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Agencies in this issue—

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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.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3273 is amended to reflect a 1-year extension until June 30, 1971, of the schedule B exception covering up to 35 positions at GS–9 through GS–15 in new experimental programs for which existing civil service lists of eligibles are inadequate. Effective on publication in the FEDERAL REGISTER, paragraph (b) of § 213.3273 is amended as set out below.

§ 213.3273 Office of Economic Opportunity.

* * * * *

(b) Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1971.

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

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

[F.R. Doc. 70–8155; Filed, June 26, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Management Assistant to the Under Secretary is expected under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

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

(20) One Management Assistant to the Under Secretary.

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

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

[F.R. Doc. 70–8156; Filed, June 26, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Secretary to the Deputy Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (17) is added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

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

(17) One Confidential Secretary to the Deputy Director.

* * * * *

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

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

[F.R. Doc. 70–8223; Filed, June 26, 1970; 8:52 a.m.]

PART 300—EMPLOYMENT (GENERAL)

Applicability

Section 300.601 is amended to permit movement from wage to General Schedule positions of persons eligible for placement assistance under the Commission's displaced employee program without regard to certain time-in-grade requirements. A new subparagraph (3) is added to paragraph (b) of § 300.601 as set out below.

§ 300.601 Applicability.

* * * * *

(b) This subpart does not apply:

* * * * *

(3) When the position from which the advancement is made is subject to a wage system under section 5341(a) of title 5, United States Code, and the employee is eligible for placement assistance under Subpart C of Part 330 of this chapter, unless the employee held a general schedule position within the preceding year.

(5 U.S.C. 3301, note, 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. 70–8224; Filed, June 26, 1970; 8:52 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

BURLEY STANDARD GRADES

On May 13, 1970, notice of proposed rule making regarding an amendment to the Official Standard Grades for Burley Tobacco was published in the FEDERAL REGISTER (35 F.R. 7427).

Statement of consideration. Grade standards for tobacco are issued under the authority of The Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

The notice of proposed amendment included proposals to (1) establish grades M1F and M2F, (2) delete the words "or better" from specifications for existing M grades, (3) change grades M3R, M4R, and M5R to M3FR, M4FR, and M5FR, (4) delete X3R, X4R, X5R, C3R, C4R, and C5R, and (5) delete the definition of the word "oil."

An acute shortage of labor has caused more farmers to resort to the mixed stripped method of preparing tobacco for market. This process consists of stripping leaves from the entire stalk and removing only the trashy bottom and heavy tip leaves. As a result, the increase in mixed stripped offerings of better quality tobacco has created a need for the proposed M grade changes.

In recent years tobacco classified in grades X3R, X4R, X5R, C3R, C4R, and C5R has appeared in insufficient quantity to justify retention of these grades. Analogously, retention of the definition of the word "oil" would serve no useful purpose as a quality determinant factor.

Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed amendment. After consideration of such relevant matter as was presented by interested persons, the amendment as so proposed is adopted. The amendment is set forth below.

Effective date. This amendment shall become effective 30 days following the

date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of June 1970.

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

1. In § 29.3011 the second sentence and the parenthetical reference following it would be deleted.

2. Section 29.3042 is revoked.

3. Section 29.3151 is amended by deleting grades X3R, X4R, and X5R and their specifications.

4. Section 29.3152 is amended by deleting grades C3R, C4R, and C5R and their specifications.

5. Section 29.3155 is revised to read as follows:

§ 29.3155 Mixed (M Group).

This group consists of tobacco of distinctly different groups which are mixed together in various combinations.

U.S. Grades	*Grade Names and Specifications*
M1F	Choice Light Mixed. General quality of X1, C1, and B1, medium to tissuey body, light general color, and 5 percent injury tolerance.
M2F	Fine Light Mixed. General quality of X2, C2, and B2, medium to tissuey body, light general color, and 10 percent injury tolerance.
M3F	Good Light Mixed. General quality of X3, C3, B3, T3, medium to tissuey body, light general color, under 20 percent greenish, and 15 percent injury tolerance.
M4F	Fair Light Mixed. General quality of X4, C4, B4, T4, medium to tissuey body, light general color under 20 percent greenish, and 20 percent injury tolerance.
M5F	Low Light Mixed. General quality of X5, C5, B5, T5, medium to tissuey body, light general color, under 20 percent greenish, and 30 percent injury tolerance.
M3FR	Good Dark Mixed. General quality of X3, C3, B3, T3, heavy to medium body, dark general color, under 20 percent greenish, and 15 percent injury tolerance.
M4FR	Fair Dark Mixed. General quality of X4, C4, B4, T4, heavy to medium body, dark general color, under 20 percent greenish, and 20 percent injury tolerance.
M5FR	Low Dark Mixed. General quality of X5, C5, B5, T5, heavy to medium body, dark general color, under 20 percent greenish, and 30 percent injury tolerance.

6. In § 29.3181 the subheading "17 Grades of Flyings" is amended to read "14 Grades of Flyings", and grade symbols "X3R", "X4R", and "X5R" under this subheading are deleted.

7. In § 29.3181 the subheading "24 Grades of Lugs or Cutters" is amended to read "21 Grades of Lugs or Cutters", and grade symbols "C3R", "C4R", and "C5R" under this subheading are deleted.

8. In § 29.3181 the subheading "6 Grades of Mixed Group" is amended to read "8 Grades of Mixed Group", and grade symbols under this subheading are amended by adding "M1F" and "M2F" between the subheading and grade symbol "M3F" and by changing grade symbols "M3R", "M4R", and "M5R" to read "M3FR", "M4FR", and "M5FR", respectively.

(49 Stat. 734; 7 U.S.C. 511m)

[F.R. Doc. 70-8161; Filed, June 26, 1970; 8:48 a.m.]

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

Basis for Charges

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products.[1] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of consideration leading to amendment of regulations. The rising costs of maintaining the inspection service have made it necessary to increase inspection fees for services based upon the hourly and unit rate of charge. In addition §§ 52.43, 52.44, and 52.45 concerning fees to be collected and charged for licensed samplers are deleted because sampling fees are to be charged and collected on the same basis for both USDA inspectors and USDA licensed samplers. The standard sampling fee is covered under § 52.42(b)(1).

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), the following sections dealing with "fees and charges" of the subpart are hereby amended to read as follows:

§ 52.42 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $10 per hour.

(b) Unless otherwise provided in this part, the respective fees for inspection services performed under this part on officially drawn samples shall be based on the applicable rates specified in this section plus the applicable charges for such micro, chemical, and certain other special analyses specified in § 52.47 which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

OFFICIALLY DRAWN SAMPLES

(1) For sampling, checkloading, condition of container examination or for any related services, or any combination thereof, including travel time as provided for in § 52.51—$10 per hour.

(2) For determining the quality and condition of the processed product by examination of the sample, the rate as listed in (i) through (ix) of this subdivision (2) for the applicable method of preservation:

(i) *Canned or similarly processed fruits and vegetables, except canned pineapple and canned pineapple juice packed and inspected in Puerto Rico.*

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812):	
Minimum fee for 200 cases, or less	$10.00
For each additional 100 cases, or fraction thereof, but not in excess of a total of 5,000 cases	1.00
For each additional 100 cases, or fraction thereof, in excess of a total of 5,000 cases	0.75

(ii) *Canned pineapple and canned pineapple juice packed and inspected in Puerto Rico.*

For each case of 24 containers, or less	$0.015
For each case of more than 24 containers	0.020
Minimum fee per lot	8.00

(iii) *Frozen or similarly processed fruits and vegetables.*

(a) Frozen products other than corn-on-the-cob:	
For each lot of 5,000 pounds, or less	$15.00
For each additional 5,000 pounds, or fraction thereof, but not in excess of a total of 100,000 pounds	2.50
For each additional 5,000 pounds, or fraction thereof, in excess of a total of 100,000 pounds	2.00
(b) Frozen corn-on-the-cob:	
For each lot of 1,000 dozen ears, or less	$15.00
For each additional 1,000 dozen ears, or fraction thereof, but not in excess of a total of 10,000 dozen ears	2.50
For each additional 1,000 dozen ears in excess of a total of 10,000 dozen ears	2.00

(iv) *Dried fruits other than figs and dates.*

For each lot of 5,000 pounds, or less	$15.00
Each additional 2,000 pounds, or fraction thereof, but not in excess of a total of 50,000 pounds	1.00
Each additional 2,000 pounds, or fraction thereof, in excess of 50,000 pounds	0.75

(v) *Dried figs and dates.*

For each lot of 5,000 pounds, or less	$15.00
Each additional 2,000 pounds, or fraction thereof, but not in excess of a total of 50,000 pounds	2.50
Each additional 2,000 pounds, or fraction thereof, in excess of 50,000 pounds	2.00

(vi) *Dehydrated fruits and vegetables.*

For each lot of 5,000 pounds, or less	$15.00
Each additional 2,000 pounds, or fraction thereof, but not in excess of a total of 25,000 pounds	1.00
Each additional 2,000 pounds, or fraction thereof, in excess of 25,000 pounds	0.75

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea; cocoa; coffee; spices; condiments.

(vii) *Honey, molasses, sirup and similar sugar products.*

For 3 sample units, or less	$10.00
For each additional sample unit	1.00

(viii) *Coffee.*

Green bean grade, first sample	$10.00
For each additional sample	5.00
Cup test, first sample	$10.00
For each additional sample	2.50
Combination green bean grade and cup test, first sample	15.00
For each additional sample	7.50

(ix) *Tea.*

Cup test, first sample	$10.00
For each additional sample	2.50

(c) Unless otherwise provided in this part, the respective fees for inspection services performed on unofficially drawn samples shall be based on the applicable rates specified in this section plus the charges for such micro, chemical, and certain other special analyses specified in § 52.47 which may be requested by the applicant or required by the inspector to determine the quality or condition of the samples.

UNOFFICIALLY DRAWN SAMPLES

(1) *Canned or similarly processed fruits and vegetables.*

3 sample units, or less	$10.00
Each additional sample unit	2.50

(2) *Frozen or similarly processed fruits and vegetables.*

2 sample units, or less	$10.00
Each additional sample unit	2.50

(3) *Dried fruits other than figs and dates.*

Each sample	$10.00

(4) *Dried figs and dates.*

Each sample	$10.00

(5) *Dehydrated fruits and vegetables.*

Each sample	$10.00

(6) *Honey, molasses, sirup.*

Same as officially drawn samples.

(7) *Coffee.*

Same as officially drawn sample.

(8) *Tea.*

Same as officially drawn sample.

(d) The fee for any inspection service performed on any processed product not included in paragraphs (b) and (c) of this section shall be at the rate of $10 per hour for the time (including travel time as provided for in § 52.51) required by the inspector in performing the inspection service.

§ 52.47 Charges for micro, chemical, and certain other special analyses.

(a) The applicable charges listed in this section shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant, or required by the inspector to determine the quality or condition of the processed product. When any of these analyses are made at the request of the applicant and are not in connection with an inspection to determine the quality or condition of the product, the applicable charge shall be increased by 50 percent.

Type of analysis	For first analysis	For each additional analysis
Alcohol insoluble solids	$10.00	$5.00
Alcohol (distillation and specific gravity)	20.00	15.00
Ascorbic acid (vitamin C)	10.00	2.50
Ash, acid insoluble	15.00	10.00
Ash, total (carbonated or sulfated)	10.00	5.00
Ash, water soluble or water insoluble	15.00	10.00
Ash, NaCl Free (approximate method—total ash less NaCl)	15.00	10.00
Ash, NaCl Free (P_2O_5X2)	25.00	15.00
Catalase test	5.00	5.00
Diastase test for honey (AOAC Method)	20.00	10.00
Ether Extract (crude fat)	15.00	10.00
Fat (acid hydrolysis)	15.00	10.00
Fiber test (green and wax beans)	10.00	5.00
Fly egg and maggot count	5.00	2.50
Iodine number	15.00	10.00
Moisture (drying method)	5.00	5.00
Mold count:		
Direct smear	5.00	5.00
Centrifuge or dilution	6.25	6.25
Pulping	7.50	7.50
Nitrogen or crude protein	15.00	10.00
Nonvolatile ether extract	15.00	10.00
Oil volatile	10.00	10.00
Phosphorous pentoxide (P_2O_5)	25.00	15.00
Potash (K_2O)	25.00	15.00
Peroxidase test (frozen vegetables)	5.00	5.00
Recoverable oil (citrus juices)	10.00	5.00
Reducing sugars	20.00	10.00
Sucrose (chemical methods)	25.00	15.00
Sucrose (direct polarization)	10.00	5.00
Starch or carbohydrates (direct hydrolysis)	25.00	15.00
Sulphur dioxide (direct titration)	10.00	5.00
Sulphur dioxide (distillation method)	15.00	10.00
Sodium	15.00	10.00
Total solids (drying method)	5.00	5.00
Vanillin (colorimetric)	10.00	5.00
Volatile and nonvolatile ether extract	15.00	10.00
Water-insoluble-inorganic-residue	10.00	5.00
Water insoluble solids	15.00	10.00
Worm larvae and insect fragment count	10.00	7.50

(b) The following charges, as applicable, shall be made for listed analyses which are requested by the applicant and are not in connection with an inspection service to determine the quality or condition of the product; however no such charge shall be made when the analyses are in connection with an inspection to determine the quality or condition of the product:

Brix reading (refractometric or spindle)	$5.00
Brix reading (double dilution)	10.00
Total acidity (direct titration)	5.00
Free fatty acids	5.00
Tough string test (green and wax beans)	5.00
Salt (NaCl)—direct titration	5.00
Soluble solids (refractometric method)	5.00
Total solids (refractometric method)	5.00
Color determination of extracted honey	5.00
Color determination of sugarcane molasses or sugarcane sirup	5.00

(c) The following charges shall be made for certain other special analyses whether or not made in connection with an inspection to determine quality and condition of the product:

Type of analysis:	
Aflatoxin in peanuts and peanut products (thin layer, chromotography methods)	$15.00

§ 52.48 Fees and charges not otherwise provided for; and situations when hourly rate required.

With respect to any inspection service for which no applicable fee or charge is set forth in this part, or when the inspection service performed is such that applicable fees and charges would be inadequate or inequitable, the total fees and charges shall be based upon the time consumed by the inspector in performance of such inspection service at the rate of $10 per hour.

§ 52.49 Charges for copies of score sheets.

If the applicant for inspection service requests one or more copies of a score sheet referable to the processed product covered thereby, he may obtain such copies from the inspector in charge of the office of inspection serving the area where the service was performed at a charge of $5 per copy: *Provided*, That no charge shall be made for one copy if requested in conjunction with the request for inspection.

§ 52.50 Charges for additional copies of inspection certificates.

Charges for additional copies of inspection certificates issued in accordance with § 52.21 may be supplied to any interested party at a charge for such copies at the rate of $5 for each seven (7), or fewer, copies.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than June 29, 1970 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; and (3) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated June 23, 1970, to become effective at 12:01 a.m., June 29, 1970.

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

[F.R. Doc. 70-8159; Filed, June 26, 1970; 8:45 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

EXEMPTIONS

Under the authority of § 301.79-2 of the Soybean Cyst Nematode Quarantine

regulations (7 CFR 301.79–2, as amended), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.79–2b as set forth below. The Director of the Plant Protection Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.79–2b Exempted articles.[1]

(a) The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (6) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(1) Root crops, such as beets, carrots, Irish potatoes, onions, radishes, rutabagas, sweetpotatoes, and turnips, if moving to a designated processing plant.[2]

(2) Peanuts, if moving to a designated processing plant.[2]

(3) Soybeans, other than for seed purposes, if harvested in bulk, and if the beans and containers for the beans have not come in contact with the soil.

(4) Unshucked ear corn, if harvested without coming into contact with the soil.

(5) Cotton picking sacks, if they have been cleaned or treated to the satisfaction of the inspector.

(6) Used farm tools and implements, if cleaned free of soil.

(b) The following article is exempt from the certification, permit, or other requirements of this subpart under the applicable conditions as prescribed in the following subparagraph:

(1) Seed cotton, if moving to a designated gin.[2]

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.79–2)

This list of exempted articles shall become effective July 1, 1970, when it shall supersede the list of exempted articles in 7 CFR 301.79–2b which became effective May 22, 1968.

The purpose of this revision is to delete from the list of exempted articles soil samples of any size if collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States.

Effective July 1, 1970, except when specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved by the Director and so listed by him.

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Information as to designated processing plants and gins may be obtained from an inspector. Any processing plant or gin is eligible for designation under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.79–1(b)).

Done at Hyattsville, Md., this 23d of June 1970.

D. R. SHEPHERD,
Director, Plant Protection Division.

[F.R. Doc. 70–8210; Filed, June 26, 1970; 8:51 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

MISCELLANEOUS AMENDMENTS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), §§ 301.79–3 and 301.79–4 of the regulations under Notice of Quarantine No. 79 (7 CFR 301.79–3 and 301.79–4) relating to the soybean cyst nematode are hereby revised to read as follows:

§ 301.79–3 Conditions governing the interstate movement of regulated articles from quarantined States.[3]

(a) Any regulated articles, except soil samples for processing, testing, or analysis, may be moved interstate from any quarantined State under the following conditions:

(1) From any regulated area, with a certificate or permit issued and attached in accordance with §§ 301.79–4 and 301.79–7, if moved into or through any point outside of the regulated areas; or

(2) From any regulated area, without a certificate or permit, if moved:

(i) Under the provisions of § 301.79–2b which exempt certain articles from certificate and permit requirements; or

(ii) From any regulated area in any quarantined State to any contiguous regulated area; or

(iii) Through or reshipped from any regulated area if the articles originated outside of the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(*a*) The regulated articles are exempt under provisions of § 301.79–2b; or

(*b*) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved[3] by the Director and so listed by him in a supplemental regulation.[4] A certificate or permit will not be required to be attached to such soil samples except in those situations where the Director has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.79–4 and 301.79–7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.79–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles (except soil samples for processing, testing, or analysis) by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow the interstate movement of regulated articles (except soil samples for processing, testing, or analysis), not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, he determines that such movement will not result in the spread of the soybean cyst nematode and the requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles (except soil samples for processing, testing, or analysis) to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles, and certificates or permits to allow the

[3] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Director, Plant Protection Division, ARS, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[4] For list of approved laboratories, see PPD 639.

movement of soil samples for processing, testing, or analysis in emergency situations, may be issued by the Director under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments of regulated articles (except soil samples for processing, testing, or analysis) provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for the interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Director if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 33 F.R. 15485)

The foregoing amendments of §§ 301.79–3 and 301.79–4 shall become effective July 1, 1970, when they shall supersede those sections of the regulations effective January 9, 1969.

The amendments of §§ 301.79–3 and 301.79–4 provide that soil samples for processing, testing, or analysis may be moved from the regulated areas (without a certificate or permit) only to approved laboratories, or only in emergencies under authorization from the Director of the Plant Protection Division. The amendment of § 301.79–4(f) clarifies the long-standing administrative interpretation of said section by expressly stating the power of the Director to withdraw certificates or permits.

Notice of rule-making was published in the FEDERAL REGISTER on November 7, 1969 (34 F.R. 18042), with respect to proposed amendments of the regulations relating to the movement of soil samples. Due consideration has been given to all comments received pursuant thereto and to all other relevant information. The amendment of § 301.79–4(f) concerning the authority of the Director to withdraw certificates and permits relates to a matter of agency organization and procedure. It does not appear that further public rule-making procedures concerning the amendment would make additional information available to the Department.

Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to the amendments are unnecessary and impracticable, and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of June, 1970.

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

[F.R. Doc. 70-8211; Filed, June 26, 1970; 8:51 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

EXEMPTIONS

Under the authority of § 301.77–2 of the European Chafer Quarantine regulations (7 CFR 301.77–2, as amended), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.77–2b as set forth below. The Director of the Plant Protection Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.77–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (c) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(a) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized, or compressed.

(b) True bulbs, corms, rhizomes, and tubers (other than clumps of dahlia tubers) of ornamental plants, if free of soil.

(c) Used mechanized soil-moving equipment, if cleaned and repainted.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.77–2)

This list of exempted articles shall become effective July 1, 1970, when it shall supersede the list of exempted articles in 7 CFR 301.77–2b which became effective July 18, 1968.

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

The purpose of this revision is to delete from the list of exempted articles soil samples of any size if collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States; and soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit and are consigned to a laboratory approved by the Director for such purpose.

Effective July 1, 1970, except when specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved by the Director and so listed by him.

Done at Hyattsville, Md., this 23d day of June, 1970.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[F.R. Doc. 70-8212; Filed, June 26, 1970; 8:51 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

[MISCELLANEOUS AMENDMENTS]

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), §§ 301.77(b), 301.77–1(n), 301.77–1(r), 301.77–3, and 301.77–4 of the regulations under Notice of Quarantine No. 77 (7 CFR 301.77(b), 301.77–1(n), 301.77–1(r), 301.77–3, and 301.77–4) relating to the European chafer are hereby revised to read as follows:

§ 301.77 Quarantine; restriction on interstate movement of specified regulated articles.

* * * * *

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State or District any of the articles listed in subparagraph (1) or (2) of this paragraph, except in accordance with the conditions prescribed in this subpart:

(1) When moved from any generally infested area or any area, outside the regulated areas, in a quarantined State or District:

(i) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things;

(ii) Plants with roots, except soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground pine or running pine);

(iii) Grass sod;

(iv) Plant crowns and roots for propagation;

(v) True bulbs, corms, rhizomes, and tubers of ornamental plants, when freshly harvested or uncured;

(vi) Used mechanized soil-moving equipment;

(vii) Any other products, articles, or means of conveyance of any character

whatsoever, not covered by subdivisions (i) through (vi) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the European chafer and the person in possession thereof has been so notified.

(2) When moved from any suppressive area in a quarantined State or District:

(i) Bulk soil;

(ii) Used mechanized soil-moving equipment;

(iii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subdivisions (i) and (ii) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the European chafer and the person in possession thereof has been so notified.

§ 301.77–1 Definitions.

* * * * *

(n) *Regulated articles.* Any articles as listed in § 301.77(b) (1) or (2).

* * * * *

(r) *Suppressive area.* That part of a regulated area where all establishments handling regulated articles, except products being produced on the farm, have been treated for eradication of the European chafer and where eradication of the entire infestation in that part of the regulated area is undertaken as the objective, as designated by the Director under § 301.77–2(a).

* * * * *

§ 301.77–3 Conditions governing the interstate movement of regulated articles from quarantined States and Districts.[2]

(a) Any regulated articles, except soil samples for processing, testing, or analysis, may be moved interstate from any quarantined State or District under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.77–4 and 301.77–7, if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of spread of the European chafer and the person in possession thereof has been so notified;

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2)(v) of this paragraph; or

(2) Without certificate or permit, if moved:

(i) From any generally infested area or any suppressive area, under the provisions of § 301.77–2b which exempts certain articles from certification and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the European chafer exists; or

(v) Through or reshipped from any generally infested area or suppressive area if the articles originated outside the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(*a*) The regulated articles are exempt under the provisions of § 301.77–2b; or

(*b*) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved [3] by the Director and so listed by him in a supplemental regulation.[4] A certificate or permit will not be required to be attached to such soil samples except in those situations where the Director has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.77–4 and 301.77–7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.77–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles (except soil samples for processing, testing, or analysis) by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow the interstate movement of regulated articles (except soil samples for processing, testing, or analysis) not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, he determines that such movement will not result in the spread of the European chafer and the requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles (except soil samples for processing, testing, or analysis) to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles, and certificates or permits to allow the movement of soil samples for processing, testing, or analysis in emergency situations, may be issued by the Director under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments of regulated articles (except soil samples for processing, testing, or analysis) provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for the interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms; or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Director, Plant Protection Division, ARS, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[4] For list of approved laboratories, see PPD 639.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Director if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485)

The foregoing amendments of §§ 301.-77(b), 301.77–1(n), and 301.77–1(r) change the definitions of regulated articles and suppressive area and specifically designate only bulk soil and used mechanized soil-moving equipment as regulated articles when moved from a suppressive area, although, under the amendments, other articles may be so designated when it is determined that they present a hazard of spreading the European chafer. The amendments of §§ 301.77–3 and 301.77–4 provide that soil samples for processing, testing, or analysis may be moved from the regulated areas (without a certificate or permit) only to approved laboratories, or only in emergencies under authorization from the Director of the Plant Protection Division. The amendment of § 301.77–4(f) clarifies the long-standing administrative interpretation of said section by expressly stating the power of the Director to withdraw certificates or permits.

