMENT PROCEEDINGS

§ 204.66 Procedures for institution of enforcement proceedings.

Whenever it appears to the Director that a violation of this part (other than § 204.2, *Bill of Rights of members of labor organizations*) has occurred and has not been remedied, he shall immediately notify any appropriate person and labor organization. Within ten (10) days following receipt of such notification, any such person or labor organization may request a conference with the Director or his representatives concerning such alleged violation. At any such conference, the Director may enter into an agreement providing for appropriate remedial action. If no person or labor organization requests such a conference, or upon failure to reach agreement following any such conference, the Director shall, through the Regional Administrator, cause a notice of hearing to be issued.

§ 204.67 Notice of hearing.

The notice of hearing shall constitute the institution of a formal enforcement proceeding in the name of the Director, who shall be the only complaining party in the proceeding and shall, where he believes it appropriate, refrain from disclosing the identity of any person who called the violation to his attention (except in proceedings involving violations of § 204.29, *Election of officers*). The notice of hearing shall include the following:

(a) The name and identity of each respondent.

(b) A clear and concise statement of the facts alleged to constitute violations of the order or of this part.

(c) A statement of the authority and jurisdiction under which the hearing is to be held.

(d) A statement of the time and place of the hearing which shall be not less than ten (10) days after service of the notice of the hearing.

(e) In any notice of hearing issued upon the basis of a complaint filed pursuant to § 204.63, a statement setting forth the procedures, if any, followed to invoke available remedies, including the dates when such procedures were invoked, and the substance of any ruling or decision received by the complaining member from the labor organization or any parent body.

§ 204.68 Answer.

(a) Within fourteen (14) days from the service of the notice of hearing, the respondent shall file an answer thereto with the Chief Hearing Examiner or with the Hearing Examiner if one has been designated, and furnish a copy to the Director. The answer shall be signed by the respondent or his attorney.

(b) The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny each of the allegations of the notice of hearing unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations in the notice of hearing. Failure to file an answer to or plead specifically to any allegation in the notice of hearing shall constitute an admission of such allegation.

§ 204.69 Procedure upon admission of facts.

The admission, in the answer or by failure to file an answer, of all the material allegations of fact in the notice of hearing shall constitute a waiver of hearing. Upon such admission, the Hearing Examiner without further hearing shall prepare his report and recommendation in which he shall adopt as his proposed findings of fact the material facts alleged in the notice of hearing.

§ 204.70 Motions.

Motions made prior to the hearing shall be filed with the Chief Hearing Examiner or with the Hearing Examiner if one has been designated. Motions during the course of the hearing may be stated orally or filed in writing and shall be made part of the record. Each motion shall state the particular order, ruling, or action desired, and the grounds therefor. The Hearing Examiner is authorized to rule upon all motions made prior to the filing of his report. The Chief Hearing Examiner may rule upon motions made prior to the designation of the Hearing Examiner or may refer such motions to a Hearing Examiner.

§ 204.71 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the Hearing Examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to the notice of hearing or answer for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact, and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

§ 204.72 Hearing procedures.

After the opening of a hearing, the procedures shall be as provided in §§ 203.10 through 203.26 of this chapter, with the exception of § 203.11 and that part of § 203.18 which refers to prehearing motions.

§ 204.73 Stay of remedial action.

In cases involving violations of this part, the Assistant Secretary may direct, subject to such conditions as he deems appropriate, that the remedial action ordered be stayed pending any further appeal that may be available under § 203.25(c) or the regulations of the Council, except that an order directing an election of officers shall not be stayed pending appeal.

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

Signed at Washington, D.C., this 12th day of June 1970.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 70-7597; Filed, June 18, 1970; 8:45 a.m.]