The amendments of §§ 301.77(b), 301.-77–1(n), 301.77–1(r), and 301.77–4(f) of the regulations shall become effective upon publication in the FEDERAL REGISTER, when they shall supersede those paragraphs of the regulations effective July 18, 1968. The other amendments of §§ 301.77–3 and 301.77–4 of the regulations shall become effective July 1, 1970, when they shall supersede the corresponding sections of the regulations effective July 18, 1968.

Notice of rule-making was published in the FEDERAL REGISTER on November 7, 1969 (34 F.R. 18042), with respect to proposed amendments of the regulations relating to the movement of soil samples. Due consideration has been given to all comments received pursuant thereto and to all other relevant information.

Insofar as the changes in the definitions of regulated articles and suppressive area and in the listing of regulated articles for movement from such an area impose more stringent requirements concerning suppressive areas, they should be made effective promptly in order to accomplish their purpose in the public interest. Insofar as those amendments relieve restrictions with respect to such areas, they may be made effective less than 30 days after publication in the FEDERAL REGISTER. The amendment of § 301.77–4(f) concerning the authority of the Director to withdraw certificates and permits relates to a matter of agency organization and procedure. It does not appear that further public rule-making procedures concerning the amendments would make additional information available to the Department.

Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to the amendments are unnecessary and impracticable, and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of June, 1970.

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

[F.R. Doc. 70–8213; Filed, June 26, 1970; 8:51 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR TUNG NUT CROP INSURANCE

The appendix published in the FEDERAL REGISTER on March 12, 1970 (35 F.R. 4390), designating Jackson County, Fla., for tung nut crop insurance for the 1971 crop year is hereby revoked.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 70–8214; Filed, June 26, 1970; 8:52 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

1970 RATES OF PENALTY

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish the 1970 rates of penalty for excess upland cotton and extra long staple cotton.

It is essential that the penalty rates be made available to producers and cotton buyers as soon as possible. Establishment of such rates involves a mathematical computation in accordance with the statutory formula. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.100 of the regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445, 13035, 15791, 32 F.R. 9298; 33 F.R. 6701, and 9387; 34 F.R. 11082) is amended by adding the following new paragraph (e) at the end thereof:

§ 722.100 Penalty rate for each crop year.

* * * * *

(e) *1970 crop*—(1) *Upland Cotton.* The parity price for upland cotton effective as of June 15, 1970, is 48.81 cents per pound. The rate of penalty for upland cotton produced in 1970 as calculated on the basis of 50 percent of such parity price in accordance with § 722.79 shall be 24.4 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton, effective as of June 15, 1970 is 77.60 cents per pound. The rate of penalty for ELS cotton produced in 1970 as calculated on the basis of 50 percent of such parity price shall be 38.8 cents per pound of ELS lint cotton.

(Secs. 346, 347, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1346, 1347, 1375)

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

Signed at Washington, D.C., on June 23, 1970.

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

[F.R. Doc. 70–8209; Filed, June 26, 1970; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 433]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.733 Lemon Regulation 433.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is

hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effectve date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 24, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 28, 1970, through July 4, 1970, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: June 25, 1970.

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

[F.R. Doc. 70-8253; Filed, June 26, 1970; 8:52 a.m.]

Chapter XXV—Export Marketing Service, Department of Agriculture

PART 2507—AVAILABILITY OF INFORMATION TO THE PUBLIC

Chapter XXV, Title 7, CFR, is hereby amended by adding new Part 2507 dealing with availability to the public of records of the Export Marketing Service. The fee schedule for copies of available documents is published as a notice in the FEDERAL REGISTER (currently 33 F.R. 14726). Such notice is subject to revision from time to time. The new Part 2507 reads as follows:

Subpart A—General

Sec.
2507.1 General statement.

Subpart B—Availability of Program Information, Staff Manuals, Instructions, and Related Material

2507.2 Index.
2507.3 Records available from index.
2507.4 Facilities for inspection and availability of copies.

Subpart C—Availability of Identifiable Records

2507.5 Requests.
2507.6 Exempt records.
2507.7 Denials.
2507.8 Appeals.

AUTHORITY: The provisions of this Part 2507 issued under 5 U.S.C. 301; 552(a) (2), (3) and (b); 5 U.S.C. 559.

Subpart A—General

§ 2507.1 General statement.

This part is issued in accordance with and subject to the regulations of the Secretary of Agriculture, §§ 1.1 through 1.4 of this title, and governs the availability of records of the Export Marketing Service ("EMS") to the public upon request.

Subpart B—Availability of Program Information Staff Manuals, Instructions, and Related Material

§ 2507.2 Index.

The Assistant to the General Sales Manager (Compliance) will maintain a current index providing identifying information with respect to records referred to in § 2507.3.

§ 2507.3 Records available from index.

Records listed in the index will include final orders, and opinions, statements of policy and interpretation, and administrative staff manuals and instructions.

§ 2507.4 Facilities for inspection and availability of copies.

(a) Facilities for public inspection and copying of material listed in the index will be provided in a reading room in the office of the Assistant to the General Sales Manager (Compliance), EMS, South Building, U.S. Department of Agriculture, Washington, D.C.

(b) The index, and the material listed therein, may be inspected and copied during regular working hours, or may be obtained by mail.

(c) Copies of the index, and the material listed therein, may be obtained upon payment of any applicable fees.

Subpart C—Availability of Identifiable Records

§ 2507.5 Requests.

(a) Requests for EMS records, other than those available under Subpart B, shall be made in writing to the Assistant to the General Sales Manager (Compliance).

(b) Each record requested must be identified with reasonable specificity.

(c) Records so requested will be made available, except for exempt records in the categories specified in § 2507.6.

(d) Available records may be inspected and copied in the office of the Assistant to the General Sales Manager (Compliance) during regular working hours, or may be obtained by mail. Copies will be provided upon payment of any applicable fees.

§ 2507.6 Exempt records.

The following records of EMS are exempt from disclosure:

(a) Matters specifically required by executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. See 7 CFR, Part O, Subpart B, for the policy pertaining to lists of names of farmers, businessmen, persons, organizations and firms.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 2507.7 Denials.

If the Assistant to the General Sales Manager (Compliance) determines that a requested record is exempt, he shall give prompt written notice of denial, together with the reasons therefor.

§ 2507.8 Appeals.

A denial by the Assistant to the General Sales Manager (Compliance) of any request may be appealed, by the person who made the request, to the General Sales Manager, EMS. The appeal shall be made in writing within 15 days of the date of receipt of the notice of denial from the Assistant to the General Sales Manager (Compliance). Upon timely appeal, the General Sales Manager shall make the final determination and give

written notice thereof, together with the reasons therefor in the case of denials.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 22, 1970.

CLIFFORD G. PULVERMACHER,
General Sales Manager,
Export Marketing Service.

[F.R. Doc. 70-8162; Filed, June 26, 1970; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 214—NONIMMIGRANT CLASSES

The third sentence of subdivision (iii) *Petition for alien trainee* of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "A hospital approved by the American Medical Association or the American Osteopathic Association for either an internship or residence program may petition to classify as a trainee a medical student who will engage in employment as an extern during his medical school vacation period."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Paragraph (g) of § 245.1 is amended to read as follows:

§ 245.1 Eligibility.

* * * * *

(g) *Availability of immigrant visas under section 245.* If the applicant for adjustment of status under section 245 of the Act is a preference or nonpreference alien, the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers will be consulted to determine whether an immigrant visa is immediately available. An immigrant visa is considered available for accepting and processing the application Form I-485 if the applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in his category are current. The priority date of an applicant who is seeking the allotment of an immigrant visa number under one of the first six preference classes specified in section 203(a) of the Act by virtue of a valid visa petition approved in his behalf shall be fixed by the date on which such approved petition was filed. The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, whichever is the earliest: (1) The priority date accorded the applicant by the consular officer as a nonpreference immigrant; (2) the date on which application Form I-485 is filed, if the applicant establishes that the provisions of section 212(a)(14) of the Act do not apply to him or that he is within the Department of Labor's Schedule A or C—Precertification List (29 CFR Part 60) when that list has not been suspended; (3) the date on which an approved valid third or sixth preference visa petition in his behalf was filed if the applicant was within the Department of Labor's Schedule A or C—Precertification List when that list has not been suspended; or (4) the date an application for certification was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued. A nonpreference priority date, once established, is retained by the alien even though at the time a visa number becomes available and he is allotted a nonpreference visa number he meets the provisions of section 212(a)(14) of the Act by some means other than that by which he originally established entitlement to the nonpreference priority date. An application for adjustment as a preference or nonpreference alien shall not be approved until an immigrant visa number has been allocated by the Department of State. Information as to the immediate availability of an immigrant visa may be obtained at the nearest Service office.

PART 316a—RESIDENCE, PHYSICAL, PRESENCE AND ABSENCE

The listing of institutions of research in § 316a.2 *American institutions of research* is amended by adding in alphabetical sequence the following institution of research: "Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., and its operating unit, the Gorgas Memorial Laboratory."

PART 338—CERTIFICATE OF NATURALIZATION

1. The first sentence of § 338.12 *Endorsement in case name is changed* is amended to read as follows: "Whenever the name of a petitioner has been changed by order of court as a part of a naturalization, the clerk of court or his authorized deputy shall make, date, and sign the following endorsement on the reverse side of the original and duplicate of the certificate of naturalization: 'Name changed by decree of court from ----------, as a part of the naturalization,' inserting in full the original name of the petitioner."

2. The second sentence of § 338.16 *Correction of certificates* is amended to read as follows: "If the district director finds that a correction is justified and can be made without mutilating the certificate, he shall authorize the clerk of the issuing court or his authorized deputy on Form N-459, in duplicate, to make the necessary correction and to place a dated endorsement on the reverse of the certificate, over his signature and the seal of the court, explaining the correction."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendments to §§ 214.2(h)(2)(iii), 245.1(g), 338.12, and 338.16 confer benefits upon persons affected thereby and the amendment to § 316a.2 adds an institution of research to the listing.

Dated: June 24, 1970.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 70-8193; Filed, June 26, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e)(1) relating to the State of Alabama, subdivision (i) relating to Morgan County is deleted.

2. In § 76.2, the introductory portion of paragraph (e) is amended by deleting therefrom the name of the State of New Mexico; paragraph (e)(11) relating to the State of New Mexico is deleted; and paragraph (f) is amended by adding the name of the State of New Mexico.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude a portion of Morgan County, Alabama, and a portion of Dona Ana County, N. Mex. from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The foregoing amendments also add the State of New Mexico to the list of hog cholera eradication States in § 76.2(f).

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of June 1970.

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

[F.R. Doc. 70-8157; Filed, June 26, 1970; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Quality Assurance Criteria for Nuclear Power Plants

On April 17, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 6599) for public comment proposed amendments to 10 CFR 50 "Licensing of Production and Utilization Facilities," which would add an appendix B, "Quality Assurance Criteria for Nuclear Power Plants."

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received in response to the notice of proposed rule making and other factors involved, the Commission has decided to adopt the amendments in the form set out below. The amendments, as adopted, reflect a number of the comments. The principal changes from the proposed amendments are as follows:

1. Section 50.34(a)(7) now requires that a description and evaluation of the quality assurance program be included in the preliminary safety analysis report. For clarification, the term, "evaluation" has been deleted and a sentence has been added to require that the description of the quality assurance program shall indicate how the applicable requirements of appendix B will be satisfied. For consistency, a similar statement has been added to § 50.34(b)(6)(ii) with regard to the controls to assure safe operation.

2. Section III of appendix B, "Design Control," has been revised to (a) require provisions to assure that appropriate quality standards are included in design documents and that deviations from such standards are controlled; (b) require that measures be established for the selection and review for suitability of application of materials, parts, equipment, and processes; (c) indicate that design control measures may include means of verifying or checking the adequacy of design other than the performance of design reviews, such as the use of alternate or simplified calculational methods, or the performance of a suitable testing program; and (d) require that design changes be subject to design control measures commensurate with those applied to the original design.

3. The last sentence in section IV of appendix B, "Procurement Document Control," has been modified to recognize that all sections of the quality assurance criteria may not be applicable to all contractors or subcontractors.

4. Section V of appendix B, "Instructions, Procedures, and Drawings," has been revised to make clear that the criteria for determining that important operations have been satisfactorily accomplished need not be duplicated on more than one design document.

5. Section VII, "Control of Purchased Material, Equipment, and Services," has been expanded to require that documentary evidence that material and equipment conform to the procurement requirements shall be available at the nuclear power plantsite prior to installation or use of the material and equipment. The word "all" in the first sentence of this section has been deleted so that a scope broader than that to which appendix B applies will not be inferred.

6. In section VIII, "Identification and Control of Material, Parts, and Components," the second sentence has been revised to eliminate any implication that traceability of material is, in all cases, required.

7. Section X, "Inspection," has been revised (a) to eliminate the implication that in-process inspection and mandatory inspection hold points are, in all cases, required and (b) to indicate that the inspection program shall be established and executed by or for the organization performing the inspected activity, and that the inspection shall be performed by individuals other than those who performed the activity being inspected.

8. In section XIV of appendix B, "Inspection, Test, and Operating Status," the requirement for marking nonconforming items has been deleted to eliminate duplication with the requirements of section XV. The section has also been revised to indicate that tagging valves and switches is one way to identify the operating status, but not necessarily the only way.

9. In section XVI, "Corrective Action," to preclude the necessity of corrective action measures for those conditions adverse to quality which are rarely completely eliminated, such as all weld defects prior to initial inspection, the requirement that the cause be determined and corrected to preclude repetition has been changed to apply to significant conditions adverse to quality.

10. In section XVIII, "Audits," to avoid the implication that personnel performing audits should be qualified to specific requirements, the term "appropriately qualified personnel" has been changed to "appropriately trained personnel."

Editorial changes have also been made.

The amendments set forth below establish quality assurance requirements for the design, construction, and operation of those structures, systems, and components of nuclear powerplants that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. The pertinent provisions of these requirements apply to all activities which affect the safety-related functions of such structures, systems, and components.

The quality assurance requirements established by these criteria are intended to assure that:

(a) Applicable regulatory requirements and the design basis, as defined in § 50.2 and as specified in the license application, for structures, systems, and components are correctly translated into specifications, drawings, procedures, and instructions.

(b) Systems and components fabricated and tested in manufacturers' facilities conform to the specifications, drawings, procedures, and instructions.

(c) Structures, systems, and components constructed and tested at the nuclear powerplant site conform to the specifications, drawings, procedures, and instructions.

(d) Succeeding activities, such as operating, testing, refueling, repairing, maintaining, and modifying nuclear powerplants, are conducted in accordance with quality assurance practices consistent with those employed during design and construction. In addition to the requirement that operating activities be conducted in accordance with these quality assurance practices, there are other requirements which must be suitably developed and observed to assure safe operation; for example, technical specifications, schedules of maintenance and refueling, fuel management programs, and programs for operator training and qualification.

The quality assurance criteria are intended to assist applicants for nuclear powerplant licenses (1) to comply with § 50.34(a)(7) of Part 50, which requires inclusion in the preliminary safety analysis report of a description of the quality assurance program to be applied

to the design, fabrication, construction, and testing of the structures, systems, and components of the facility, and (2) in the development of managerial and administrative controls to be used to assure safe operation, as required by § 50.34(b)(6)(ii).

The criteria will also be used for guidance in evaluating the adequacy of the quality assurance programs in use by holders of construction permits and operating licenses.

The development of the criteria has taken into account cooperative Atomic Energy Commission-industry efforts on quality assurance requirements, the experience accumulated in designing, constructing, and operating licensed nuclear powerplants and Commission-owned reactors, and the quality assurance programs required for work under the cognizance of the Department of Defense and the National Aeronautics and Space Administration.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. In § 50.34, paragraph (a)(7) and (b)(6)(ii) are amended to read as follows:

§ 50.34 Contents of applications: technical information.

(a) Preliminary safety analysis report. Each application for a construction permit shall include a preliminary safety analysis report. The minimum information[1] to be included shall consist of the following:

* * * * *

(7) A description of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," sets forth the requirements for quality assurance programs for nuclear power plants. The description of the quality assurance program for a nuclear power plant shall include a discussion of how the applicable requirements of Appendix B will be satisfied.

* * * * *

(b) Final safety analysis report. Each application for a license to operate a facility shall include a final safety analysis report. The final safety analysis report shall include information that describes the facility, presents the design basis, and the limits on its operation, and presents a safety analysis of the structures, systems, and components and of the facility as a whole, and shall include the following:

* * * * *

(6) The following information concerning facility operation:

* * * * *

(ii) Managerial and administrative controls to be used to assure safe operation. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants," sets forth the requirements for such controls for nuclear power plants. The information on the controls to be used for a nuclear power plant shall include a discussion of how the applicable requirements of Appendix B will be satisfied.

2. A new Appendix B is added to read as follows:

APPENDIX B—QUALITY ASSURANCE CRITERIA FOR NUCLEAR POWER PLANTS

Introduction. Every applicant for a construction permit is required by the provisions of § 50.34 to include in its preliminary safety analysis report a description of the quality assurance program to be applied to the design, fabrication, construction, and testing of the structures, systems, and components of the facility. Every applicant for an operating license is required to include, in its final safety analysis report, information pertaining to the managerial and administrative controls to be used to assure safe operation. Nuclear power plants include structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public. This appendix establishes quality assurance requirements for the design, construction, and operation of those structures, systems, and components. The pertinent requirements of this appendix apply to all activities affecting the safety-related functions of those structures, systems, and components; these activities include designing, purchasing, fabricating, handling, shipping, storing, cleaning, erecting, installing, inspecting, testing, operating, maintaining, repairing, refueling, and modifying.

As used in this appendix, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

I. ORGANIZATION

The applicant[1] shall be responsible for the establishment and execution of the quality assurance program. The applicant may delegate to other organizations the work of establishing and executing the quality assurance program, or any part thereof, but shall retain responsibility therefor. The authority and duties of persons and organizations performing quality assurance functions shall be clearly established and delineated in writing. Such persons and organizations shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. In general, assurance of quality requires management measures which provide that the individual or group assigned the responsibility for checking, auditing, inspecting, or otherwise verifying that an activity has been correctly performed is independent of the individual or group directly responsible for performing the specific activity.

II. QUALITY ASSURANCE PROGRAM

The applicant shall establish at the earliest practicable time, consistent with the schedule for accomplishing the activities, a quality assurance program which complies with the requirements of this appendix. This program shall be documented by written policies, procedures, or instructions and shall be carried out throughout plant life in accordance with those policies, procedures, or instructions. The applicant shall identify the structures, systems, and components to be covered by the quality assurance program and the major organizations participating in the program, together with the designated functions of these organizations. The quality assurance program shall provide control over activities affecting the quality of the identified structures, systems, and components, to an extent consistent with their importance to safety. Activities affecting quality shall be accomplished under suitably controlled conditions. Controlled conditions include the use of appropriate equipment; suitable environmental conditions for accomplishing the activity, such as adequate cleanness; and assurance that all prerequisites for the given activity have been satisfied. The program shall take into account the need for special controls, processes, test equipment, tools, and skills to attain the required quality, and the need for verification of quality by inspection and test. The program shall provide for indoctrination and training of personnel performing activities affecting quality as necessary to assure that suitable proficiency is achieved and maintained. The applicant shall regularly review the status and adequacy of the quality assurance program. Management of other organizations participating in the quality assurance program shall regularly review the status and adequacy of that part of the quality assurance program which they are executing.

III. DESIGN CONTROL

Measures shall be established to assure that applicable regulatory requirements and the design basis, as defined in § 50.2 and as specified in the license application, for those structures, systems, and components to which this appendix applies are correctly translated into specifications, drawings, procedures, and instructions. These measures shall include provisions to assure that appropriate quality standards are specified and included in design documents and that deviations from such standards are controlled. Measures shall also be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the safety-related functions of the structures, systems and components.

Measures shall be established for the identification and control of design interfaces and for coordination among participating design organizations. These measures shall include the establishment of procedures among participating design organizations for the review, approval, release, distribution, and revision of documents involving design interfaces.

[1] The applicant may provide information required by this paragraph in the form of a discussion, with specific references, of similarities to and differences from, facilities of similar design for which applications have previously been filed with the Commission.

[1] While the term "applicant" is used in these criteria, the requirements are, of course, applicable after such a person has received a license to construct and operate a nuclear powerplant. These criteria will also be used for guidance in evaluating the adequacy of quality assurance programs in use by holders of construction permits and operating licenses.

The design control measures shall provide for verifying or checking the adequacy of design, such as by the performance of design reviews, by the use of alternate or simplified calculational methods, or by the performance of a suitable testing program. The verifying or checking process shall be performed by individuals or groups other than those who performed the original design, but who may be from the same organization. Where a test program is used to verify the adequacy of a specific design feature in lieu of other verifying or checking processes, it shall include suitable qualification testing of a prototype unit under the most adverse design conditions. Design control measures shall be applied to items such as the following: reactor physics, stress, thermal, hydraulic, and accident analyses; compatibility of materials; accessibility for inservice inspection, maintenance, and repair; and delineation of acceptance criteria for inspections and tests.

Design changes, including field changes, shall be subject to design control measures commensurate with those applied to the original design and be approved by the organization that performed the original design unless the applicant designates another responsible organization.

IV. PROCUREMENT DOCUMENT CONTROL

Measures shall be established to assure that applicable regulatory requirements, design bases, and other requirements which are necessary to assure adequate quality are suitably included or referenced in the documents for procurement of material, equipment, and services, whether purchased by the applicant or by its contractors or subcontractors. To the extent necessary, procurement documents shall require contractors or subcontractors to provide a quality assurance program consistent with the pertinent provisions of this appendix.

V. INSTRUCTIONS, PROCEDURES, AND DRAWINGS

Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, or a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings. Instructions, procedures, or drawings shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

VI. DOCUMENT CONTROL

Measures shall be established to control the issuance of documents, such as instructions, procedures, and drawings, including changes thereto, which prescribe all activities affecting quality. These measures shall assure that documents, including changes, are reviewed for adequacy and approved for release by authorized personnel and are distributed to and used at the location where the prescribed activity is performed. Changes to documents shall be reviewed and approved by the same organizations that performed the original review and approval unless the applicant designates another responsible organization.

VII. CONTROL OF PURCHASED MATERIAL, EQUIPMENT, AND SERVICES

Measures shall be established to assure that purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures shall include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery. Documentary evidence that material and equipment conform to the procurement requirements shall be available at the nuclear powerplant site prior to installation or use of such material and equipment. This documentary evidence shall be retained at the nuclear powerplant site and shall be sufficient to identify the specific requirements, such as codes, standards, or specifications, met by the purchased material and equipment. The effectiveness of the control of quality by contractors and subcontractors shall be assessed by the applicant or designee at intervals consistent with the importance, complexity, and quantity of the product or services.

VIII. IDENTIFICATION AND CONTROL OF MATERIALS, PARTS, AND COMPONENTS

Measures shall be established for the identification and control of materials, parts, and components, including partially fabricated assemblies. These measures shall assure that identification of the item is maintained by heat number, part number, serial number, or other appropriate means, either on the item or on records traceable to the item, as required throughout fabrication, erection, installation, and use of the item. These identification and control measures shall be designed to prevent the use of incorrect or defective material, parts, and components.

IX. CONTROL OF SPECIAL PROCESSES

Measures shall be established to assure that special processes, including welding, heat treating, and nondestructive testing, are controlled and accomplished by qualified personnel using qualified procedures in accordance with applicable codes, standards, specifications, criteria, and other special requirements.

X. INSPECTION

A program for inspection of activities affecting quality shall be established and executed by or for the organization performing the activity to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity. Such inspection shall be performed by individuals other than those who performed the activity being inspected. Examinations, measurements, or tests of material or products processed shall be performed for each work operation where necessary to assure quality. If inspection of processed material or products is impossible or disadvantageous, indirect control by monitoring processing methods, equipment, and personnel shall be provided. Both inspection and process monitoring shall be provided when control is inadequate without both. If mandatory inspection hold points, which require witnessing or inspecting by the applicant's designated representative and beyond which work shall not proceed without the consent of its designated representative are required, the specific hold points shall be indicated in appropriate documents.

XI. TEST CONTROL

A test program shall be established to assure that all testing required to demonstrate that structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements and acceptance limits contained in applicable design documents. The test program shall include, as appropriate, proof tests prior to installation, preoperational tests, and operational tests during nuclear power plant operation, of structures, systems, and components. Test procedures shall include provisions for assuring that all prerequisites for the given test have been met, that adequate test instrumentation is available and used, and that the test is performed under suitable environmental conditions. Test results shall be documented and evaluated to assure that test requirements have been satisfied.

XII. CONTROL OF MEASURING AND TEST EQUIPMENT

Measures shall be established to assure that tools, gages, instruments, and other measuring and testing devices used in activities affecting quality are properly controlled, calibrated, and adjusted at specified periods to maintain accuracy within necessary limits.

XIII. HANDLING, STORAGE AND SHIPPING

Measures shall be established to control the handling, storage, shipping, cleaning and preservation of material and equipment in accordance with work and inspection instructions to prevent damage or deterioration. When necessary for particular products, special protective environments, such as inert gas atmosphere, specific moisture content levels, and temperature levels, shall be specified and provided.

XIV. INSPECTION, TEST, AND OPERATING STATUS

Measures shall be established to indicate, by the use of markings such as stamps, tags, labels, routing cards, or other suitable means, the status of inspections and tests performed upon individual items of the nuclear power plant. These measures shall provide for the identification of items which have satisfactorily passed required inspections and tests, where necessary to preclude inadvertent bypassing of such inspections and tests. Measures shall also be established for indicating the operating status of structures, systems, and components of the nuclear power plant, such as by tagging valves and switches, to prevent inadvertent operation.

XV. NONCONFORMING MATERIALS, PARTS, OR COMPONENTS

Measures shall be established to control materials, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation. These measures shall include, as appropriate, procedures for identification, documentation, segregation, disposition, and notification to affected organizations. Nonconforming items shall be reviewed and accepted, rejected, repaired or reworked in accordance with documented procedures.

XVI. CORRECTIVE ACTION

Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management.

XVII. QUALITY ASSURANCE RECORDS

Sufficient records shall be maintained to furnish evidence of activities affecting quality. The records shall include at least the following: Operating logs and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records shall also include closely-related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall, as a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Records shall be identifiable and retrievable. Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

XVIII. AUDITS

A comprehensive system of planned and periodic audits shall be carried out to verify compliance with all aspects of the quality assurance program and to determine the effectiveness of the program. The audits shall be performed in accordance with the written procedures or check lists by appropriately trained personnel not having direct responsibilities in the areas being audited. Audit results shall be documented and reviewed by management having responsibility in the area audited. Followup action, including reaudit of deficient areas, shall be taken where indicated.

(Sec. 161 b., i., o., 68 Stat. 948 as amended; 42 U.S.C. 2201(b), (i), (o))

Dated at Washington, D.C., this 17th day of June 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-8199; Filed, June 26, 1970; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Suspension of Maximum Rates on Certain Single Maturity Time Deposits

1. Effective June 24, 1970, subparagraph (a)(1) of § 217.7 (supplement to Regulation Q) is amended to read as follows:

(1) *Deposits of $100,000 or more.* No member bank shall pay interest on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum percent*
30–89 days	No maximum presently prescribed.
90–179 days	6¾
180 days or more but less than 1 year.	7
1 year or more	7½

2a. This amendment is designed to suspend, effective June 24, 1970, the maximum limitations heretofore prescribed by Regulation Q on the rate of interest that member banks may pay on single maturity deposits of $100,000 or more that mature 30 days or more but less than 90 days after the date of deposit. Prior to the amendment, such deposits maturing in 30 to 59 days were subject to the maximum limitation of 6¼ percent, and those maturing in 60 to 89 days to a maximum limitation of 6½ percent.

b. The amendment was adopted because, as a consequence of current uncertainties in financial markets, it appeared that there could be unusual demands upon commercial banks for short-term credit accommodations. If this were to occur, such increases in bank loans would not constitute an increase in total credit flows, to the extent that they simply represented a transfer of borrowings from other financing avenues, as for example the commercial paper market. In these circumstances, appropriate accommodations in bank lending would be a constructive element in the process of adjustment to changing financial conditions and would not interfere with the continuing objective of curbing inflation.

c. The requirements of section 553 (b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that the credit situation and the public interest compelled it to make the action effective no later than the date adopted.

By order of the Board of Governors, June 23, 1970.

[SEAL] Kenneth A. Kenyon,
Deputy Secretary.

[F.R. Doc. 70-8192; Filed, June 26, 1970; 8:49 a.m.]

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Sections 329.6, 329.7 and 329.9 of the rules and regulations of the Federal Deposit Insurance Corporation (12 C.F.R. §§ 329.6, 329.7, 329.9) are amended effective June 24, 1970, to read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks.

* * * * *

(a) *Single maturity time deposits—*(1) *Deposits of $100,000 or more.* No insured nonmember bank shall pay interest on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	*percent per annum*
30–89 days	No maximum presently prescribed.
90–179 days	6¾
180 days or more but less than 1 year.	7
1 year or more	7½

* * * * *

§ 329.7 Maximum rates [1] of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(b) * * *

(4) *Single maturity time despoits of $100,000 or more.* No insured nonmember mutual savings bank shall pay interest or dividends on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum percent per annum*
30–89 days	No maximum presently prescribed.
90–179 days	6¾
180 days or more but less than 1 year.	7
1 year or more	7½

* * * * *

§ 329.9 Savings banks in Massachusetts not insured by FDIC.

* * * * *

(c) *Single maturity time deposits of $100,000 or more.* No noninsured savings bank in the Commonwealth of Massachusetts shall pay interest or dividends on any single maturity time deposit of $100,000 or more at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum percent per annum*
30–89 days	No maximum presently prescribed.
90–179 days	6¾
180 days or more but less than 1 year.	7
1 year or more	7½

* * * * *

(Sec. 9, 18(g), 64 Stat. 881–82, 83 Stat. 371; 12 U.S.C. 1819, 1828(g))

2. a. The above amendments change the maximum rates of interest payable on time deposits by insured nonmember banks, including insured nonmember mutual savings banks, and savings banks in Massachusetts not insured by FDIC to suspend the interest rate limitations on single maturity time deposits of $100,000 or more with maturities from 30 to 89 days.

b. The requirements of sections 553 (b) and (d) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that the public interest compelled it to make the action effective June 24, 1970.

By order of the Board of Directors, June 23, 1970.

Federal Deposit Insurance Corporation,
[SEAL] E. F. Downey,
Secretary.

[F.R. Doc. 70-8121; Filed, June 26, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-21-AD; Amdt. 39-1016]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 340 and 440 Series Airplanes

There have been cracks of the main windshield lower longeron splice channel on General Dynamics Model 340 and 440 Series airplanes that could result in failure of the windshield support structure and loss of pressurization. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require compliance with General Dynamics 640 (340D) Service Bulletin No. 53-3, dated April 24, 1970, or later FAA approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region.

The 150 hour compliance time for the initial inspection has been established by the agency on the basis of safety considerations, and is the same as that recommended by the manufacturer in the applicable service bulletin. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden commensurate with safety. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the initial inspection required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, World Way Postal Center, Los Angeles, Calif. 90009. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Airworthiness Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to all Model 340 and 440 Series airplanes including those modified in accordance with STC SA4-1100 or STC SA1096WE.

Compliance required as indicated.

To detect cracks in the main windshield lower longeron splice channel, and prevent possible failure of the windshield support structure and loss of pressurization, accomplish the following:

(a) Within the next 150 hours' time in service after the effective date of this AD or before the accumulation of 10,000 hours' time in service, whichever occurs later, unless already accomplished within the last 1,850 hours' time in service, inspect the longeron splice channel P/N 340-3110113-15 for cracks in accordance with General Dynamics 640 (340D) Service Bulletin No. 53-3, dated April 24, 1970, or later FAA approved revision, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) If no cracks are found, repeat the inspection of paragraph (a) above at intervals not to exceed 2,000 hours' time in service.

(c) If cracks are found, either:

(1) Replace the longeron splice channel P/N 340-3110113-15 before further flight, and perform the inspection per (d) below, or

(2) (i) Install on the instrument panel in full view of both the pilot and copilot, a placard limiting operation to a maximum of 18,000 feet above sea level.

(ii) Change the cabin pressure relief value nominal setting to 3 p.s.i.

(iii) Visually inspect the adjacent areas per S.B. 53-3 at intervals not to exceed 150 hours' time in service, until the channel can be replaced. A cracked channel must be replaced with a new channel within 1,000 hours' time in service from the initial discovery of the crack. Channel P/N 340-3110113-15 must be replaced before further flight if any cracking of the adjacent structure is found during these 150 hour interval inspections.

(iv) The cabin pressure relief valve setting may be returned to normal and the placard removed from the instrument panel when the cracked channel is replaced. Compliance with the inspection intervals of (d) below is required after replacing the channel.

(d) Normal inspection intervals may be resumed for a period of 10,000 hours' time in service when a cracked channel P/N 340-3110113-15 is replaced with a new channel. Before the accumulation of 10,000 hours' time in service after replacement of the channel and thereafter at intervals not to exceed 2,000 hours' time in service, inspect the channel for cracks in accordance with General Dynamics 640(340D) Service Bulletin No. 53-3, dated April 24, 1970, or later FAA approved revision, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region. If cracks are found, comply with paragraph (c) above.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective July 28, 1970.

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

Issued in Los Angeles, Calif., on June 18, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-8140; Filed, June 26, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-27]

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

Alteration of Control Zone and Transition Area

On May 15, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7584) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Riverton, Wyo. control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., August 20, 1970.

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

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

RIVERTON, WYO.

Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.) within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 3 miles each side of the Riverton VOR 123° 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) the description of the Riverton, Wyo., transition area is amended to read as follows:

RIVERTON, WYO.

That airspace extending upwards from 700 feet above surface within a 10-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 4.5 miles each side of the Riverton VOR 291° radial, extending from the 10-mile radius area to 19 miles west of the VOR, and within 3.5 miles each side of the Riverton VOR 123° radial extending from the 10-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR, and that airspace within 1 mile north and 9.5 miles south of the Riverton VOR 291° radial extending from the 25-mile radius area to 30 miles west of the VOR.

[F.R. Doc. 70-8141; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-26]

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

Designation of Transition Area

On May 15, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7584) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area at Newcastle, Wyo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 20, 1970.

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

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

NEWCASTLE, WYO.

That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Newcastle VOR (latitude 43°52'54" N., longitude 104°18'26" W.), 154° and 334° radials extending from 6 miles northwest to 18.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the north edge of V-86, on the east by an arc of a 53-mile radius circle centered on Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.), on the south by the north edge of V-26, on the west by a line 5 miles west of and parallel to the Newcastle VOR, 360° radial, excluding the airspace within a 3-mile radius of Schloredt, Wyoming Airport (latitude 44°23'30" N., longitude 104°24'30" W.).

[F.R. Doc. 70-8142; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-33]

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

Alteration of Control Zone and Transition Area

On May 12, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7384) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Cody, Wyo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and proposed amendment is hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., August 20, 1970.

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

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

CODY, WYO.

Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to 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 Airmen's Information Manual.

In § 71.181 (35 F.R. 2134) the description of the Cody, Wyo., transition area is amended to read as follows:

CODY, WYO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°-01'25" W.), within 8 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9.5 miles east of the Cody VOR 022° and 202° radials, extending from 2.5 miles south to 18.5 miles north of the VOR.

[F.R. Doc. 70-8143; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-34]

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

Designation of Transition Area

On May 15, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7585) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area at Oceanside, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 20, 1970.

(Sec. 307(a) of the Federal Aviation Act of 1558, as amended, 49 U.S.C. 1348(a), and of sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655 (c))

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

OCEANSIDE, CALIF.

That airspace extending upward from 700 feet above the surface between the Oceanside VORTAC 316° and 136° radials and a line 5 miles northeast of and parallel to the Oceanside VORTAC 316° and 136° radials, extending from latitude 33°15'00" N., to 5 miles northwest of the VORTAC.

[F.R. Doc. 70-8144; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-35]

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

Alteration of Transition Area

On May 19, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7703) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Las Vegas, Nev., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 20, 1970.

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

Issued in Los Angeles, Calif., on June 18, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (35 F.R. 2134) the description of the Las Vegas, Nev. transition area is amended by deleting all after "* * * extending upward from 9,000 feet MSL * * *" and substituting therefor "* * * beginning at latitude 36°47'00" N., longitude 113°59'00" W., thence clockwise via an arc of an 82-mile radius circle centered on Las Vegas, Nev.,

VORTAC to a line 5 miles north of and parallel to a direct line between the Grand Canyon Arizona VOR and Boulder City, Nev., VORTAC, thence west along a line 5 miles north of and parallel to a direct line between the Grand Canyon VOR and the Boulder City VORTAC to longitude 114°14'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to point of beginning."

[F.R. Doc. 70-8145; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-38]

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

Designation of Transition Area

On May 19, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7703) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at La Junta, Colo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 20, 1970.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and of Sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 18, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

LA JUNTA, COLO.

That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54" N., longitude 103°87'14" W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by longitude 103°58'00" W., on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

[F.R. Doc. 70-8146; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-48]

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

Alteration of Transition Area and Additional Control Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations are to alter the descriptions of the Price, Utah, transition area and the Provo, Utah, additional control area.

A State owned VOR, identified as Price VOR (PUC), has been installed on the Carbon County Airport at Price, Utah. It is anticipated that this VOR will be commissioned approximately August 1, 1970. A new approach procedure has been developed utilizing the VOR, the final approach radial being 201° T (186° M) the same as the bearing on the RBN used for the currently published NDB (ADF) Runway 36 approach. The controlled airspace alteration will be very small and essentially the same as that currently designated.

The name of the old Provo, Utah, VORTAC has recently been changed to Fairfield. In view of this name change and the establishment of the new Price VOR, it is necessary to amend the description of the Provo additional control area. Action is taken herein to reflect these changes.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.163 (35 F.R. 2046) delete the description of the "Provo, Utah" additional control area and add the following:

FAIRFIELD, UTAH

From the Fairfield, Utah VORTAC 12 AGL to the Price, Utah VOR.

In § 71.181 (35 F.R. 2134) the Price, Utah transition area is amended to read as follows.

PRICE, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Price VOR (latitude 39°36'50" N., longitude 110°44'56" W.) and within 2 miles each side of the 201° radial of the Price VOR, extending from the 5-mile radius area to 8 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles west and 11 miles east of the 021° and 201° radials of the Price, VOR extending from 9 miles north to 18.5 miles south of the VOR.

Effective date. These amendments shall be effective 0901 G.m.t., August 20, 1970.

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

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-8147; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-50]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a minor alignment correction to the east alternate segment of VOR Federal airway No. 23 between Fort Jones, Calif., and the Montague, Calif., radio beacon.

V-23 east alternate is presently designated from Fort Jones to Medford, Oreg., via the intersection of the Fort Jones 042°T (023°M) and the Medford 157°T (138°M) radials. Action is being taken herein to realign this east alternate segment by use of the Fort Jones 040°T (021°M) radial. This 2° realignment would place the intersection of this airway segment over the Montague radio beacon which would provide a better defined intersection.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 71.123 (35 F.R. 2009) V-23 is amended by deleting "Fort Jones 042°" and substituting "Fort Jones 040°" therefor.

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

Issued in Washington, D.C., on June 22, 1970.

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

[F.R. Doc. 70-8148; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-29]

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

Alteration of Control Zone and Transition Area

On May 15, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7585), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charleston, S.C., control zone and transition area.

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

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

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

CHARLESTON, S.C.

Within a 5-mile radius of Charleston AFB/Municipal Airport (lat. 32°53'55" N., long. 80°02'20" W.); within 3 miles each side of Charleston VORTAC 018° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2.5 miles

each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 2.5 miles each side of the 147° bearing from Charleston RBN, extending from the 5-mile radius zone to the RBN; within 3 miles each side of Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC; within 3 miles each side of Charleston VORTAC 332° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

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

CHARLESTON, S.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Charleston AFB/Municipal Airport (lat. 32°53'55" N., long. 80°02'20" W.); within 4 miles each side of Charleston VORTAC 140° radial, extending from the 9-mile radius area to 11 miles southeast of the VORTAC; within 5 miles each side of Charleston VORTAC 332° radial, extending from the 9-mile radius area to 16 miles northwest of the VORTAC.

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

Issued in East Point, Ga., on June 17, 1970.

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

[F.R. Doc. 70-8149; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-48]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alabama and Georgia transition areas.

The Alabama and Georgia transition areas are described in § 71.181 (35 F.R. 2134). In each description, Restricted Area 3002A is excluded.

Because of the renumbering of Restricted Area 3002A to 3002 and the redesignation of Restricted Area 3002 to joint-use, with the Atlanta ARTC Center designated as the controlling agency, it is necessary to alter the descriptions by deleting the proviso "excluding the portion within R-3002A." Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Alabama transition area is amended as follows: All after "* * * excluding the portions within * * *" is deleted and "* * * R-2101, R-2103, and R-2908 * * *" is substituted therefor.

In § 71.181 (35 F.R. 2134), the Georgia transition area is amended as follows: All after "* * * excluding the portion within * * *" is deleted and "* * * R-3001 and R-6004 * * *" is substituted therefor.

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

Issued in East Point, Ga., on June 19, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-8150; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SW-63]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Baton Rouge, La., terminal area.

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15758) stating the Federal Aviation Administration proposed to alter the Baton Rouge, La., control zone to exclude the Downtown Airport and revoke the southeasterly control zone extension and to alter the transition area by adding a 700-foot transition area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

With one exception, all comments received were favorable. This one comment was submitted by the Air Line Pilots Association (ALPA) stating that ALPA "protests in the strongest possible terms the proposed deletion of the Downtown Airport from the Baton Rouge control zone." ALPA related that the Downtown Airport is located only 2 miles from the centerline of the back course localizer approach to Ryan Airport. ALPA expressed concern at the thought of aircraft operating to and from Downtown Airport across the localizer course with only a 1-mile visibility requirement.

The control zone proposal contained in the notice has been changed in the light of comment received from ALPA. Although the Downtown Airport will be deleted from the control zone, as proposed, an extension within 1 mile each side of the ILS localizer southeast course will be retained instead of completely deleting the existing extension within two miles each side of the southeast course. Also, the area within a 5-mile radius of Ryan Airport will be retained as it presently exists without any exclusion. ALPA concurs in the proposal with these changes. This control zone should provide an adequate safety margin to aircraft executing a back course approach to Ryan Airport as well as provide adequate airspace for VFR operations to and from Downtown Airport. Action is taken herein to make the foregoing changes.

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.

(1) In § 71.171 (35 F.R. 2054) the Baton Rouge, La., control zone is amended to read:

BATON ROUGE, LA.

Within a 5-mile radius of Ryan Airport (lat. 30°31'55" N., long. 91°09'00" W.), within 1 mile each side of the Baton Rouge ILS localizer southeast course extending from the 5-mile radius zone to 6.5 miles southeast of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

(2) In § 71.181 (35 F.R. 2134), the Baton Rouge, La., transition area is amended to read:

BATON ROUGE, LA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (lat. 30°31'55" N., long. 91°09'00" W.), within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport, within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest, within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC, and within 2 miles each side of the Baton Rouge VORTAC 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport.

(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 Fort Worth, Tex., on June 17, 1970.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 70-8151; Filed, June 26, 1970; 8:47 a.m.]

[Airspace Docket No. 69-PC-11]

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

Designation and Revocation of Control Zones and Transition Areas

On April 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6713) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the Kailua, Kona, control zone and transition area and designate the Ke-ahole, Kona, Hawaii, control zone and transition area.

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

Since Ke-ahole Airport will be commissioned on July 1, 1970, a situation exists where safety requires immediate adoption of this amendment. In view of this, it is found that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT July 1, 1970, as hereinafter set forth.

Section 71.171 (35 F.R. 2054) is amended as follows:

1. The Kailua, Kona, Hawaii, control zone is revoked.

2. The Ke-ahole control zone is designated as follows:

KE-AHOLE, KONA, HAWAII

Within a 5-mile radius of the Ke-ahole Airport (lat. 19°44'35" N., long. 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Section 71.181 (35 F.R. 2134) is amended as follows:

1. The Kailua, Kona, Hawaii, transition area is revoked.

2. The Ke-ahole transition area is designated as follows:

KE-AHOLE, KONA, HAWAII

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ke-ahole Airport (lat. 19°44'35" N., long. 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the Kona VORTAC 179° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, within a 17-mile radius of the Kona VORTAC, extending counterclockwise from V-20 to the Kona VORTAC 179° radial, and within the area bounded on the northeast by V-20, on the west by a line 5 miles west of and parallel to the Maui, Hawaii, VORTAC 179° radial and on the south by a line 5 miles south of and parallel to the Kona VORTAC 281° radial.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510, Executive Order 10854; 24 F.R. 9565 and Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 24, 1970.

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

[F.R. Doc. 70-8217; Filed, June 26, 1970; 8:52 a.m.]

[Airspace Docket No. 70-WA-26]

PART 73—SPECIAL USE AIRSPACE

Designation of Period of Use for Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the "Time of designation" of R-6410, Blanding, Utah (31 F.R. 7032).

On December 10, 1969, an amendment to R-6410 was published in the FEDERAL REGISTER (34 F.R. 19501) establishing the "Time of designation" as:

Time of designation: April 1, 1970, through July 31, 1970, and September 1, 1970, through December 15, 1970. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

The Department of the Air Force has found that there is a need to extend the first firing period until August 8, 1970. Such action is taken herein.

Since it was not possible to determine the exact dates that R-6410 would be needed each year when designation of the area was first requested, it was determined, as set forth above, to establish subsequent firing periods by a rule published in the FEDERAL REGISTER.

Since this amendment is made in accordance with the procedures set forth in the notice and previous rule, additional notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication as hereinafter set forth.

In § 73.64 (35 F.R. 2350) the Blanding, Utah, Restricted Area R-6410 is amended as follows:

In the Time of designation "July 31, 1970," is deleted and "August 8, 1970," is substituted therefor.

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

Issued in Washington, D.C., on June 24, 1970.

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

[F.R. Doc. 70-8218; Filed, June 26, 1970; 8:52 a.m.]

[Airspace Docket No. 70-WE-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the Bullion Mountains, Calif., restricted area by subdividing it into four areas. This alteration does not change the overall size of the restricted area; however, the availability of portions of the area for public use will be increased.

Since this amendment relaxes a restriction on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to make appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

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.

In § 73.25 (35 F.R. 2316) the Bullion Mountains, Calif., Restricted Area R-2501 is amended to read as follows:

R-2501N BULLION MOUNTAINS NORTH, CALIF.

Boundaries.
Beginning at lat. 34°43'00" N., long. 116°26'20" W.; to lat. 34°43'00" N., long. 116°17'00" W.; to lat. 34°41'15" N., long. 116°04'30" W.; to lat. 34°33'20" N., long. 116°15'30" W.; to lat. 34°33'30" N., long. 116°24'00" W.; to lat. 34°30'00" N., long. 116°26'30" W.; to lat. 34°40'30" N., long. 116°29'40" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501C BULLION MOUNTAINS CENTRAL, CALIF.

Boundaries.
Beginning at lat. 34°33'30" N., long. 116°24'00" W.; to lat. 34°33'20" N., long. 116°15'30" W.; to lat. 34°26'30" N., long. 116°24'30" W.; to lat. 34°30'00" N., long. 116°26'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501S BULLION MOUNTAINS SOUTH, CALIF.

Boundaries.
Beginning at lat. 34°41'15" N., long. 116°15'30" W.; to lat. 34°28'00" N., long. 116°09'40" W.; to lat. 34°27'30" N., long. 116°04'10" W.; to lat. 34°18'25" N., long. 115°58'20" W.; to lat. 34°14'00" N., long. 115°59'00" W.; to lat. 34°14'00" N., long. 116°17'00" W.; to lat. 34°26'30" N., long. 116°24'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501E BULLION MOUNTAINS EAST, CALIF.

Boundaries.
Beginning at lat. 34°41'15" N., long. 116°04'30" W.; to lat. 34°41'00" N., long. 116°03'00" W.; to lat. 34°35'30" N., long. 115°58'00" W.; to lat. 34°33'00" N., long. 115°47'00" W.; to lat. 34°25'00" N., long. 115°47'00" W.; to lat. 34°25'00" N., long. 115°44'00" W.; to lat. 34°14'00" N., long. 115°44'00" W.; to lat. 34°14'00" N., long. 115°59'00" W.; to lat. 34°18'25" N., long. 115°58'20" W.; to lat. 34°27'30" N., long. 116°04'10" W.; to lat. 34°28'00" N., long. 116°09'40" W.; to lat. 34°33'20" N., long. 116°15'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

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

Issued in Washington, D.C., on June 24, 1970.

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

[F.R. Doc. 70-8219; Filed, June 26, 1970; 8:52 a.m.]

[Airspace Docket No. 70-SO-20]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segment

On April 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6714) stating that the Federal Aviation Administration

(FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter the segment of Jet Route No. 52 between Greenwood, Miss., and Birmingham, Ala.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received in response to the notice. This comment, received from the Air Transport Association of America, stated their agreement to the proposed action provided that the FAA felt the route alteration was essential in the interest of safety. It is the opinion of the FAA that the proposed alteration of this segment of J-52 is essential and in the interest of safety. As stated in the notice, the proposed alteration would provide lateral separation between turbojet aircraft operating along J-52 and aircraft departing Columbus, Miss., AFB utilizing the West Point standard instrument departure procedure.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 75.100 (34 F.R. 19595, 35 F.R. 2359) Jet Route No. 52 text is altered by deleting "Birmingham, Ala.;" and substituting "Columbus, Miss.; Birmingham, Ala.;" therefor.

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

Issued in Washington, D.C., on June 24, 1970.

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

[F.R. Doc. 70-8220; Filed, June 26, 1970; 8:52 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-628]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Amendment of Liability Insurance Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of June 1970.

Upon consideration of the comments filed, we have determined to adopt the rule as proposed with the following modifications: We shall (1) authorize open-end insurance as a permissive alternative to declared aircraft coverage which was the only type of insurance provided for in the proposed rule; (2) increase the time period for reporting to the Board additions or deletions of aircraft coverage from 5 days to 30 days after the effective date of the insurance company's endorsement; and (3) increase the time period for the insurer to notify the Board as to cancellation of the policy by the insured from 5 days to 10 days after the insurance company receives such notice. Therefore, except as modified herein, the tentative findings made in EDR-177 are incorporated herein by reference and made final.

The principal modification requested relates to permission to have "open-end" liability insurance as an alternative to the declared aircraft insurance coverage provided for as the sole insurance under the proposed rule. The requested alternative would permit coverage by aircraft type or class rather than by specific aircraft listed in the policy by FAA registration number. Open-end liability insurance typically entails periodic reports by the insured to the insurance company of the number of aircraft hours flown, the aircraft revenue received, or the aircraft actually used during the current reporting period. It appears that some insurance companies use this type of policy to a substantial extent.[6] One insurance company [6] maintains that the most common form of policy issued to a fixed base/air taxi operator is a reporting type where additions and deletions of aircraft are reported monthly. It further avers that some insurers simply provide passenger liability coverage for all aircraft of a maximum passenger seating capacity. Further, a reporting plan open-end form of insurance would appear to benefit particularly the small air taxi operators conducting fixed base operations.[7]

Amendment of Liability Insurance Requirements

By circulation of EDR-177 (Docket 22047), dated March 26, 1970, and publication at 35 F.R. 5348, the Board gave notice that it proposed to amend Part 298 of the economic regulations (14 CFR Part 298) to modify certain of the provisions relating to the requirement that Board-regulated air taxi operators carry liability insurance. Eleven comments were filed including six by insurance agents or underwriters,[1] and the remainder by an aviation insurance management company,[2] an air taxi trade association,[3] Air Line Pilots Association International (ALPA), one air taxi operator [4] and Citizens for Aviation Safety (CAS), a nonprofit organization. The air taxi trade association and five insurance companies support the proposed rule. CAS and ALPA oppose the rule as an alleged lessening of the liability insurance protection afforded the public. The remaining comments generally support the proposed rule but request modifications of various provisions therein.

As indicated above, we shall authorize open-end insurance as an alternative to declared aircraft coverage, the only type of insurance provided for in the proposed rule. Such "open-end" coverage may be based on classes or types of aircraft specified in the policy and the Certificate of Insurance (CAB Form 257) and the Standard Endorsement (CAB Form 262) have been modified to provide for this form of insurance coverage also (see Appendices A and B, respectively, which are attached hereto).

The proposed rule contained a substitute aircraft provision. This required that the insurer cover aircraft not owned by the insured when the use thereof was necessitated by reason of the breakdown, repair, servicing, loss, or destruction of aircraft declared in the policy. One insurance underwriter urged a modification of this provision to require the declaration of substitute aircraft as well as aircraft which the insured usually uses in its air taxi operations.

We are not persuaded to modify the proposed rule as requested. However, there is nothing in the rule which would prevent an insurance company from requiring the reporting of substitute aircraft when so used. Moreover, we shall clarify this provision so as to make it applicable only with respect to insurance coverage where the policy lists aircraft by FAA registration number and to provide that substitute aircraft includes aircraft owned by the insured as well as that not owned by him.

Certain of the respondents object to several of the time periods prescribed in the proposed rule for notification of matters to the Board. Thus, the proposed rule provides that endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft shall be filed with the Board not more than 5 days after the effective date of such endorsement. It is claimed that this requirement is unrealistic since insurance companies require approximately 2 weeks from the time a request is received by the underwriter until it is processed and a certificate mailed to the insured or his agent. The underwriters request that this reporting time period be increased to a minimum of 2 weeks and as much as 45 days from the effective date of the endorsement.

Based upon the comments filed, we shall provide for thirty (30) days from the effective date of the endorsement for the filing of this information. This requirement shall also be applicable when the optional type of open-end insurance authorized herein is used.

Further, the proposed rule requires that each policy shall provide that, in the event of cancellation of the policy by the insured, the insurer shall, within 5 days after receipt of such notice, notify the Board of this action by the insured.

[6] Insurance Company of North America asserts that about one-half of the more than 150 air taxi operators it insures have aviation insurance based on a reporting type of policy. It states that a typical open-end insurance policy would describe the aircraft as "all N Standard fixed-wing piston engine aircraft having no more than six passenger seats."

[6] Bowes & Co., Inc.

[7] See comment of Marion R. Turner, an air taxi operator.

[1] Bowes & Co., Inc.; Dusenbery, Martin, Beatty, Bischoff & Templeton, attorneys on behalf of five unidentified insurance companies; Harlan Incorporated of Pennsylvania; Insurance Company of North America; National Aviation Underwriters; and White Insurance, Inc.

[2] Aviation Office of America, Inc.

[3] The National Air Transportation Conferences, Inc. (NATC).

[4] Marion R. Turner.

One respondent asks that this time period be increased to 10 days. We shall grant the request and the final rule so provides (see § 298.45(a), infra).

The Insurance Company of North America requests that the standard endorsement contain a provision which would automatically amend the endorsement to conform to any changes made in the Board's insurance regulation. In support of this proposal, the insurance company maintains that without such a provision, an insured air taxi operator would not be in compliance with the regulation unless its insurance policy always contained the most recent form of prescribed endorsement.

We shall not require a provision in the standard endorsement for automatic amendment of the endorsement to comply with changes in the Board's rules. However, there is no prohibition against inclusion of such a provision if desired.

We have considered the objections of CAS and ALPA who oppose the rule as a lessening of the liability insurance protection afforded the public. Although it can perhaps be argued that, as a technical matter, a change from the existing rule requiring open-end liability insurance constitutes a lessening of liability insurance protection for the public, giving consideration to the practical realities of the matter and the actual insurance coverage currently being written for air taxi operators, we are unpersuaded that the liability protection for the public is in fact being eroded. In our judgment these amendments are needed in order to provide a workable scheme of insurance without placing an unreasonable burden on air taxi operators. As indicated in the notice of rule making the experience under the existing rule has been one of large scale inability to obtain insurance in accordance with the terms of that rule and it is clear that some liberalization is needed. To the extent that these amendments will reduce the underwriting risks of the insurance companies, we would expect there would be a correlative reduction in insurance premiums.

The Board wishes to stress that the terms and conditions of insurance coverage set forth in the rule and in the standard endorsement are minimum requirements and that supplemental endorsements which have the effect of expanding the coverage required by the rule, as modified herein, are permissible.

Section 298.50(a) provides that every air taxi operator including commuter air carriers shall register with the Board on or before July 1, 1969, and shall reregister annually thereafter on or before July 1 of each succeeding year. However, by Special Economic Regulation ER–625, adopted June 5, 1970, effective June 10, 1970, 35 F.R. 8927, the Board extended the time for reregistration of air taxi operators including commuter air carriers to July 31, 1970, for this year only.[8] The amendments provided for herein will also become effective on July 31, 1970, and the revised registration form (CAB Form 298–A) and revised insurance forms (CAB Form 257 and CAB Form 262) attached hereto should be used by air taxi operators in effecting their 1970 reregistration.

Therefore, in consideration of the foregoing, the Board hereby amends Part 298 of its Economic Regulations (14 CFR Part 298), effective July 31, 1970, as set forth below:[9]

1. Amend § 298.41 (a) and (b) and add paragraph (e) to read as follows:

§ 298.41 Basic requirements.

(a) Each air taxi operator engaging in air transportation shall maintain in effect liability insurance coverage which complies with the requirements of this subpart and which is evidenced by a currently effective policy of insurance, with an attached standard endorsement, available for inspection by the Board and the public at its principal place of business. No air taxi operator shall operate in air transportation or perform services in air transportation unless it carries liability insurance which complies with this subpart.

(b) "Certificate of insurance," as used herein, means one or more certificates, evidencing the following: Issuance by one or more insurers of one or more currently effective policies of aircraft liability insurance in compliance with this subpart and properly endorsed, which alone or in combination provide the minimum coverage prescribed in § 298.42. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. The certificate of insurance shall also state whether the policy of insurance provides coverage for liability for bodily injury to, or death of, aircraft passengers. In addition, the certificate of insurance shall list the types or classes of aircraft, or the specific aircraft by Federal Aviation Administration (FAA) registration number, with respect to which the policy of insurance applies and shall set forth the area or areas of operation as found in the operations specifications issued by the FAA in conjunction with the applicable ATCO certificate: *Provided, however,* That if one or more of the 48 contiguous States or the District of Columbia is listed in such operations specifications, then all 48 contiguous States and the District of Columbia must be included in the coverage of insurance. Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.[10]

* * * * *

(e) Endorsements that add previously unlisted aircraft, or aircraft types or classes, to coverage or that delete such listed aircraft, or types or classes, from coverage shall be filed with the Board not more than thirty (30) days after the effective date of such endorsement: *Provided, however,* That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Administration and shall not be operated unless liability insurance coverage has attached.

2. Amend § 298.42 by adding paragraphs (c) and (d) to read as follows:

§ 298.42 Minimum limits of liability.

* * * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, an air taxi operator may be insured for a single limit of liability for each occurrence. In that event, coverage must be equal to or greater than the combined required minimums for bodily injury, property damage, and/or passenger liability for the type of use to which such aircraft is put, as the case may be.[11]

(d) In the case of a single limit of liability, aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the required minimums for bodily injury to nonpassengers, property damage, and/or passenger liability for the type of use to which the aircraft is put, as the case may be.

3. Amend § 298.43 by adding paragraph (f) to read as follows:

§ 298.43 Terms and conditions of insurance coverage.

Liability insurance coverage required by this part shall meet the following minimum requirements:

* * * * *

(f) With respect to certificates of insurance which list aircraft by FAA registration number, the policy of insurance shall state that, while an aircraft owned by the named insured and declared in the policy is withdrawn from normal use

[8] The special economic regulation also postponed the effective date of ER–621, dealing with the requirement that certain air taxi operators become parties to the so-called Montreal agreement increasing the carriers' limits of liability for death or injury to passengers, to July 31, 1970.

[9] Also, we shall add the following two items to the application for registration as set forth in the proposed rule (CAB Form 298–A): (1) Whether the registrant is operating turbojet aircraft in the 12,500–27,000 pound range; and (2) whether the registrant is operating passenger service between a point in the United States and a point outside thereof. These inquiries are needed to enable the Board to enforce the reporting requirement for air taxi operators which use large turbojet aircraft in air taxi operations and to identify those air taxi operators which engage in foreign air transportation and therefore would be required to comply with ER–621 (35 F.R. 7695) concerning the waiver of liability limitations under the Warsaw convention.

[10] CAB Forms 257 and 262 (revised 6–70) are filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[11] For example: the minimum single limit of liability acceptable for an aircraft in passenger service with 16 passenger seats would be computed on the basis of limits set forth in paragraph (a) as follows: 16 x .75 equals 12; 12 x $75,000 equals $900,000; $900,000 plus $300,000 (nonpassenger liability per occurrence), plus $100,000 (property damage per occurrence) equals $1,300,000. The latter is the amount in which a single limit liability policy may be written.

because of its breakdown, repair, servicing, loss or destruction, such insurance as is afforded by the policy with respect to such aircraft shall apply also with respect to another aircraft of similar type, horsepower, and seating capacity, whether or not owned by the insured, while temporarily used as the substitute for such aircraft.

4. Amend § 298.44 by (1) deleting and reserving paragraph (b) and (2) modifying paragraphs (g) and (j). As amended § 298.44 (b), (g) and (j) will read as follows:

§ 298.44 Authorized exclusions of liability.

* * * * *

(b) [Reserved.]

* * * * *

(g) Any loss arising from operations within any geographic areas other than the following:

(1) Between any points in the "area of operation" as described in the operations specifications issued by the FAA in conjunction with its issuance of the applicable ATCO certificate to each air taxi operator: *Provided, however,* That if one or more of the 48 contiguous States or the District of Columbia is listed in such area of operation, all 48 contiguous States and the District of Columbia must be included within the coverage of insurance under this subpart; and

(2) Within any other geographic area for which coverage is specified in the policy of insurance: *Provided, further,* That a loss caused by mere misadventure in flying over or landing in any geographic area not specified in subparagraphs (1) or (2) of this paragraph shall not be excluded.

* * * * *

(j) Any loss arising from the ownership, maintenance, or use of any aircraft of a type or class not specified for coverage in the policy, or any aircraft not declared to the Insurer in accordance with the terms and conditions of the policy, other than substitute aircraft as provided in § 298.43(f);

* * * * *

5. Amend § 298.45(a) to read as follows:

§ 298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

(a) Each policy of insurance shall specify that, unless replaced as provided in paragraph (b) of this section, it may not be canceled, withdrawn or modified to reduce the limits of liability, by the insurer, until after 10 days' written notice by the insurer to the Board's Bureau of Operating Rights, Washington, D.C. 20428, which 10-day notice period shall commence to run from the date such notice is actually received by the Board. Each policy shall further provide that, in the event of cancellation of the policy by the insured, the insurer shall, within 10 days after receipt of such notice of cancellation, notify the Board's Bureau of Operating Rights, Washington, D.C. 20428, of this action by the insured. In addition, each policy shall provide that the insurer will notify the Board, 10 days before the expiration date of the policy, unless the policy has been renewed.

6. Amend § 298.50 (b) and (c)(1) to read as follows:

§ 298.50 Filing for registration by air taxi operators.

* * * * *

(b) Any person (whether or not he is a commuter air carrier as defined in this part) who commences operations under this part after July 1, 1969, shall, within 30 days after commencing such operations, register with the Board and shall reregister annually thereafter on or before July 1 of each succeeding year.

(c) Registration shall be accomplished by filing the following with the Board's Bureau of Operating Rights, Washington, D.C. 20428:

(1) A "Registration under Part 298 of the Economic Regulations of the Civil Aeronautics Board" (CAB Form 298–A, revised 6–70) executed in duplicate.[12] This form shall be certified by a responsible official of such carrier and shall include the following information: (i) Name in which the FAA certificate is issued; (ii) the carrier's Federal Aviation Administration certificate number and the name in which the insurance policy is issued; (iii) address of its principal place of business and its mailing address; (iv) whether the carrier is currently performing at least 5 round trips per week pursuant to published schedules; (v) whether the carrier has currently effective insurance which complies with Subpart D of this part; (vi) whether the carrier is performing passenger, cargo and/or mail service; (vii) whether the carrier is operating turbojet aircraft in the 12,500–27,000 pound range; and (viii) whether the carrier has performed passenger service between a point in the United States and a point outside thereof during the past 12 months.

7. Amend § 298.51 to read as follows:

§ 298.51 Processing by the Board.

After examination of an operator's filing under § 298.50, the Board will stamp and return to the carrier the duplicate copy of the CAB Form 298–A filed thereunder. This will serve to confirm that the carrier is registered with the Board in compliance with § 298.50.

8. Amend CAB Form 257 (certificate of insurance), CAB Form 262 (standard endorsement) and CAB Form 298–A (registration under Part 298 of the economic regulations of the Civil Aeronautics Board) in the form attached hereto as appendixes A, B, and C, respectively, and incorporated herein.

(Secs. 204(a) and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324 and 1386)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act in 1942.

[12] CAB Form 298–A (revised 6–70) is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70–8201; Filed, June 26, 1970; 8:50 a.m.]

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–113]

PART 305—RULES OF PRACTICE IN INFORMAL NONPUBLIC INVESTIGATIONS BY THE BUREAU OF ENFORCEMENT; AUTHORITY OF HEARING EXAMINERS TO ISSUE SUBPENAS AND TO RULE ON MOTIONS TO QUASH OR MODIFY THEM

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of June 1970.

Part 305, Rules of Practice in Informal Nonpublic Investigations by the Bureau of Enforcement, provides, inter alia, that only Members of the Board may issue subpenas and only the Board itself may rule on motions to quash or modify such subpenas. The actual experience in the one informal nonpublic investigation conducted by the Board[1] indicates that the restrictions to Board Members of the authority to issue subpenas and to rule on motions to quash or modify them are unnecessary. Accordingly, the Board has determined to amend Part 305 so as to authorize hearing examiners to handle these matters, thus conforming the part to our practice in formal proceedings.[2]

Since this amendment relates to agency practice and procedure, notice and public procedure hereon are not required.

Accordingly, the Board hereby amends Part 305 (14 CFR Part 305), effective July 28, 1970, as follows:

1. Amend paragraph (a) of § 305.7 to read as follows:

§ 305.7 Issuance of investigation subpenas.

(a) Upon request of the Director, Bureau of Enforcement, any Member of the Board, the chief examiner or the hearing examiner designated to preside at the reception of evidence, may issue a subpena directing the person named therein to appear before a designated hearing examiner at a designated time and place to testify or to produce documentary evidence relating to any matter under investigation, or both. Each such subpena shall briefly advise the person required to testify or submit documentary evidence of the purpose and scope of the investigation, and a copy of the order initiating the investigation shall be attached to the subpena.

* * * * *

[1] Investigation of Tariff and Rate Activities and Practices on the North Atlantic Routes, Orders E–19492, E–19855 and 69–11–71, dated Apr. 11, 1963, July 25, 1963 and Nov. 18, 1969, respectively.

[2] Cf. Rule 19 of the Board's rules of practice (14 CFR Part 302).

2. Amend § 305.12 to read as follows:

§ 305.12 Motions to quash or modify an investigation subpena.

Any person upon whom an investigation subpena is served may, within seven (7) days after such service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify such subpena with the hearing examiner who issued such subpena, or in the event the examiner is not available, with the chief examiner for action by himself or by a member of the Board. Such motions shall be made in writing in conformity with Rules 3 and 4 of the rules of practice (Part 302 of this subchapter); shall state with particularity the grounds therefor and the relief sought; shall be accompanied by the evidence relied upon and all such factual matter shall be verified in accordance with the provisions of Rule 202 of the aforesaid rules of practice. Written memoranda or briefs may be filed with the motions, stating the points and authorities relied upon. No oral argument will be heard on such motions unless the chief examiner, the examiner or a member of the Board directs otherwise. A subpena will be quashed or modified if the evidence whose production is required is not reasonably relevant to the matter under investigation, or the demand made does not describe with sufficient particularity the information sought, or the subpena is unlawful or unduly burdensome. The filing of a motion to quash or modify an investigation subpena shall stay the return date of such subpena until such motion is granted or denied. The Board may at any time review, upon its own initiative, the ruling of an examiner or the chief examiner or a member of the Board denying a motion to quash a subpena. In such cases, the Board may order that the return date of a subpena which it has elected to review be stayed pending Board action thereon.

(Secs. 204 and 1004 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 792; 49 U.S.C. 1324, 1484; 80 Stat. 386, 5 U.S.C. 556)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-8202; Filed, June 26, 1970; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Replacement Bags for Vacuum Cleaners

The Federal Trade Commission proposed a new section 501.3 of the Fair Packaging and Labeling Act regulations, published in the FEDERAL REGISTER of April 3, 1970 (35 F.R. 5559). This proposal would exempt replacement bags for vacuum cleaners from certain of the mandatory regulations of Part 500 of the regulations. The proposal was based on a conclusion that the varied shapes and sizes of vacuum cleaner bags are such that it would not be a matter of significant interest to consumers to require the quantity of contents statement of such bags to include the dimensions of the bags when the label of the package containing such bags specified the make and model of the vacuum cleaner which the bags were designed to effectively fit.

Comment was invited by the publication of the proposal. Eleven industry proposals and two State weights and measures responses favored the proposal. Two industry responses favored a requirement that the number of square inches of filter material per bag be specified. Two industries commented adversely and suggested rewording of paragraph (b) of the proposal. The latter adverse comments were premised on the potential of the conspicuous declaration of a make of vacuum cleaner to mislead the consumer into believing that the replacement bags were produced by the maker of the named vacuum cleaner. One adverse comment also included reference to "effectively fits" as that term was relevant to the vacuum cleaner. It was indicated that the term "effectively fits" was not sufficiently inclusive since fitting was only one facet of the proper use of a replacement bag in a particular cleaner. One favorable comment suggested the requirement that the name and place of business of the manufacturer, packer, or distributor appear on the lower 30 percent of the principal display panel of the package.

Having considered all the comments, the Commission has concluded that the proposed exemption with some modifications in the language appearing on April 3, 1970, should be adopted.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455); Part 501 of subchapter E is amended by adding thereto the following new section.

§ 501.3 Replacement bags for vacuum cleaners.

Replacement bags for vacuum cleaners, packaged and labeled for retail sale are exempt from the requirements of § 500.15a of this chapter which specifies how measurement of container type commodities should be expressed, provided:

(a) The quantity of contents is expressed in terms of numerical count of the bags;

(b) A statement appears on the principal display panel of the package accurately identifying the make and model of the vacuum cleaner or cleaners in which the replacement bag is intended to effectively function;

(c) The name and place of business of the manufacturer, packer, or distributor of the replacement bags, in addition to the requirements of § 500.5 of the regulations, appears on the principal display panel of the package.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a publice hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) if they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which has been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: June 23, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-8122; Filed, June 26, 1970; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965_____)

Subpart Q—Conditions of Participation; Rehabilitation Agencies, Clinics, and Public Health Agencies as Providers of Outpatient Physical Therapy Services

On November 27, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17691) a notice of proposed rule making and proposed regulations relating to the conditions of participation by rehabilitation agencies, clinics, and public health agencies as providers of outpatient physical therapy services. Interested persons

were given the opportunity to submit data, views, or arguments pertaining thereto. After consideration of all such relevant matter as was presented by interested persons, the regulations so proposed are hereby adopted, subject to the following changes:

1. In subparagraph (2) of § 405.1701, a test of physician participation is added.

2. In paragraph (b) of § 405.1717, the standard requiring written policies is amplified.

3. In paragraph (d) of § 405.1720, a requirement is added for presence of a qualified physical therapist on the premises whenever physical therapy services are rendered.

4. In paragraph (e) of § 405.1720 the alternative requirements for qualifying as a physical therapist for participation in the program are set forth.

5. In § 405.1721, a condition of participation relating to provision of social or vocational adjustment services by a rehabilitation agency replaces the condition of participation relating to physician services (which has been incorporated in § 405.1719).

6. Other technical and editorial changes are incorporated.

(Secs. 1102, 1861(p)(4), 1861(s)(2), 1864, and 1871; 49 Stat. 647, as amended, 79 Stat. 321, 81 Stat. 847, 81 Stat. 850, 79 Stat. 326, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.)

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

Dated: October 6, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 16, 1970.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Chapter III, Title 20 of the Code of Federal Regulations, is amended by adding thereto a new Subpart Q of Part 405 to read as follows:

Subpart Q—Conditions of Participation; Rehabilitation Agencies, Clinics, and Public Health Agencies as Providers of Outpatient Physical Therapy Services

Sec.

AUTHORITY: The provisions of this Subpart Q issued under secs. 1102, 1861(p)(4), 1861(s)(2), 1864, and 1871; 49 Stat. 647, as amended, 79 Stat. 321, 81 Stat. 847, 81 Stat. 850, 79 Stat. 326, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.1701 General.

(a) *Requirements to be met.* (1) In order to participate in the health insurance for the aged program as a rehabilitation agency, clinic, or public health agency for the purpose of furnishing outpatient physical therapy services, a rehabilitation agency, clinic, or public health agency must meet the requirements set forth in section 1861(p)(4) of the Social Security Act. This section of the law states a number of specific requirements which must be met by participating rehabilitation agencies and clinics and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of the health and safety of beneficiaries which must be met by participating rehabilitation agencies, clinics, and public health agencies.

(2) Section 1861(p)(4) provides in pertinent part as follows:

(p) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider clinic, rehabilitation agency or public health agency to an individual as an outpatient—

* * * * *

excluding, however—

(3) Any item or service if it would not be included under subsection (b) if furnished to an inpatient of a hospital; and

(4) Any such service—

(A) If furnished by a clinic or rehabilitation agency, or by others under arrangements with such clinic or agency, unless such clinic or rehabilitation agency—

(i) Provides an adequate program of physical therapy services for outpatients and has facilities and personnel required for such program or required for the supervision of such a program, in accordance with such requirements as the Secretary may specify,

(ii) Has policies, established by a group of professional personnel, including one or more physicians (associated with the clinic or rehabilitation agency) and one or more qualified physical therapists, to govern the services (referred to in clause (i)) it provides,

(iii) Maintains clinical records on all patients,

(iv) If such clinic or agency is situated in a State in which State or applicable local law provides for the licensing of institutions of this nature, (I) is licensed pursuant to such law, or (II) is approved by the agency of such State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing; and

(v) Meets such other conditions relating to the health and safety of individuals who are furnished services by such clinic or agency on an outpatient basis, as the Secretary may find necessary, or

(B) If furnished by a public health agency, unless such agency meets such other conditions relating to health and safety of individuals who are furnished services by such agency on an outpatient basis, as the Secretary may find necessary.

(b) *Organizations meeting requirements.* The requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the Conditions of Participation for Rehabilitation Agencies, Clinics, and Public Health Agencies. Organizations which meet all of the applicable specified statutory requirements and which are found to be in substantial compliance with the appropriate additional conditions prescribed by the Secretary, may, if they so desire, agree to become a participating rehabilitation agency, clinic, or public health agency.

(c) *Definition of rehabilitation agency, clinic, and public health agency.* (These definitions apply to agencies and clinics which are not part of hospitals, extended care facilities, or home health agencies.)

(1) A rehabilitation agency is an agency which provides an integrated multidisciplinary program designed to upgrade the physical function of handicapped, disabled individuals by bringing together as a team specialized personnel from the various fields of restorative services. At a minimum a rehabilitation agency must provide, in addition to physical therapy, a rehabilitation program which includes social or vocational adjustment services.

(2) A clinic is a facility established primarily for the provision of outpatient physicians' services. To meet this definition, an organization must meet the following test of physician participation:

(i) The medical services of the clinic are provided by a group of physicians, i.e., more than two, practicing medicine together; and

(ii) A physician is present in the clinic at all times to perform medical services (rather than administrative services).

(3) A public health agency is an official agency established by a State or local government, the primary function of which is to maintain the health of the population served by performing environmental health services, preventive medical services, and in certain cases, therapeutic services.

§ 405.1702 Conditions of participation; general.

(a) For a rehabilitation agency or clinic to be eligible for participation in the program, it must meet the statutory requirements of section 1861(p)(4) and there must be a finding of substantial

compliance on the part of the organization with all conditions. These conditions which include both the statutory requirements and the additional health and safety requirements prescribed by the Secretary are set forth in §§ 405.1715 through 405.1725. They are requirements relating to the quality of care and the adequacy of the services and facilities which the rehabilitation agency or clinic provides. Variations in the type and size of these organizations and the nature and scope of the services offered will be reflected in differences in the details of organization, staffing, and facilities. However, the test is whether there is substantial compliance with the prescribed conditions of participation.

(b) For a public health agency to be eligible for participation in the program, it must be in substantial compliance with all the conditions of participation applicable to clinics and rehabilitation agencies except those set forth in § 405.1716.

§ 405.1703 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the applicable prescribed conditions in the case of any particular rehabilitation agency, clinic, or public health agency, a series of standards, almost all interpreted by explanatory factors, are listed under each condition. These standards represent a broad range and variety of activities which such organizations may undertake or be pursuing in order to carry out the functions embodied in the conditions. Reference to these standards will enable the State agency surveying a rehabilitation agency, clinic, or public health agency to document the activities of the organization, to establish the nature and extent of its deficiencies, if any, with respect to any particular function, and to assess the organization's need for improvement in relation to the prescribed conditions. In substance, the application of the standards, together with the explanatory factors, will indicate the extent and degree to which a rehabilitation agency, clinic, or public health agency is complying with each condition.

§ 405.1704 Certification by State agency.

(a) The Health Insurance for the Aged Act provides that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether rehabilitation agencies, clinics, and public health agencies meet the conditions of participation. Pursuant to these agreements, State agencies will certify to the Secretary, rehabilitation agencies, clinics, and public health agencies which are found to be in substantial compliance with the conditions. Such certifications shall include findings as to whether each of the conditions is susbtantially met. The Secretary, on the basis of such certification from the State agency, will determine whether or not an organization is a rehabilitation agency, clinic, or public health agency eligible to participate in the health insurance program as a provider of services.

(b) The decisions of the State agency represent recommendations to the Secretary. Notice of determination of eligibility or noneligibility made by the Secretary on the basis of the State agency decision will be sent to the rehabilitation agency, clinic, or public health agency concerned by the Social Security Administration after such review and professional consultation with the Public Health Service as may be required. If it is determined that the rehabilitation agency, clinic, or public health agency does not comply with the conditions of participation, the organization may appeal from such determination and request a hearing. (For procedures relating to determinations and appeals, see Subpart O of this part.)

§ 405.1705 Principles for the evaluation of rehabilitation agencies, clinics, and public health agencies to determine whether they meet the conditions of participation.

(a) Rehabilitation agencies and clinics will be considered in substantial compliance with the conditions of participation upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(1) The rehabilitation agency or clinic meets the specific statutory requirements of section 1861(p)(4) applicable to the organization and is found to be operating in accordance with all conditions of participation with no significant deficiencies, or

(2) The rehabilitation agency or clinic meets the specific statutory requirements of section 1861(p)(4) applicable to the organization but is found to have deficiencies with respect to one or more other conditions of participation which:

(i) It is making reasonable plans and efforts to correct, and

(ii) Notwithstanding the deficiencies, is rendering adequate care and is without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

(b) A public health agency will be considered to be in substantial compliance with the conditions of participation applicable to it if:

(1) It is found to be operating in accordance with all applicable conditions of participation with no significant deficiencies, or

(2) It is found to have deficiencies with respect to one or more other conditions of participation which:

(i) It is making reasonable plans and efforts to correct, and

(ii) Notwithstanding the deficiencies, is rendering adequate care and is without hazard to the health and safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1706 Time limitations on certifications of substantial compliance.

(a) All initial certifications by the State agency to the effect that a rehabilitation agency, clinic, or public health agency is in substantial compliance with the conditions of participation will be for a period of 1 year, beginning with July 1, 1968, or if later, with the date on which the organization is first found to be in substantial compliance with the conditions. State agencies may visit or resurvey such organizations where necessary to ascertain continued compliance or to accommodate to a periodic or cyclical survey program. A State finding and certification to the Secretary that a rehabilitation agency, clinic, or public health agency is no longer in compliance may occur within a 1-year or subsequent period of certification and will thereby terminate the State certification as to compliance.

(b) If a rehabilitation agency, clinic, or public health agency is certified by the State agency as in substantial compliance under the provisions of § 405.1705, the following information will be incorporated into the finding and into the notice of eligibility to the organization:

(1) A statement of the deficiencies which were found, and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies, and

(3) A scheduled time for a resurvey of the organization to be conducted not later than the ninth month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1707 Certification of noncompliance.

(a) The State agency will certify that a rehabilitation agency, clinic, or public health agency is not in compliance with the conditions of participation, or where a determination of eligibility has been made, that the organization is no longer in compliance where:

(1) The rehabilitation agency or clinic is not in compliance with one or more of the applicable statutory requirements of section 1861(p)(4), or

(2) The rehabilitation agency, clinic, or public health agency has deficiencies of such character as to seriously limit the capacity of the organization to render adequate care or to place health and safety of individuals in jeopardy, and consultation with the organization has demonstrated that there is no early prospect of such significant improvement as to establish substantial compliance as of a later beginning date, or

(3) After the previous period or part thereof for which the rehabilitation agency, clinic, or public health agency was certified under circumstances outlined in § 405.1705 (a)(2) or (b)(2), there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

(b) If, on the basis of a State agency certification, it is determined by the Secretary that the rehabilitation agency, clinic, or public health agency does not substantially meet, or no longer substantially meets, the conditions of participation, an agreement for participation may not be accepted for filing, or if filed, may be terminated. The organization may request that the determination be reviewed.

§ 405.1708 Criteria for determining substantial compliance.

Findings made by a State agency as to whether a rehabilitation agency, clinic, or public health agency is in substantial compliance with the conditions of participation require a thorough evaluation of the degree to which operation of an organization demonstrates adequate performance of the functions which are embodied in the conditions. The State evaluation will take into consideration:

(a) The degree to which each standard, as well as the total set of standards relating to a condition of participation, is met;

(b) When there is a deficiency in meeting a standard, whether the deficiency is one concerning the statutory requirements which must be met (section 1861(p)(4));

(c) Whether the deficiency creates a hazard to health and safety; and

(d) Whether the organization is making reasonable plans and efforts to correct the deficiency within a reasonable period.

§ 405.1709 Documentation of findings.

The findings of the State agency with respect to each of the conditions of participation should be adequately documented. Where the State agency certification to the Secretary is that a rehabilitation agency, clinic, or public health agency is not in compliance with the conditions of participation, such documentation should include a report of all consultation which has been undertaken in an effort to assist the organization to comply with the conditions, a report of the organization's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the organization to achieve substantial compliance with the conditions.

§ 405.1715 Condition of participation—Compliance with State and local laws.

(a) *Condition.* The clinic, rehabilitation agency, or public health agency is in conformity with all applicable State and local laws, regulations, and similar requirements.

(b) *Standard; licensure of clinics, rehabilitation agencies, and public health agencies.* In any State in which State or applicable local law provides for the licensing of clinics, rehabilitation agencies, or public health agencies, a clinic, rehabilitation agency, or public health agency is:

(1) Licensed pursuant to such law; or

(2) Is approved by the agency of such State or locality responsible for licensing organizations of this nature, as meeting the standards established for such licensing.

(c) *Standard; licensure or registration of personnel.* All personnel engaged in providing physical therapy services are currently licensed or registered in accordance with applicable law.

(d) *Standard; conformity with other laws.* The clinic, rehabilitation agency, or public health agency is in conformity with laws and regulations relating to fire and safety standards for equipment used as well as to other relevant matters.

§ 405.1716 Condition of participation—Administrative management.

(a) *Condition.* The clinic or rehabilitation agency has an effective governing body, legally responsible for the conduct of the organization, which designates an administrator and establishes administrative policies. However, if the clinic or rehabilitation agency does not have an organized governing body, the persons legally responsible for the conduct of the organization carry out or have carried out the functions herein pertaining to the governing body.

(b) *Standard; governing body.* There is a governing body which assumes full legal responsibility for the overall conduct of the organization. The factors explaining the standard are as follows:

(1) The ownership of the clinic or rehabilitation agency is fully disclosed to the State agency. In the case of corporations, the corporate officers are made known.

(2) The governing body is responsible for compliance with the applicable laws and regulations of legally authorized agencies.

(c) *Standard; administrator.* The governing body appoints an administrator who is on the full-time staff and is qualified by training or experience and delegates to him the internal operation of the clinic or rehabilitation agency in accordance with established policies. The administrator, or his designated substitute, is on duty on the premises at all times that the agency or clinic is in operation. The factors explaining the standard are as follows:

(1) The administrator is a college graduate who has either experience or specialized training in the administration of health institutions or agencies, or is qualified in one of the professional health disciplines with experience or additional specialized training in the administration of health facilities.

(2) The administrator's responsibilities for procurement and direction of competent personnel are clearly defined.

(3) An individual competent and authorized to act in the absence of the administrator is designated.

(4) The administrator may be a member of the governing body.

(d) *Standard; personnel policies.* There are written personnel policies, practices, and procedures applicable to all employees of the organization that adequately support sound patient care. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a resume of each employee's training and experience.

(2) Files contain evidence of adequate health supervision such as results of preemployment and periodic physical examination, including chest X-rays, and records of all illnesses and accidents occurring on duty.

§ 405.1717 Condition of participation—Patient care policies.

(a) *Condition.* There are policies established by a group of professional personnel and these policies are reviewed at least annually.

(b) *Standard; written policies.* The organization has written policies which are developed by a group of professional personnel, including one or more physicians associated with the organization and one or more qualified physical therapists, to govern the physical therapy services it provides. These policies are reviewed at least annually and cover at least the following:

(1) Scope of services offered;

(2) Admission and discharge policies including the types of patients which the organization will or will not accept for treatment;

(3) Physician services;

(4) Patient care plans and methods of implementation;

(5) Care of patients in an emergency;

(6) Clinical records;

(7) Administrative records;

(8) Personnel qualifications and responsibilities;

(9) Use and maintenance of the plant and equipment;

(10) Program evaluation.

§ 405.1718 Condition of participation—Program evaluation.

(a) *Condition.* The organization has procedures which provide for a systematic evaluation of its total program in order to assure the appropriate utilization of services.

(b) *Standard; method of program evaluation.* There are measures to determine whether the policies of the organization are followed in providing services to patients either directly or under arrangements with others. These should include: (1) a quarterly review of patient records on a sample basis in order to determine that services are being used appropriately and the extent to which the needs of the patients served are being met both quantitatively and qualitatively and (2) an annual evaluation of such statistical data as the following:

(i) Number of different patients treated;

(ii) Number of patient visits;

(iii) Condition on discharge;

(iv) Number of new patients;

(v) Number of patients by diagnosis;

(vi) Sources of referral;

(vii) Number of units of service by treatment given;

(viii) Total staff days or man-hours.

§ 405.1719 Conditions of participation—Physician service and plan of care.

(a) *Condition.* Patients in need of outpatient physical therapy are accepted for treatment only on the order of a physician and their care continues under the supervision of a physician. For each patient there is a written plan of care

established and periodically reviewed by a physician prescribing the type, amount, frequency, and duration of physical therapy services that are to be furnished to such an individual. The clinic or agency has a physician available to furnish necessary medical care in case of emergency.

(b) *Standard; medical direction.* Physical therapy is provided only upon written order by the physician who indicates anticipated goals and is responsible for the general medical direction of such services as part of the total care of the patient.

(c) *Standard; medical findings and physicians' orders.* There is made available to the organization prior to or at the time of admission, patient information which includes significant past history, related medical findings, diagnosis, rehabilitation potential and the extent to which the patient is aware of his diagnosis and prognosis, and where appropriate, the summary of treatment followed during previous periods of physical therapy or institutionalization.

(d) *Standard; plan of therapy.* For each patient there is a written plan for the type, amount, frequency, and duration of physical therapy which is prescribed by the physician and, where appropriate, developed in consultation between the physical therapist(s) and the patient's attending physician. The plan of therapy and results of treatment are reviewed at least every 30 days, and more often if required, by the physician and appropriate action taken.

(e) *Standard; supervision by physician.* The facility has a requirement that the health care of every patient is under the supervision of a physician. The physical therapy patient is seen by a physician at least every 30 days. The clinic or rehabilitation agency is responsible for contacting the physician if the patient has not been seen by the physician within a 30-day period. There is evidence in the clinical record of physician's services at appropriate intervals.

(f) *Standard; notification of physician.* The attending physician is promptly notified of any changes noted in the patient's condition which might require a change in the plan of therapy.

(g) *Standard; availability of physicians for emergency.* The organization provides for having one or more physicians available on call to furnish necessary medical care in case of emergency. A schedule listing the names and telephone numbers of these physicians and the specific days each is on call is posted. There are established procedures to be followed in an emergency which cover immediate care of the patient, persons to be notified, and reports to be prepared.

§ 405.1720 Condition of participation—Physical therapy services.

(a) *Condition.* The organization provides an adequate program of physical therapy and has an adequate number of qualified personnel and the equipment necessary to carry out its program to fulfill its objectives.

(b) *Standard; adequate program.* An organization will be considered to have an adequate outpatient physical therapy program if it can provide services utilizing therapeutic exercise and the modalities of heat, cold, water, light, electricity, and massage, as well as administer tests and measurements of strength, balance, endurance, range of motion, and for activities of daily living.

(c) *Standard; facilities and equipment.* The organization has the equipment and facilities required to provide the range of services necessary in the treatment of the types of disabilities accepted by the organization.

(d) *Standard; number of qualified personnel.* The number of properly qualified personnel is adequate for the volume and diversity of physical therapy services offered. There shall be at least one qualified physical therapist on duty on the premises at all times services are rendered.

(e) *Standard; physical therapists.* Physical therapy is given or supervised by a therapist who meets one of the following requirements:

(1) He has graduated from a physical therapy curriculum approved by:

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966:

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(i) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(ii) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(4) If trained outside United States:

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation for Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(f) *Standard; supportive personnel.* Personnel are available to assist physical therapists in performing physical therapy services and in the performance of numerous duties that do not require professional therapy knowledge and skill. The factors explaining this standard are:

(1) The full responsibility for patient instruction or treatment remains with the professionally qualified physical therapist in consultation with the attending physician.

(2) The professionally qualified physical therapists train such supportive personnel in appropriate patient care services. When the services of supportive personnel are utilized they are supervised by qualified physical therapists. When direct observation of such services furnished on the premises of the provider is less than full time, it is provided on a planned basis and is frequent enough in relation to the training and experience of the personnel to assure sufficient review of individual treatment plans and progress. When physical therapy services are furnished to an individual in his home or in an institution, the physical therapy must be furnished by or under the direct supervision of a qualified physical therapist.

(g) *Standard; work assignments.* Work assignments of personnel providing physical therapy services are consistent with the qualifications of such personnel.

§ 405.1721 Condition of participation—Rehabilitation program.

(a) *Condition.* A rehabilitation agency provides, in addition to physical therapy services, a rehabilitation program which includes social or vocational adjustment services to all patients in need of such services by making provision for special, qualified staff to evaluate the social or vocational factors involved in a patient's rehabilitation, to counsel and advise on social or vocational problems arising from the patient's illness or injury, and to make appropriate referrals for required services.

(b) *Standard; qualifications of staff.* When the agency has a social or vocational adjustment program, these services are rendered, as applicable, by qualified psychologists, qualified social workers, or professional vocational specialists.

(1) Social or vocational adjustment services may be performed by a psychologist who meets one of the following requirements:

(i) Is licensed to practice psychology by the State in which he is practicing, or

(ii) If the State in which he practices does not provide for such licensure, holds a doctoral degree in psychology from a university program approved by the American Psychological Association or its adjudged equivalent, or has been recognized by the American Board of Examiners for Professional Psychology, or has been endorsed by his State psychological association.

(2) Social or vocational adjustment services may be performed by a social worker who holds a master's degree from a school of social work accredited by the Council on Social Work Education.

(3) Vocational adjustment services may be furnished by a professional vocational specialist who meets one of the following requirements:

(i) Has a college degree and 2 years' experience in vocational counseling in a rehabilitation setting such as a sheltered workshop, State employment service agency, etc., or

(ii) Has a college degree with at least 18 semester hours in vocational rehabilitation, educational or vocational guidance, psychology, social work, special education or personnel administration, and 1 year's experience in vocational counseling in a rehabilitation setting, or

(iii) Has a master's degree in vocational counseling.

(c) *Standard; arrangements for social or vocational services.* If a rehabilitation agency does not provide social or vocational adjustment services through salaried employees, it may provide such adjustment services by means of a written agreement with others which provides for retention by the agency of responsibility for and control and supervision of such services. The terms of the contract include at least the following:

(1) Provides that the regimen of social or vocational adjustment services to be furnished is developed in consultation between the psychologist, social worker, or professional vocational specialist and the patient's attending physician.

(2) Specifies the geographical areas in which the services are to be furnished.

(3) Provides that such services are provided by personnel meeting the qualifications in paragraph (b) of this section.

(4) Provides that as needed personnel contracted for will participate in conferences required to coordinate the care of an individual patient.

(5) Provides for the preparation of treatment records and notes and for the prompt incorporation of such into the clinical records of the agency.

(6) Specifies the period of time the contract is to be in effect and the manner of termination or renewal.

§ 405.1722 Condition of participation—Arrangements for physical therapy services to be performed by other than salaried clinic or agency personnel.

(a) *Condition.* When a clinic, rehabilitation agency, or public health agency provides outpatient physical therapy services under an arrangement with others, it requires that such services be furnished in accordance with the terms of a written contract, which provides for retention by the clinic or agency of responsibility for and control and supervision of such services.

(b) *Standard; contract provisions.* The terms of the contract include at least the following: (1) Provides that physical therapy services are to be furnished in accordance with the plan of care established by the physician responsible for the patient's care and may not be altered in type, amount, frequency, or duration by the therapist (except in the case of an adverse reaction to a specific treatment).

(2) Specifies the geographical areas in which the services are to be furnished.

(3) (i) Except as provided in this subparagraph, provides that the services shall be performed in the patient's home, the premises of the clinic, rehabilitation agency, or public health agency making the arrangements, or the premises of an institution which meets the requirements of section 1861(e)(1) or section 1861(j)(1) of title XVIII of the Social Security Act.

(ii) In the case of a public health agency (including a public health agency which is certified by the health insurance program as a home health agency), the contract may provide that the physical therapy services may also be performed on the premises of the supplier of services but only under the following circumstances:

(*a*) The public health agency does not have the capacity to provide on its premises all of the modalities of treatment, tests, and measurements as specified in § 405.1720(b),

(*b*) The services provided on the premises of the supplier include services and modalities as defined in § 405.1720 (b) which the public health agency cannot provide on its premises and these services are not provided on an outpatient basis in another accessible certified provider,

(*c*) Services are provided on the premises of the supplier only in those instances in which the patient's treatment requires the use of a modality which is not available on the premises of the public health agency,

(*d*) A physician or a qualified physical therapist employed by the public health agency reviews at least every 2 weeks all records of the patients of the public health agency who have been treated on the premises of the supplier,

(*e*) The public health agency assures itself by reviewing appropriate documentation that the supplier is in conformity with applicable State and local laws and regulations relating to fire and safety standards for the building and equipment, complies with all applicable State and local codes governing construction, and in any State in which State or applicable local law provides for the licensing of such a supplier is licensed pursuant to such law, or is approved by the agency of such State or locality responsible for licensing organizations of this nature as meeting the standards established for such licensure, and

(*f*) The public health agency will be responsible for advising the State agency of the name of each supplier of services with whom the public health agency may contract for the provision of services and will also make the necessary arrangements for the State agency to survey the premises, organization, and records of each supplier of services in order to determine compliance with applicable regulations.

(4) Provides that personnel and services contracted for meet the same requirements as those which would be applicable if the personnel and services were furnished directly by the clinic, rehabilitation agency, or public health agency.

(5) Provides that as needed the therapist will participate in conferences required to coordinate the care of an individual patient.

(6) Provides for the preparation of treatment records, with progress notes and observations, and for the prompt incorporation of such into the clinical records of the clinic or agency.

(7) Specifies the financial arrangements. The contracting organization or individual may not bill the patient or the health insurance program.

(8) Specifies the period of time the contract is to be in effect and the manner of termination or renewal.

§ 405.1723 Condition of participation—Clinical records.

(a) *Condition.* A clinical record is maintained in accordance with accepted professional principles for each patient receiving physical therapy services.

(b) *Standard; maintenance of clinical records.* The organization maintains a clinical record for each patient treated with all entries kept current, dated, and signed. The record includes:

(1) Identification and summary sheets;

(2) Prior medical findings as specified in § 405.1719(c);

(3) Physician orders;

(4) Admission evaluation;

(5) Plan of treatment;

(6) Progress notes by therapists;

(7) Dated record of all treatments, tests, and measurements;

(8) Consultation reports;

(9) Record of any emergency care rendered to the patient;

(10) Discharge summary.

(c) *Standard; retention of records.* All clinical records of discharged patients are completed promptly and are filed and retained in accordance with State law or for 5 years in the absence of a State statute. The factors explaining the standard are as follows:

(1) The organization has policies providing for retention and safekeeping of patient's clinical records.

(2) If the patient is transferred to another health care facility, a copy of the patient's clinical record or an abstract thereof accompanies the patient.

(3) All information contained in the clinical records is treated as confidential and is disclosed only to authorized persons.

§ 405.1724 Condition of participation—Emergency procedures.

(a) *Condition.* The organization has a written procedure to be followed in case of fire, explosion, or other nonmedical emergencies. It specifies persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes and procedures for evacuating patients.

(b) *Standard; nonmedical emergencies.* A plan is developed with the assistance of qualified fire and safety experts which is made known to the staff of the organization and is posted throughout the organization. Evacuation drills testing the effectiveness of the plan are conducted at least three times a year.

§ 405.1725 Condition of participation—Physical environment.

(a) *Condition.* The building housing the organization is constructed, equipped, and maintained to insure the safety of patients and provides a functional, sanitary, and comfortable environment.

(b) *Standard; safety of patients.* The building housing the organization is constructed, equipped, and maintained to insure the safety of patients. It is structurally sound and satisfies the following requirements:

(1) Complies with all applicable State and local codes governing construction.

(2) Permanently attached automatic fire extinguishing systems of adequate capacity are installed in all areas of the organization considered to have special fire hazards. Fire extinguishers are conveniently located on each floor of the organization and in special hazard areas. Fire regulations are prominently posted and carefully observed.

(3) Doorways, passageways, and stairwells used by physical therapy patients are adequately wide to allow for easy evacuation of patients (including those on stretchers or in wheelchairs) and are kept free from obstruction at all times.

(4) Corridors used by physical therapy patients are equipped with firmly secured handrails on each side.

(5) All electrical equipment used by the organization is maintained free of any defects which are a potential hazard to patients or personnel.

(6) The areas used by physical therapy patients are maintained in good repair and kept free of hazards such as those created by damaged or defective parts of the building.

(7) No occupancies or activities undesirable to the health and safety of patients are located in the building.

(8) At least two persons are on duty in the facility whenever a patient is being treated.

(9) An emergency electrical service covers the fire alarm system and the lights at exits and corridors used by the physical therapy patients.

(10) Floors used by the physical therapy patients are slip-resistant and dry. Throw or scatter rugs are not used except for nonslip entrance mats.

(11) Written procedures govern the use of techniques of disinfection, cleanliness, and sterilization.

(c) *Standard; favorable environment for patients.* The building is equipped and maintained to provide a functional, sanitary and comfortable environment. There is an adequate amount of space for the services provided. The factors explaining the standard are as follows:

(1) There are adequate lighting levels in all areas of the building in which physical therapy services are provided.

(2) Heating and ventilation systems are capable of maintaining adequate temperatures and freedom from drafts.

(3) Ramps are situated where necessary to provide wheelchair patients with easy access to all appropriate facilities and equipment.

(4) Whatever the size of the building, there is an adequate amount of space for the services provided and disabilities treated including reception area, staff space, examining room, treatment areas, toilet facilities, and storage.

(i) *Reception area.* There is adequate space for wheelchair patients.

(ii) *Examining room.* There are adequate partitions for privacy.

(iii) *Treatment area.* Depending on the diversity of the physical therapy program provided, the organization may utilize one or more of three types of treatment areas; these are cubicle (dry), underwater exercise (wet), and exercise (open). Each is designed to meet the particular requirements of the special equipment used for different kinds of treatment. In no instance shall space allocated for physical therapy services be less than 300 square feet or have any dimension less than 12 feet.

(*a*) Cubicle—each unit is large enough for the physical therapist to work on either side of the table without having to move equipment belonging in the cubicle. Preferably cubicles are divided by curtains for easier access by wheelchair cases, for expansion of usable floor area for gait analysis, group activity or teaching purposes. Both curtains and tracks should be sturdy and in or near the cubicle there should be a place or locker for outer clothing.

(*b*) Underwater exercise area—all equipment requiring special plumbing and water supply is concentrated in one section of the department but is accessible and adjacent to other treatment areas. There should be a suitable patient lift device.

(*c*) Exercise area—there is a very flexible open space planned to accommodate patients engaged in diverse individual or group exercise activities. At least one wall should be reinforced for the installation of stall bars and similar equipment.

(5) The premises are kept free from offensive odors and from accumulations of dirt, rubbish, and dust.

[F.R. Doc. 70-8195; Filed, June 26, 1970; 8:50 a.m.]

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965_____)

Physical Therapists Licensed Prior to January 1, 1970

Subpart J, Subpart K, and Subpart L of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations as amended (20 CFR Part 405), are amended as follows:

1. Section 405.1031(d) is amended by revising subparagraph (3) to read as follows:

§ 405.1031 Condition of participation—Complementary departments.

* * * * *

(d) *Standard; Rehabilitation, Physical Therapy, and Occupational Therapy Department.* * * *

(3) If physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist. A qualified physical therapist is one who:

(i) Has graduated from a physical therapy curriculum approved by—

(*a*) The American Physical Therapy Association; or

(*b*) The Council on Medical Education and Hospitals of the American Medical Association; or

(*c*) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(ii) Prior to January 1, 1966—

(*a*) Has been admitted to membership by the American Physical Therapy Association; or

(*b*) Has been admitted to registration by the American Registry of Physical Therapists; or

(*c*) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(iii) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(*a*) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(*b*) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(iv) If trained outside the United States—

(*a*) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(*b*) Is a member of a member organization of the World Confederation for Physical Therapy; and

(*c*) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(*d*) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

2. Subparagraph (c)(1) of § 405.1126 is amended by redesignating subdivision

(iii) as subdivision (iv) and adding a new subdivision (iii) to such subparagraph to read as follows:

§ 405.1126 Condition of participation—restorative services.

* * * * *

(c) *Standard; therapy services.* * * *

(1) Physical therapy is given or supervised by a therapist who meets one of the following requirements:

* * * * *

(iii) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(*a*) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(*b*) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

* * * * *

3. Paragraph (b) of § 405.1229 is amended by redesignating subparagraph (3) and subparagraph (4), and by adding a new subparagraph (3) to read as follows:

§ 405.1229 Condition of participation—physical therapy.

* * * * *

(b) *Physical therapist—qualifications.* A physical therapist:

* * * * *

(3) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(i) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(ii) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

* * * * *

(Secs. 1102, 1861, 1863, 1864, and 1871; 49 Stat. 647, as amended; 79 Stat. 314; 42 U.S.C. 1302, 1395, et seq.)

4. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 5, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 16, 1970.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 70-8196; Filed, June 26, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-1-(2,4,5-Trichlorophenyl) Vinyl Dimethyl Phosphate

A petition (PP 9F0835) was filed with the Food and Drug Administration by the Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in the raw agricultural commodities fat of meat of poultry at 0.75 part per million and eggs, meat, and meat byproducts of poultry at 0.1 part per million (negligible residue).

The petitioner subsequently amended the petition to delete the "negligible residue" characterization.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Since presented data show that tolerances in § 120.252 are necessary only for residues of the parent compound, reference to its conversion products is deleted below from the section's introductory text.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the proposed tolerances are safe and will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.252 is revised to establish the new tolerances and to delete from the first paragraph reference to the insecticide's conversion products, as follows:

§ 120.252 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate; tolerances for residues.

Tolerances are established for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on raw agricultural commodities as follows:

110 parts per million in or on corn forage and fodder (including field corn, sweet corn, and popcorn).

10 parts per million in or on apples, sweet corn (kernels plus cob with husks removed) and corn grain (including field corn and popcorn).

0.75 part per million in the fat of meat of poultry.

0.1 part per million in eggs, meat, and meat byproducts of poultry.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8131; Filed, June 26, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,3,6-Trichlorophenylacetic Acid

A petition (PP 0F0873) was filed with the Food and Drug Administration by Amchem Products, Inc., Ambler, Pa. 19002, proposing the establishment of a tolerance for neglible residues of the herbicide 2,3,6-trichlorophenylacetic acid in or on the raw agricultural commodity sugarcane at 0.1 part per million, such residues resulting from application of its sodium salt.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Residues of the herbicide are not reasonably expected to result in meat or milk from the feed use of final molasses or other byproducts of sugarcane. This use is in the category specified in § 120.6(a)(3).

2. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 120, Subpart C:

§ 120.283 2,3,6-Trichlorophenylacetic acid; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 2,3,6-trichlorophenylacetic acid in or on sugarcane, such residues resulting from application of its sodium salt.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8129; Filed, June 26, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Zinc Phosphide

A petition (PP 0F0890) was filed with the Food and Drug Administration by the State of Hawaii, Department of Agriculture, Honolulu, Hawaii 96814, proposing establishment of a tolerance of 0.1 part per million for residues of phosphine in or on the raw agricultural commodity sugarcane from use of the rodenticide zinc phosphide in sugarcane fields. The petitioner subsequently concurred that a tolerance of 0.01 part per million is adequate. No tolerance for zinc phosphide per se was requested since its residues do not remain in the raw agricultural commodity.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The proposed use is not reasonably expected to result in residues of phosphine or zinc phosphide in meat, milk, poultry, and eggs and is in the category specified in § 120.6(a)(3).

2. The tolerance established by this order is safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 120, Subpart C:

§ 120.284 Zinc phosphide; tolerances for residues.

A tolerance of 0.01 part per million is established for residues of phosphine in or on the raw agricultural commodity sugarcane from use of the rodenticide zinc phosphide in sugarcane fields.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8130; Filed, June 26, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2514) filed by GAF Corp., 140 West 51st Street, New York, N.Y. 10020, and other relevant material, concludes that § 121.2541 should be amended to provide for additional safe use of the below specified substance in food-contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2541(c) is amended by deleting the text under "Limitations" for the subject emulsifier. As changed, the item reads as follows:

§ 121.2541 Emulsifier and/or surface-active agents.

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
α - (p - Nonylphenyl) - *omega* - hydroxypoly(oxyethylene) sulfate, ammonium or sodium salt; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8132; Filed, June 26, 1970; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7049]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Public Utility Property; Use of Normalization Method of Accounting

The following temporary regulations are intended to provide special rules relating to the use of the normalization method of accounting. Such temporary regulations are prescribed under section 167(l)(3)(G) of the Internal Revenue Code of 1954, as added by section 441(a) of the Tax Reform Act of 1969 (83 Stat. 625).

In order to provide such temporary regulations under section 167(l)(3)(G) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 13.13 Public utility property; use of normalization method of accounting.

(a) *In general.* Under the provisions of section 167(l) (relating to reasonable allowance for depreciation in case of property of certain utilities), in certain cases the taxpayer may use a method of depreciation other than a subsection (l) method of depreciation (as such term is defined in section 167(l)(3)(F)) only if it uses the normalization method of accounting. See section 167(l)(1)(A) and (2)(B). The terms "public utility property," "pre-1970 public utility property," "post-1969 public utility property," "normalization method of accounting," "flow-through method of accounting," and "July 1969 accounting period" are defined respectively in paragraphs (A), (B), (C), (G), (H), and (I) of section 167(l)(3).

(b) *Use of normalization method of accounting*—(1) *Flow-through taxpayers.* In the case of a taxpayer which used a flow-through method of accounting for its July 1969 accounting period or thereafter, with respect to all or a portion of its pre-1970 public utility property, if the regulatory agency having jurisdiction to establish the rates of such taxpayer as to such property issues an order of general application (or an order of specific application to the taxpayer) which states that such regulatory agency will permit a class of taxpayers of which such taxpayer is a member (or such taxpayer) to use the normalization method of accounting for ratemaking purposes with respect to all or a portion of its public utility property, the taxpayer will be deemed to be using the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of establishing its cost of service for ratemaking purposes with respect to the public utility property to which such order applies. In the event that any such order is in any way conditional, the preceding sentence shall not apply until all of the conditions contained in such order which are applicable to the taxpayer have been fulfilled. The taxpayer shall establish to the satisfaction of the Commissioner or his delegate that such conditions have been fulfilled.

(2) *Normalization taxpayers.* In the case of a taxpayer which did not use the flow-through method of accounting for its July 1969 accounting period or thereafter with respect to any of its public utility property, it will be presumed that such taxpayer is using the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of stablishing its cost of service for ratemaking purposes with respect to its post-1969 public utility property. The presumption described in the preceding sentence shall apply only in the absence of an expression of intent (regardless of the manner in which such expression of intent is indicated) by the regulatory agency (or agencies), having jurisdiction to establish the rates of such taxpayer, which indicates that the policy of such regulatory agency is in any way inconsistent with the use of the normalization method of accounting by such taxpayer or by a class of taxpayers of which such taxpayer is a member. The presumption shall be applicable on January 1, 1970, and shall, unless it is rebutted, be effective until an inconsistent expression of intent is indicated by such regulatory agency. The presumption may be rebutted by evidence that the flow-through method of accounting is being used by the taxpayer with respect to such property.

(c) *Other requirements applicable.* Nothing in this section shall relieve the taxpayer from the requirement contained in section 167(l)(3)(G) that the taxpayer use the same method of depreciation to compute both its tax expense and its depreciation expense for purposes of reflecting operating results in its regulated books of account, or the requirement contained in clause (ii) of section 167(l)(3)(G) that if, to compute its allowance for depreciation under section 167, it uses a method of depreciation other than the method it used for the purposes described in clause (i) of section 167(l)(3)(G), the taxpayer must make adjustments to a reserve to reflect the deferral of taxes resulting from the use of such different methods of depreciation.

(d) *Effective date.* The provisions of this section shall be effective on and after June 27, 1970, until superseded by a subsequent Treasury decision.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] WILLIAM H. SMITH,
Acing Commissioner of Internal Revenue.

Approved: June 25, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 70-8306; Filed, June 26, 1970; 8:52 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7050]

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

Registration Procedures for Tax-Free Purchase of Fuel Used in Aircraft

In order to provide revised rules whereby aircraft fuel that is delivered into a fuel supply tank of an aircraft may be purchased, free of tax, by certain users, § 154.1-1 of Temporary Regulations in Connection with the Airport and Airway Revenue Act of 1970 (26 CFR, Part 154) is amended by revising paragraph (a), subparagraphs (1) and (2) of paragraph (b), so much of paragraph (d) as follows subparagraph (2), and by adding a new subparagrph (4) to paragraph (b), as follows:

§ 154.1-1 Tax-free sales and purchases of fuel under section 4041(c); registration.

(a) *Purpose of this section.* (1) In general, section 4041(c) of the Internal Revenue Code of 1954, as added by the Airport and Airway Revenue Act of 1970, imposes a tax of 7 cents a gallon (3 cents a gallon upon any product taxable under section 4081) upon any liquid (including jet fuel) sold for use or used after June 30, 1970, as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)). This section sets forth rules, as authorized by section 4041(h) and other provisions of the Internal Revenue Code, under which aircraft fuel that is used, in whole or in part, in other than noncommercial aviation may be purchased tax free when delivered by a seller into a fuel supply tank of an aircraft. In addition, the provisions of this section apply to sales or purchases of fuel, delivered into a fuel supply tank of an aircraft, which are exempt from the tax under section 4041(c) by reason of section 4041(f) (relating to exemption for farm use), section 4041(g) (relating to exemption for use as supplies for vessels or aircraft), section 4055 (relating to State and local government exemption), and section 4057 (relating to exemption for nonprofit educational organizations).

(2) If the purchaser of fuel does not have the fuel delivered into a fuel supply tank of an aircraft, the fuel shall be sold tax free unless the purchaser pays or agrees, prior to or at the time of the sale, to pay the seller the tax on the liquid covered by the sale. Payment of such tax shall be evidenced by a receipt, which separately states the tax, furnished the purchaser by the seller. If the purchaser does not retain such receipt as a part of his records or otherwise prove to the satisfaction of the Commissioner payment of the tax, he shall be liable for the tax on the liquid which in fact is used by him for a taxable purpose or which is sold by him in a taxable transaction. Any person who purchases tax free any liquid for use as a fuel in any aircraft shall be liable for the tax imposed by section 4041(c)(1)(B) or 4041(c)(2)(B) if such fuel is used for a taxable purpose. See Subpart 0 of Part 48 of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) for procedures with respect to filing returns and paying the tax.

(b) *Tax-free sales only if sellers and certain purchasers are registered.* (1) Any liquid purchased by a purchaser not exempt from registration by subparagraph (4) of this paragraph and delivered into a fuel supply tank of an aircraft is presumed to be taxable under section 4041(c) unless the purchaser of such liquid is registered as provided in this section.

(2) Except as provided in subparagraph (4) of this paragraph (relating to exceptions for State and local governments, for fuel purchased from customs bonded warehouses or continuous customs custody, and for fuel purchased for use in certain aircraft of the United States or of any foreign nation), tax-free sales under section 4041(c) may be made only if both the seller and the purchaser have registered as required by this section. If fuel is purchased tax paid but is used for a nontaxable purpose, see section 6427 relating to refunds or credits of tax. Any person desiring to be registered in order to sell or purchase fuel free of the tax imposed by section 4041 (c) shall, prior to making any tax-free sale or purchase, file Form 637A, in duplicate, executed in accordance with the instructions contained in subparagraph (3) of this paragraph. Form 637A shall be filed with the district director of internal revenue for the district in which the principal place of business of the applicant is located (or if he has no principal place of business in the United States, with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225). The person who receives a validated Certificate of Registry (Validated Form 637A) shall be considered to be registered for purposes of selling or purchasing fuel tax free as provided in this section.

* * * * *

(4) (i) A State or local government purchasing fuel delivered into a fuel supply tank of its aircraft for its exclusive use may, but is not required to, register as provided in this section.

(ii) Any purchaser of aircraft fuel who purchases fuel from any customs bonded warehouse or from continuous customs custody elsewhere than in a bonded warehouse is not required to register to purchase aircraft fuel from such sources tax free.

(iii) Any purchaser of fuel for use in an aircraft which is owned by the United States or any foreign country and constitutes a part of the armed forces thereof is not required to register to purchase aircraft fuel tax free.

(iv) The exemption from registration in subdivisions (i), (ii), and (iii) of this subparagraph does not relieve such purchaser from the requirement of furnishing an exemption certificate as required by paragraph (d) of this section.

* * * * *

(d) *Evidence of tax-free sale.* * * *

(3) Except as provided in subparagraph (4) of this paragraph, a separate exemption certificate shall be furnished for each sale of fuel delivered into a fuel supply tank of an aircraft. If a portion of such fuel is intended to be used for a nontaxable purpose, the entire amount of such fuel may be sold tax free. Exemption certificates and proper supporting records such as invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001 of the Code and the regulations thereunder.

(4) If the purchaser of fuel to be used in his aircraft has reasonable grounds to believe that 90 percent or more of the total of such fuel to be purchased by him during a specified period not to exceed 4 calendar quarters will be used in other than noncommercial aviation, he may furnish each of his suppliers an exemption certificate covering all purchases for such specified period. Such certificate shall be substantially in the same form as the certificate in subparagraph (2) of this paragraph except that in place of the date, the purchaser shall specify the period covered by the certificate, and the purchaser shall give a brief explanation of his grounds to believe that 90 percent or more of his total fuel will be used in other than noncommercial aviation.

(5) The presumption under section 4041(h) that any liquid delivered into a fuel supply tank of an aircraft is taxable places the duty on the seller of such liquid to use reasonable diligence to satisfy himself that a tax-free sale of fuel to the purchaser is warranted by law. Generally, the requirement of reasonable diligence will be satisfied if the seller receives and retains the required certificate evidencing the right of the purchaser to buy the fuel tax free. However, if the seller has failed to use reasonable diligence, he is not relieved of liability for the tax imposed by section 4041(c). In addition, if the seller fails to obtain and retain the evidence of tax-free sale as required by this paragraph, the seller is not relieved of liability for the tax imposed by section 4041(c).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Approved: June 25, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 70-8308; Filed, June 26, 1970; 9:41 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Oklawaha River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.169 is hereby prescribed to govern the operation of a lock on the Oklawaha River at Moss Bluff, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.169 Oklawaha River, navigation lock and dam at Moss Bluff, Fla.; use, administration and navigation.

(a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7 a.m. to 7 p.m. during the period of February 15 through October 15 each year, and from 8 a.m. to 6 p.m. during the remaining months of the year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels. The hours of operation are based on local time.

(b) The owner of or agency controlling the lock shall place signs of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Fla., at each side of the lock indicating the nature of the regulations of this section.

[Regs., June 11, 1970, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-8197; Filed, June 26, 1970; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Inventory Write-Down

Part 1499 is amended by adding a new § 1499.1–39 to read as follows:

§ 1499.1–39 Renegotiation Ruling No. 39; Costs; allowability of loss attributable to inventory write-down on contract completed in later fiscal year (interprets act section 103(f); RBR 1459.1(b) of this chapter).

(a) This ruling concerns the allowability, as a cost in the fiscal year under review, of a loss resulting from a write-down of inventory for a contract completed in a succeeding fiscal year.

(b) Assume, for example, a renegotiable fixed-price contract for the manufacture and delivery of 100 units. The contractor reports for taxes in accordance with the accrual method of accounting, and values inventory at the lower of cost or market value. In the fiscal year under review the contractor acquires components and other materials required for the contract. The finished products are such as to be not saleable to anyone else, so that the contract price is their market value. By the end of the review year, the contractor has delivered 20 units, has completed 10 units ready for delivery, and has incurred costs (exclusive of the cost of materials on which he has expended no effort) equivalent to the cost of producing 40 additional

completed units. On the basis of the costs already incurred and his estimate of costs to completion, the contractor estimates that he will sustain a loss of $100 on each unit, or an aggregate loss of $10,000 on the whole contract. The estimate is reasonably accurate. The contractor claims the entire amount of this loss in the fiscal year under review.

(c) This accounting treatment is not acceptable. The contractor is not entitled to write his inventory down to reflect his estimated loss on the entire contract. To the extent of $3,000, the claim of loss relates to the 30 units neither delivered nor completed nor in process at the end of the fiscal year under review. To this extent, it is an anticipated loss, one not yet incurred, and thus is not an allowable tax deduction or renegotiation cost.

(d) The remainder of the loss ($7,000) relates to units delivered during the review year ($2,000) and inventories on hand at the close of that year ($5,000). The contractor's costs already exceed the contract price for the number of units delivered (20) or completed and ready for delivery (10) and those in process, that is, equivalent units (40). The contractor is entitled, therefore, to write down his inventory of 50 completed and equivalent units by the extent to which the incurred costs exceed the contract price for such number of units. The loss of $7,000 thus established is not anticipatory; it is a present, existing, known and established loss at the end of the review year; its existence does not depend upon subsequent events. It is thus an allowable deduction under the Internal Revenue Code, and as such will be allowed for renegotiation as a cost in the fiscal year under review.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated: June 24, 1970.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 70-8221; Filed, June 26, 1970; 8:52 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart D—Compensation and Allowances

MISCELLANEOUS AMENDMENTS

1. Effective at the beginning of the first pay period after July 1, 1970, § 253.113 is amended to read as follows:

CATEGORIES OF POSITIONS

§ 253.113 **Manual category.**

Those manual-type occupational groupings generally covered by the Coordinated Federal Wage System which embrace unskilled, semiskilled, and skilled trades, crafts, and related occupations except for those which are specifically included in the special category.

2. Effective at the beginning of the first pay period after July 1, 1970, § 253.131(a) is amended to read as follows:

PAY RATES AND ALLOWANCES

§ 253.131 **Derivation of base rates of pay.**

(a) Rates of pay for positions in the special category below the skill or grade level for which employees must be recruited from the continental United States, for positions at the level of grade 3 or below in the nonmanual category and for positions at level 9 or below in the manual category shall be established in relation to rates outside the continental United States.

* * * * *

Dated: June 22, 1970.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 70-8198; Filed, June 26, 1970; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

ADOPTED CHILD

1. In § 3.57, paragraph (c) is amended to read as follows:

§ 3.57 **Child.**

* * * * *

(c) *Legally adopted child.* The term means a child adopted pursuant to a final decree of adoption, and a child adopted pursuant to an unrescinded interlocutory decree of adoption while remaining in the custody of the adopting parent (or parents) during the interlocutory period. Effective August 25, 1959, the term includes, as of the date of death of a veteran, such a child who:

(1) Was under age 18 and living in the veteran's household at the time of his death, and

(2) Was adopted by the veteran's spouse under a decree issued within 2 years after August 25, 1959, or the veteran's death whichever is later, and

(3) Was not receiving from an individual other than the veteran or his spouse, or from a welfare organization which furnishes services or assistance for children, recurring contributions of sufficient size to constitute the major portion of the child's support.

2. In § 3.210, that portion of paragraph (c) preceding subparagraph (1) is amended to read as follows:

§ 3.210 **Child's relationship.**

* * * * *

(c) *Adopted child.* Except as provided in subparagraph (1) of this paragraph evidence of relationship will include a certified copy of the decree of adoption and such other evidence as may be necessary.

* * * * *

3. In § 3.403, paragraph (f) is amended to read as follows:

§ 3.403 **Children.**

Awards of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be effective as follows:

* * * * *

(f) *Adopted child.* Date of adoption either interlocutory or final, but not earlier than the date from which benefits are otherwise payable.

4. In § 3.503, paragraph (j) is added to read as follows:

§ 3.503 **Children.**

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(j) *Interlocutory adoption decree.* Date child left custody of adopting parent during the interlocutory period, or date of rescission of the decree, whichever first occurs.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective May 21, 1970.

Approved: June 23, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-8194; Filed, June 26, 1970; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.7—Small Business Concerns

SCREENING OF PROCUREMENTS

This amendment changes AEC policy so that small business set-asides for construction procurements need not be limited to actions involving amounts which do not exceed $500,000. This is consistent with revised policy of the Small

Business Administration as announced in GSA Bulletin 11.

Section 9-1.705-3, *Screening of procurements*, is revised to read as follows:

§ 9-1.705-3 Screening of procurements.

(a) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $500,000, including new construction and repair and alteration of structures. When in the judgment of the contracting officer a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1-1.706-2), the contracting officer shall proceed to process the procurement on an unrestricted basis. Small business set-aside preferences should be considered for construction procurements in excess of $500,000, on a case-by-case basis, favoring such preferential participation of small business whenever appropriate.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

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

Dated at Germantown, Md., this 22d day of June 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 70-8119; Filed, June 26, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 99—DISASTER COMMUNICATIONS SERVICE

Construction Permit Requirement

Order. 1. The Commission has under consideration the desirability of making an editorial change in Part 99 of the Disaster Communications Service Rules.

2. By report and order (Docket No. 16779), released on June 9, 1969, the Commission waived the requirement for a construction permit in the Safety and Special Radio Services. This is an editorial change to delete references to the construction permit requirement in Part 99.

3. The amendment adopted herein is editorial in nature and, therefore, the prior notice, public procedure, and effective date provisions of 5 U.S.C. section 553, are not applicable. Authority for this amendment is contained in section 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules.

4. In view of the foregoing: *It is ordered*, that effective July 2, 1970, Part 99 of the Disaster Communications Service Rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 23, 1970.

Released: June 24, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In § 99.11, paragraphs (a), (b), (c), and (e) are amended to read as follows:

§ 99.11 Applications.

(a) Application for a new station license to be operated in the Disaster Communications Service shall be submitted on FCC Form No. 525, signed by the applicant and countersigned by the competent local authority in charge of the disaster communications network in which the station is, primarily, intended to be operated. To facilitate a determination of eligibility, such application shall be accompanied by a statement describing in detail the purpose of the proposed station which shall include a copy of the locally coordinated disaster communication plan under which the station is intended to be operated unless such information has already been submitted to the Commission, in which case the application shall clearly identify that plan and the competent local authority under whose direction the station is proposed to be operated.

(b) A single application for a station license may be filed to cover all transmitter units normally located or based at one specified fixed location. Separate applications must, however, be filed to cover each separate disaster station, as defined in § 99.3(c).

(c) Unless otherwise directed by the Commission, application for modification of station license in the Disaster Communications Service shall be submitted on FCC Form No. 525 in the same manner as application for a new license, whenever the license or the basic location of a licensed station is proposed to be changed.

* * * * *

(e) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, temporary fixed, Citizens Radio, Civil Air Patrol, or Amateur seeking a station license for a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, and 80°30′ W. on the west, shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

* * * * *

[F.R. Doc. 70-8166; Filed, June 26, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1045]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of June 1970.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in section (a) paragraph (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, that these shortages are impeding the movement of agricultural and manufactured products and other commodities; and that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; that in the opinion of the Commission an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1045 Service Order No. 1045.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in paragraph (2) herein, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 375, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide, owned by the following railroads:

Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul, and Pacific Railroad Co.

(2) Boxcars described in paragraph (1) herein, may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the car owner than the station at which loaded. After unloading at a junction with the car owner such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraph (2) of this section.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 27, 1970.

(d) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended; 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8207; Filed, June 26, 1970; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO ALLOTMENT AND MARKETING QUOTA REGULATIONS, 1970–71 AND SUBSEQUENT MARKETING YEARS

Farm Acreage Allotments and Farm Marketing Quotas for Flue-Cured Tobacco for the 1970–71 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provision of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations (35 F.R. 1083, 6109), for establishing farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and report incident thereto for flue-crued tobacco.

The purpose of this document is to give notice of proposed changes in the regulations. The proposed changes are discussed as follows:

1. To utilize more fully the Department's automatic data processing equipment, § 725.70(b) would be amended (a) to eliminate the requirement for the signature (actual or facsimile) of a member of the county committee on each notice of farm allotment mailed to the farm operator, and (b) to authorize the county committee to post a copy of the automatic data processing printout of allotment data in lieu of posting copies of notices of farm allotments for public inspection.

2. Section 725.70(d) and (e) would be expanded to provide also for using the erroneous farm allotment and quota as the correct farm allotment and quota if the operator prior to planting the tobacco materially changed his position to enable him to produce the allotment crop (for example, obligated expenditures of funds for land preparation, additional equipment, and labor) in reliance upon the erroneous notice.

3. Section 725.86 would be amended to clarify that in certification counties (defined in Part 718 of this chapter), if the farm operator certifies the acreage for flue-cured tobacco to be within the farm allotment and (i) a farm check discloses that such allotment has been exceeded but by not more than a tolerance of the larger of 0.01 acre or 10 percent of the farm allotment (not to exceed 2 acres), any flue-cured marketing card (Form MQ–76) issued would entitle the farm operator to price support on that part of his tobacco marketed equal to or less than 110 percent of the effective farm marketing quota.

4. Section 725.92 would be amended to include the 1969–70 average market price for tobacco and the 1970–71 rate of penalty on marketings of tobacco above 110 percent of the effective farm-marketing quota.

5. Item (2) in § 725.95(a) would be clarified to provide that in computing producer penalty for false identification, the term "farm yield" would become "actual farm yield" and "farm acreage allotment" would become "effective farm acreage allotment."

The Act (section 317(g)(2)) uses the terms "farms marketing quota", "farm yield", and "farm acreage allotment" in this connection. The Act requires adjustments in the farm quota for overmarketings and undermarketings in a prior year. Thus, with respect to the current year, "farm marketing quota" means the "effective farm quota;" "farm acreage allotment" means "effective farm acreage allotment," and "farm yield" means "actual farm yield."

6. Section 725.98(h) would be clarified to provide that in computing producer allotment reductions the term "farm marketing quota" would become "effective farm marketing quota".

The Act (section 313(g)) used the term "farm marketing quota" in this connection. The Act provides that the percentage allotment reduction is determined by dividing the pounds in violation for the year of the violation (numerator) by the farm marketing quota (denominator). However, as set forth under Item 4, above, the acreage-poundage provisions of the Act require adjustments for overmarketings and undermarketings. Thus, with respect to the current year, "farm marketing quota" (denominator) means the "effective farm marketing quota" for the current year, that is, the year of the violation.

7. In § 725.111(b), the title of Form MQ–38 would be changed to read "MQ–38, Certification of DDT or TDE Used on Tobacco" to correspond to the title on the printed form.

Prior to the issuance of the proposed changes in the regulations, data, views or recommendations pertaining thereto which are submitted to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration, provided such submissions are postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 19, 1970.

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

[F.R. Doc. 70-8158; Filed, June 26, 1970; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 924]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA, COUNTY, OREG.

Notice of Proposed Rule Making

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of fresh prunes by establishing minimum grades and sizes, pursuant to § 924.52 *Issuance of Regulations*, which were recommended by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 924.309 **Prune Regulation 8.**

Order. (a) Prune Regulation 7 (34 F.R. 12326) is hereby terminated on July 15, 1970.

(b) During the period July 15, 1970, through July 31, 1971, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade: Such prunes grade at least U.S. No. 1: *Provided*, That any prunes having not less than two-thirds (⅔) of the surface with purplish

color may be shipped if they otherwise grade at least U.S. No. 1;

(2) Minimum size: Such prunes measure not less than 1¼ inches in diameter: *Provided*, That not more than 10 percent, by count, of such prunes may fail to meet such diameter requirement; and

(3) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the restrictions of this paragraph, of § 924.41 (Assessments), and of § 924.55 (Inspection and certification):

(i) The shipment consists of prunes for for home use and not for resale, and

(ii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The term "U.S. No. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 1965); and, except as otherwise specified, all other terms shall have the same meaning as when used in marketing agreement and order.

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

Dated: June 23, 1970.

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

[F.R. Doc. 70-8160; Filed, June 26, 1970; 8:48 a.m.]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Limitation of Shipments' Regulation

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Area Committee for Area No. 3, Colorado, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1970 crop in Area No. 3 and of the marketing prospects for this season. Harvesting is expected to begin on or about July 13 so the regulation should become effective on that date.

The grade, size, and quality requirements provided herein are necessary to prevent immature potatoes, or those that are of undesirable sizes, or below grade from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation follows:

§ 948.363 Limitation of shipments.

During the period July 13, 1970, through June 30, 1971, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (g) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Special purpose shipments.* (1) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(3) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to shipments of certified seed potatoes (§ 948.6) but such shipments shall be subject to assessments.

(d) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (c) of this section shall,

(1) Prior to shipment, apply for and obtain a certificate of privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(3) Bill each shipment directly to the applicable buyer or receiver.

(e) *Shipment by motor vehicle.* No handler may transport or cause the transportation of any shipment of potatoes by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto or such other document as the committee may specify.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and section 980.1, *Import regulations* (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1970, through May 31, 1971, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section, namely U.S. No. 2 or better grade, 1⅞ inches minimum diameter and not more than "moderately skinned."

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

Dated: June 24, 1970.

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

[F.R. Doc. 70-8216; Filed, June 26, 1970; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 135, 144]

NEW ANIMAL DRUGS

Extension of Time for Filing Comments on Proposed Definitions and Procedural Regulations

The notice published in the FEDERAL REGISTER of May 15, 1970 (35 F.R. 7569), proposing definitions and procedural regulations regarding new animal drugs, provided for the filing of comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on the subject proposal is hereby extended to August 13, 1970.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343 et seq.; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 18, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8128; Filed, June 26, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-40]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Tulsa, Okla. (Riverside Airport), control zone and the Tulsa, Okla., transition area.

Interested persons may submit such written data, views, 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.

(1) In § 71.171 (35 F.R. 2054), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 3-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 3-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the Tulsa, Okla., transition area 700-foot portion is amended to read:

TULSA, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (lat. 36°12'00" N., long. 95°53'15" W.), within a 5-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north, within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC, and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius area to 23 miles southwest of the VORTAC.

The proposed alteration of the control zone will provide controlled airspace protection for aircraft executing a new VOR/DME Runway 36 instrument approach procedure proposed to serve the Riverside Airport. The addition to the transition area is proposed for the same reason. A portion of the southerly transition area extension is no longer required, due to modification of instrument approach procedures, and it is proposed to be deleted.

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

Issued in Fort Worth, Tex., on June 17, 1970.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 70-8135; Filed, June 26, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-45]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Statesboro, Ga., 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, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga., 30320. 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, Airspace 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 Statesboro transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Statesboro Municipal Airport; within 3 miles each side of the 328° bearing from Statesboro RBN, extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

The proposed designation is required to provide controlled airspace protection for 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 Statesboro Municipal Airport, utilizing the Statesboro (private) nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on June 18, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-8136; Filed, June 26, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Worland, Wyo. control zone and transition area.

Interested persons may participate in the proposed rulemaking 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 airspace requirements for Worland, Wyo. have been reviewed in accordance with U.S. Standard for Terminal Instrument Procedures (TERPS). The proposed amendments are necessary to provide controlled airspace for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions.

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

WORLAND, WYO.

Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and within 3.5 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 12 miles north of the VOR.

In § 71.181 (35 F.R. 2134) the description of the Worland, Wyo. transition area is amended to read as follows:

WORLAND, WYO.

The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Worland VOR 352° and 172° radials extending from 18.5 miles north to 6 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of the VOR.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-8137; Filed, June 26, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-41]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Rock Springs control zone and transition area.

Interested persons may participate in the proposed rulemaking 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 terminal airspace requirements for Rock Springs, Wyo., have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPS). The proposed amendments are required to provide controlled airspace for prescribed instrument procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions.

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

ROCK SPRINGS, WYO.

Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5 radius zone to 9 miles east of the OM, and within 3.5 miles each side of the Rock Springs VORTAC 104° radial, extending from the 5.5 radius zone to 11.5 miles east of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Rock Springs, Wyo., transition area is amended as follows:

ROCK SPRINGS, WYO.

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from Rock Springs LOM, extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 104° radial, extending from the VORTAC to 18.5 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 23 mile radius of Rock Springs VORTAC extending clockwise from a line 5 miles northwest of and parallel to the Rock Springs VORTAC 026° radial to a line 6 miles south of and parallel to the VORTAC 104° radial.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on June 17, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-8138; Filed, June 26, 1970; 8:46 a.m.]

[14 CFR Part 121]

[Docket No. 9571; Reference Notice 69-19]

AUTOPILOTS FOR CERTAIN TURBOJET AIRPLANES

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw notice No. 69-19 (34 F.R. 7333) in which the FAA solicited comments on a proposed amendment to Part 121 of the Federal Aviation Regulations that would have prohibited a certificate holder from operating a turbojet airplane after January 1, 1970, unless the airplane was equipped with an approved autopilot system that was operative in all axes. The proposal would have permitted the continuance of a flight as planned to a place where repair or a replacement could be made in the event the autopilot malfunctioned or became inoperative.

In light of all the comments received, the FAA has concluded that the subject requires further study, and that rulemaking action on the proposed amendment is not appropriate at this time. Accordingly, the FAA has determined that notice No. 69-19 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future nor commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (34 F.R. 7333) on May 6, 1969, and circulated as notice No. 69-19, entitled "Autopilots for Certain Turbojet Airplanes", is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on June 22, 1970.

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

[F.R. Doc. 70-8139; Filed, June 26, 1970; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 500]

MEASUREMENT OF COMMODITY

Notice of Proposed Rule Making

The Commission has received from the Pressure Sensitive Tape Council, Glenview, Ill., a petition to amend § 500.12 to permit the net quantity of contents statement on consumer tapes to be in terms of inches, as well as in the largest whole unit (yards, yards and feet, or feet as appropriate). The petition is based upon the specific language of section 4(a)(3)(A)(iii) of the Act. Sections 500.11 and 500.12 of the regulations issued by the Commission under the Act do not now allow the declaration of linear dimensions in roll type commodities of a certain size to be expressed in terms of inches, but require length and width measurements to be stated in the largest whole units (yards, yards and feet, or feet as appropriate).

Having evaluated all relevant data, the Commission reaffirms its conclusion that it is not necessary for the adequate protection of consumers, and the facilitation of value comparisons, for the package label of consumer commodities having linear dimensions to declare, in every instance, measurement in terms of inches, as well as a larger unit of measurement. The Commission recognizes, however, that consumer value comparisons are not impeded and that the consumer is not provided less protection, if, in addition to the quantity of contents being declared in a larger unit of measurement, there is included on the package label the parenthetical declaration of the commodity's linear dimensions in terms of inches.

Pursuant to the provisions of the Fair Packaging and Labeling Act, therefore, the Commission proposes the following amended regulations which grant packagers and labelers of consumer commodities, expecting food, drugs, devices, cosmetics, and certain additional commodities which are subject to regulation by other Federal agencies, the option of declaring, parenthetically, linear dimensions of said commodities in terms of inches: *Provided*, That all other provisions of the Commission's rules and regulations for the Fair Packaging and Labeling Act regulating the manner in which linear dimensions are to be expressed are complied with as well.

The Commission has further concluded that § 500.12(c)(3), which now allows the declaration of square area of measure to be omitted with respect to consumer commodities for which the length and width measurements are critical in terms of end use, provided the actual length and width measurements of such commodities are clearly presented on the label, may be unnecessary and is, in any event, inappropriate in this form for the proper administration of the Fair Packaging and Labeling Act. The Commission has accordingly deleted that provision from the proposed amendment to § 500.12. However, any packager or labeler of a consumer commodity who believes that the omission of square area of measure from the quantity of contents statement is justified because of the nature of the commodity may petition the Commission for a waiver. The Commission will consider all such requests on an individual basis and, pursuant to section 5(b) of the Fair Packaging and Labeling Act, may exempt a consumer commodity from the requirement that the quantity of contents include a declaration of square area of measure should the Commission find that square area of measure is not necessary for the adequate protection of the public.

§ 500.11 Measurement of commodity length, how expressed.

Declaration of net quantity in terms of commodity length shall be expressed as follows:

(a) If less than 1 foot, in terms of inches and fractions thereof.

(b) If at least 1 foot but less than 4 feet, in terms of inches followed in parentheses by a declaration in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(c) If 4 feet or more, in terms of feet followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches, except that it shall be optional to express the length in the preceding manner followed by a statement in parentheses of the length in terms of inches.

§ 500.12 Measurement of commodities by length and width, how expressed.

For bidimensional commodities (including roll-type commodities) measured in terms of commodity length and width, the declaration of net quantity of contents shall be expressed in the following manner:

(a) The declaration of net quantity for bidimensional commodities having a width of more than 4 inches shall

(1) when the commodity has an area of less than 1 square foot be expressed in terms of length and width in linear inches and fractions thereof.

(2) When the commodity has an area of 1 square foot or more, but less than 4 square feet, be expressed in terms of square inches, followed in parentheses by the length and width in the largest whole unit (yard or foot) with any remainder in inches or common or decimal fractions of the yard or foot. Commodities consisting of usable individual units (e.g., paper napkins) while requiring a declaration of unit area need not declare the total area of all such individual units.

(3) When the commodity has an area of 4 square feet or more, be expressed in terms of square feet, followed in parentheses by the length and width in the largest whole units (yards or feet) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(4) For any commodity for which the quantity of contents is required by subparagraph (2) or (3) of this paragraph to include a declaration of the linear dimensions, the quantity of contents, in addition to being declared in the manner prescribed by the appropriate provision of this regulation, may also include, after the statement of the linear dimensions in the largest unit of measurement, a parenthetical declaration of the linear dimensions of said commodity in terms of inches.

(b) The declaration of net quantity for bidimensional commodities having a width of 4 inches or less shall be expressed in terms of width in inches followed by length in the largest whole unit (yard or foot) with any remainder in terms of the common or decimal fractions of the yard or foot, except that it shall be optional to express the length in the largest whole unit followed by a statement in parentheses of length in inches (Examples: "2 inches x 10 yards," "2 inches x 10 yards (360 inches)").

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: June 24, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-8191; Filed, June 26, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2637]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

JUNE 22, 1970.

In F.R. Doc. 70-6915; filed June 3, 1970, appearing at page 8693 of the issue for June 4, 1970, the following corrections should be made:

"T. 7 S., R. 1 W., sec. 34, NW¼ and S½, SE¼NE¼, and NW¼SW¼" should read:

T. 7 S., R. 1 W.,
Sec. 34, NW¼ and S½.

"T. 5 S., R. 1 E., sec. 35, NE¼NE¼, E½NW¼NE¼, NE¼" should read:

T. 5 S., R. 1 E.,
Sec. 35, NE¼NE¼, E½NW¼NE¼, NE¼ SE¼NE¼ and NW¼SW¼.

On page 8694 of the same document, paragraph number 5 should read:

5. A public hearing on the proposed classification will be held at 1 p.m. on Thursday, July 16, 1970, in the Board of Supervisors Chambers, Riverside County Courthouse, Riverside, Calif.

For the State Director.

JACK F. WILSON,
Manager, Riverside District and Land Office.

[F.R. Doc. 70-8182; Filed, June 26, 1970; 8:49 a.m.]

[New Mexico 11733]

NEW MEXICO

Notice of Proposed Classification

JUNE 22, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g) as amended.

These lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for support of a Federal program." Information concerning the lands including the record of public discussions is available for inspection and study at Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex., and in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

For a period of 60 days from the date of this publication, interested parties may submit comments to the district manager of the Albuquerque district.

The lands affected by the proposal are located in McKinley County, and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 8 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½, and SW¼;
Sec. 9;
Sec. 11, N½ and SW¼;
Sec. 13;
Sec. 15, W½ and SE¼;
Sec. 23;
Sec. 25, N½ and SW¼;
Secs. 27 and 35.
T. 16 N., R. 11 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 3;
Sec. 11, W½;
Sec. 13, SW¼;
Sec. 19, lots 1, 2, E½, and E½NW¼;
Sec. 21, S½;
Sec. 31.
T. 17 N., R. 11 W.,
Secs. 3, 5, 7, 9, 11, 13, and 15;
Sec. 17, W½, and SE¼;
Secs. 19, 21, 23, and 27;
Sec. 29, E½;
Secs. 31, 33, and 35.
T. 17 N., R. 13 W.,
Sec. 1, lots 3, 4, S½NW¼, and S½;
Sec. 3, lots 1, 2, S½NE¼, and SE¼;
Sec. 5, lots 3, 4, S½NW¼, and S½;
Sec. 7, lots 1, 2, 3, 4, NE¼, and E½W½;
Sec. 13, NE¼;
Sec. 15, SE¼;
Sec. 19;
Sec. 25, NE¼ and S½;
Sec. 27, S½;
Sec. 29, SE¼;
Secs. 31, 33 and 35.

The areas described aggregate 23,848.10 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-8133; Filed, June 26, 1970; 8:46 a.m.]

Office of the Secretary

OFFICE OF HEARINGS AND APPEALS

Revised Organizational Statement

In accordance with the provisions of 5 U.S.C. § 552(a)(1) which codified the "Public Information Act" (Public Law 90-23), a notice was published in the July 20, 1967, FEDERAL REGISTER (32 F.R. 10674) describing the organization of the Department of the Interior. That notice is hereby amended by rescinding section 2.24, Contract Appeals Board, and replacing it with the following section of the same number:

2.24 *Office of Hearings and Appeals.* The Office of Hearings and Appeals was established to consolidate related functions and to provide for more effective Departmental appeals procedures. The headquarters organization is within the Office of the Secretary of the Interior and includes the Hearings Division and four Appeals Boards (for Contracts, Indians, Land, and Mine Operations).

The Office conducts hearings and decides appeals on the contracting activities of the Department; Indian probate, litigation, and other matters; use and disposition of public lands and their resources and, to a limited degree, the use and disposition of resources ir. acquired lands of the United States, and in submerged lands of the outer continental shelf; and mine operations, health and safety.

There are two offices in the field for Departmental hearing examiners and nine field offices for Indian probate hearing examiners.

OFFICES—DEPARTMENTAL HEARING EXAMINERS

(1) Salt Lake City, Utah.
(2) Sacramento, Calif.

OFFICES—INDIAN PROBATE HEARING EXAMINERS

(1) Aberdeen, S. Dak.
(2) Denver, Colo.
(3) Gallup, N. Mex.
(4) Billings, Mont.
(5) Minneapolis, Minn.
(6) Phoenix, Ariz.
(7) Portland, Oreg.
(8) Sacramento, Calif.
(9) Tulsa, Okla.

The office described in the above section was established by the Secretary on April 8, 1970, with the transfers of units from other bureaus and offices to be completed by July 1, 1970.

LAWRENCE H. DUNN,
Assistant Secretary for Administration.

JUNE 10, 1970.

[F.R. Doc. 70-8134; Filed, June 26, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ALLIED CHEMICAL CORP., SPECIALTY CHEMICALS DIVISION

Notice of Filing of Petition Regarding Allura Red AC

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 97) has been filed by the Allied Chemical Corp., Specialty Chemicals Division, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and certification of Allura Red

AC (6-hydroxy-5[2-methoxy-5-methyl-4-sulfophenyl-azo]-2-naphthalene sulfonic acid [disodium salt]) as a color for foods and drugs.

Dated: June 19, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8123; Filed, June 26, 1970; 8:45 a.m.]

ALLIED CHEMICAL CORP.

Notice of Withdrawal of Petitions Regarding Pesticide Chemical and Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* and § 121.52 *Withdrawal of petitions without prejudice* of the pesticide and food additive procedural regulations (21 CFR 120.8, 121.52), Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006, has withdrawn its pesticide and food additive petitions (PP 9F0784, FAP 9H2361), notice of which was published in the FEDERAL REGISTER of January 15, 1969 (34 F.R. 566), proposing establishment of pesticide and food additive tolerances (21 CFR Parts 120, 121) for residues of the insecticide TDE (1,1 - dichloro - 2,2-bis(*p*-chlorophenyl) ethane) at specified levels in or on the raw agricultural commodities cottonseed, peanuts, and soybeans, and in crude cottonseed, peanut, and soybean oils.

Dated: June 18, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8124; Filed, June 26, 1970; 8:45 a.m.]

CIBA AGROCHEMICAL CO. AND NOR-AM AGRICULTURAL PRODUCTS INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0980) has been filed jointly by CIBA Agrochemical Co., Division of CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, and NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, Ill. 60098, proposing establishment of tolerances for residues of the insecticide *N'*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamidine and its metabolites containing the 4-chloro-*o*-toluidine moiety calculated as *N'*-(4-chloro-o-tolyl) - *N,N*-dimethylformamidine in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, and cauliflower at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a procedure in which the residue is hydrolyzed to *p*-chlorotoluidine, steam distilled, and extracted into isooctane. The extract is then diazotized and coupled with *N*-ethyl-1-naphthylamine to produce a purple dye which is determined colorimetrically at 535 millimicrons. Interfering azo dyes derived from other sources are removed by chromatography on a cellulose column.

Dated: June 18, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8125; Filed, June 26, 1970; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1785; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, has withdrawn its petition (FAP 9H2427), notice of which was published in the FEDERAL REGISTER of July 17, 1969 (34 F.R. 12051), proposing that § 121.216 (21 CFR 121.216) be amended to provide for residues of the herbicide dalapon sodium salt in dehydrated citrus pulp for cattle feed when present therein as a result of application of the herbicide during the growing of lemons.

Dated: June 18, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8126; Filed, June 26, 1970; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2529) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the issuance of food additive regulation (21 CFR Part 121) to provide for the safe use of adipic acid-1,3-butylene glycol polyester as a plasticizer in polymeric substances for food-contact use.

Dated: June 18, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8127; Filed, June 26, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated June 17, 1970, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-70 to Iowa Electric Light and Power Co., the Central Iowa Power Cooperative and the Corn Belt Power Cooperative for the construction of a single cycle, forced circulation, boiling water nuclear reactor at the Duane Arnold Energy Center near Palo in Linn County, Iowa. The reactor is designed for initial operation at approximately 1593 thermal megawatts.

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of Provisional Construction Permit No. CPPR-70 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 22d day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 70-8163; Filed, June 26, 1970; 8:48 a.m.]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Environmental Report, Trojan Nuclear Plant" which has been submitted in this proceeding by the Portland General Electric Co., is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. This proceeding involves the application by Portland General Electric Co. for a construction permit for its proposed Trojan Nuclear Plant, to be located on its site on the west bank of the Columbia River in Columbia County, Oreg. A notice of the receipt of the application by the Commission was published in the FEDERAL REGISTER on July 19, 1968 (34 F.R. 12142).

The Commission requests, within 60 days of publication of this notice in the FEDERAL REGISTER, comments on the proposed action and on the Environmental

Report from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Copies of the Environmental Report and the comments thereon of Federal agencies whose comments have been requested by the Commission will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 19th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-8118; Filed, June 26, 1970; 8:45 a.m.]

BUREAU OF THE BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virute of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Bureau of the Budget by section 1 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), the following rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations), and have been determined to represent the reasonable value of hospital, nursing home, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, with the exception of Canal Zone Government hospitals—

	Effective July 1, 1970 and thereafter
Hospital care per inpatient day:	
Federal general and tuberculosis hospitals	$58.00
Federal mental hospitals	25.00
Veterans Administration nursing home units	19.00
Outpatient medical and dental treatment	
Per facility visit	$12.00

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment;

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other U.S. Government agencies.

For the period beginning July 1, 1970, the rates prescribed herein supersede those established by the Director of the Bureau of the Budget on September 10, 1969 (34 F.R. 14252).

Dated: June 23, 1970.

JAMES R. SCHLESINGER,
Acting Director,
Bureau of the Budget.

[F.R. Doc. 70-8120; Filed, June 26, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22157]

UNITED AIR LINES, INC.

Specific Commodity Rates on Periodicals, Floral Products, and Seafood; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 8, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Greer M. Murphy.

Information and evidence requests, statements of proposed issues, proposed procedural dates, and motions shall be filed with the Examiner, the Chief Counsel for the Rates Division, Bureau of Economics, and all persons named parties by order 70-5-2, on or before July 6, 1970.

Dated at Washington, D.C., June 23, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-8200; Filed, June 26, 1970; 8:50 a.m.]

[Docket No. 22220]

STERLING AIRWAYS A/S

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 6, 1970, at 2 p.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 18, 1970.

[SEAL] HARRY H. SCHNEIDER,
Hearing Examiner.

[F.R. Doc. 70-8278; Filed, June 26, 1970; 8:52 a.m.]

CIVIL SERVICE COMMISSION

SPECIAL ASSISTANT TO THE DIRECTOR, WOMEN'S BUREAU

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 5, 1970, for the single position of Special Assistant to the Director, Women's Bureau, Wage and Labor Standards Administration, Department of Labor, GS-310-15, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to his first post of duty.

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

[F.R. Doc. 70-8154; Filed, June 26, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-606]

CATV SYSTEMS

Filing Date in CAR Service for Non-Eligible Miscellaneous Common Carriers

On April 15, 1968, the Commission released an order in Docket No. 15586 (FCC 68-407, 12 FCC 2d 321) and an accompanying Public Notice -G (No. 14277, FCC 68-406) authorizing noneligible miscellaneous common carriers serving CATV systems (i.e. those licensees which failed to meet the 50-percent nonaffiliation test of § 21.709 of the rules) to remain operational using common carrier frequencies until February 1, 1971. For this and other reasons, the Commission found administrative efficiency and convenience would be served by delaying the requirement of an earlier Order that CAR applications be immediately filed by the noneligible common carriers, thereby converting their facilities to those acceptable in the CAR service. The Commission indicated that the requirement for the filing of CAR applications should be delayed until further order and the date for filing was to be specified in a subsequent public notice.

The Commission recognizes the congestion existing in these frequencies and the desirability of relieving that congestion expeditiously and at an early date.

In fact, the conversion to the use of CAR service frequencies and facilities should be completed by February 1, 1971. Consequently, the applications should be filed well in advance of the February 1, 1971, deadline. In order to allow adequate time for Commission processing of the applications and for subsequent installation of equipment, the applications should be filed no later than August 1, 1970.

Action by the Commission on June 10, 1970. Commissioners Bartley (acting chairman), Robert E. Lee, Cox, Johnson, H. Rex Lee, and Wells.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8165; Filed, June 26, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI70-581, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

JUNE 11, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 26, 1969, and published in the FEDERAL REGISTER December 9, 1969, 34 F.R. 19480, appendix A, Docket No. RI70-582, Monsanto Co.: Under column headed "Proposed increase rate" change "16.2968" to read "17.6468".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8167; Filed, June 26, 1970; 8:49 a.m.]

[Dockets Nos. RI70-952, etc.]

CHAMPLIN PETROLEUM CO. ET AL.

Order on and Suspension of Proposed Changes in Rates; Correction

JUNE 11, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 31, 1969, and published in the FEDERAL REGISTER January 10, 1970, 35 F.R. 388, appendix A, Docket No. RI70-972, Edwin L. Cox (Operator), et al.: Under column headed "Proposed increased rate" change "18.3" to read "18.8".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8168; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP68-320]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

JUNE 19, 1970.

Take notice that on June 12, 1970, Cities Service Gas Co. (Petitioner), Post Office Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP68-320 a petition to amend the order of the Commission issued on August 23, 1968, to reflect petitioner's decision not to abandon a section of natural gas pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner was authorized by the aforementioned order to replace and reclaim 4.99 miles of 4-inch natural gas pipeline with 4.99 miles of 6-inch pipeline on the Sabetha Lateral on the Atchison-Falls City System, in Brown County, Kans. Petitioner states that after the 6-inch pipeline was installed, it determined that this portion of its system could be more efficiently operated by leaving the 4-inch pipeline in service and operating the previously authorized 6-inch pipeline as a loop, thus providing additional peak hour capacity and continuity of service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8173; Filed, June 26, 1970; 8:49 a.m.]

[Dockets Nos. CP70-77, CP70-81]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JUNE 19, 1970.

Take notice that on June 11, 1970, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Dockets Nos. CP70-77 and CP70-81 a petition to amend the order of the Commission, issued pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder, on January 5, 1970, authorizing an increase in the total budget expenditure and single-project cost limitation, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order Petitioner was authorized to construct and operate certain natural gas facilities with a total expenditure on its Southern Division not to exceed $2 million, and with no single project cost to exceed $500,000. The Commission, by its order of February 25, 1970, in Docket No. R-373, increased the total budget expenditure for this type of budget certificate to $7 million, with no single project cost to exceed $1 million. Petitioner states that the construction of the proposed facilities on the Southern Division will exceed the presently authorized limitations and so requests that they be amended to a total project cost limitation of $4 million, with no single project cost to exceed $1 million.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8174; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP70-305]

FALL RIVER GAS CO.

Notice of Application

JUNE 19, 1970.

Take notice that on June 12, 1970, Fall River Gas Co. (Applicant), Post Office Box 911, Fall River, Mass. 02722, filed in Docket No. CP70-305 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the importation of liquefied natural gas (LNG) from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to purchase and import from Northern and Central Gas Co. (Northern and Central) of Montreal up to approximately 100,000 Mcf[1] at $0.70 per Mcf to be received in Montreal and delivered by independent truckers. Applicant states that the LNG proposed to be imported will supplement volumes of gas purchased from Algonquin Gas Transmission Co. (Algonquin) and liquefied. Applicant further states that such volumes to be imported are necessary because delays in construction of its liquefaction, vaporization, and storage facilities have rendered it impossible to fill the storage tank with purchases from Algonquin in the remaining nonheating season. Applicant states that its storage facilities will be completed in the first 2 weeks of July 1970, and that it is im-

[1] Between 1,100,000 and 1,200,000 gallons of LNG.

perative that introduction of the imported LNG commence at that time.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8175; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP70-308]

THE CITY OF FITZGERALD, GA., AND SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

JUNE 22, 1970.

Take notice that on June 15, 1970, the city of Fitzgerald, Ga. (Applicant), Fitzgerald Water, Light and Bond Commission, Fitzgerald, Ga. 31750, filed in Docket No. CP70-308 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing South Georgia Natural Gas Co. (Respondent) to establish a second physical connection of its transportation facilities with Applicant's proposed natural gas distribution system for the Industrial Park Ben Hill County, Ga., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Respondent be directed to extend a 3½-inch O.D. high pressure line from the existing 4½-inch line for a distance of approximately 1,037 feet to a point approximately 3 miles south of the city's service area, and there build necessary facilities to make additional gas deliveries to Applicant.

Applicant states that at the present, Respondent is making city gate delivery to it at a point on the southern perimeter of the city and that an industrial park and a new subdivision are being constructed approximately 3 miles south of the city creating a need for an additional delivery point.

The total estimated cost of the proposed facilities is $15,840 for Respondent and $5,540 for Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8179; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP70-306]

MARENGO CORP.

Notice of Application

JUNE 18, 1970.

Take notice that on June 15, 1970, Marengo Corp. (Applicant), 415 First National Building, Birmingham, Ala. 35203, filed in Docket No. CP70-306 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 8,000 Mcf per day and up to 350 Mcf per hour of natural gas purchased by Gulf States Paper Corp. (Gulf States), from Southern Natural Gas Co. (Southern), from a point on Southern's main south line through applicant's existing line from Linden to the Marengo County plant of Gulf States. Applicant states that in order to effect such transportation it proposes to construct and operate the necessary valves, regulators, flow controllers, and odorizing equipment. Applicant further states that it has been advised that Gulf States requires the gas proposed to be transported to make up for a deficiency in the available interruptible gas supplies of its major supplier, Transcontinental Gas Pipe Line Corp.

The total cost of the proposed facilities is $35,230, which will be financed from cash on hand or temporary investments converted into cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8176; Filed, June 26, 1970; 8:49 a.m.]

[Docket Nos. RI70-284, etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund and Accepting Proposed Changes in Rates Subject to Refund in Existing Suspension Proceedings; Correction

JUNE 11, 1970.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund and accepting proposed changes in rates subject to refund in existing suspension proceedings, issued October 15, 1969, and published in the FEDERAL REGISTER October 25, 1969, 34 F.R. 17349, Appendix A, Docket No. RI68-316, Diamond Shamrock Corp. (opposite Rate Schedule No. 23), under column headed "Proposed increased rate" change "17.0388" to read "17.0338".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8169; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP70-304]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 19, 1970.

Take notice that on June 11, 1970, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603 filed in Docket No. CP70-304 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction

and operation of certain facilities for the testing and development of an underground natural gas storage reservoir in the Mt. Simon formation of the Cairo Storage Field in Louisa County, Iowa, and the injection of 3 billion cubic feet of cushion gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(1) To construct and operate approximately 4.66 miles of 20, 16, and 6-inch gathering lines;

(2) To construct and operate six injection-withdrawal wells;

(3) To construct and operate four observation wells;

(4) To deepen one observation well;

(5) To modify an existing compressor engine to permit injection of gas as well as the withdrawal of gas; and

(6) To construct and operate miscellaneous auxiliary and appurtenant facilities.

Applicant states that the proposed storage project, when fully developed, will add substantial capacity to Applicant's existing storage operations.

The total estimated cost of the proposed project is $2,340,000, which will be financed from funds on hand and short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8177; Filed, June 26, 1970; 8:49 a.m.]

[Docket Nos. RI70-1592, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 11, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 8, 1970 and published in the FEDERAL REGISTER May 16, 1970, F.R. 35(7671), appendix A, Docket No. RI70-1607, Reading & Bates Production Co. (Operator), et al. Under column headed "Date suspended until" change "5-17-70" to read "10-17-70".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8170; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP70-307]

SOUTHERN NATURAL GAS CO.

Notice of Application

JUNE 19, 1970.

Take notice that on June 15, 1970, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP70-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 8,000 Mcf per day and 350 Mcf per hour of natural gas on an interruptible basis to Gulf States Paper Corp. (Gulf States), to be delivered to Gulf States by Marengo Corp. for use in the manufacture of pulp and paper products near Demopolis, Ala., supplementing the natural gas requirements of Gulf States' plant. Applicant further proposes to construct and operate a line tap and a measuring station on its main south line in Marengo County, Ala.

The total estimated cost of the proposed facilities is $25,870, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8178; Filed, June 26, 1970; 8:49 a.m.]

[Dockets Nos. RI70-1303, etc.]

TEXACO INC. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 11, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued March 4, 1970, and published in the FEDERAL REGISTER March 13, 1970, 35 F.R. 4532, appendix A, Docket No. RI70-1303, Texaco Inc. Under column headed "Rate in Effect" change "18.5" to read "18.0".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8171; Filed, June 26, 1970; 8:49 a.m.]

[Dockets Nos. RI70-865, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 11, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 24, 1969, and published in the FEDERAL REGISTER January 14, 1970, 35 F.R. 499, appendix A, Docket No. RI70-870, Humble Oil & Refining Co. (opposite Rate Schedule No. 313) under column headed "Supp. No." change "3" to read "5".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8172; Filed, June 26, 1970; 8:49 a.m.]

[Docket No. CP70-305]

FALL RIVER GAS CO.

Notice of Amendment to Application

JUNE 25, 1970.

Take notice that on June 24, 1970, Fall River Gas Co. (Applicant), 155 North Main Street, Fall River, Mass. 02722,

filed in Docket No. CP70-305 an amendment to the initial application in the instant docket, which was filed June 12, 1970, requesting an order of the Commission pursuant to section 3 of the Natural Gas Act for authorization to import liquefied natural gas from Canada, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant in the initial application requested authorization to import liquefied natural gas from the Northern and Central Gas Corp., Ltd. in Canada. Applicant states in the instant filing that in order to prevent damage to its liquefied natural gas facilities it is necessary that liquefied gas be injected into the storage tanks starting about July 1, 1970. Specifically, applicant is now requesting authorization to import one truckload of about 10,500 gallons of liquefied gas every 2 days until further authorization in this docket is granted by the Commission.

Applicant states further that its liquefaction plant should be able to commence operation by July 15, 1970.

In this instance it appears that a shorter notice period is reasonable and consistent with the public interest, and, therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8294; Filed, June 26, 1970; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 777]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Crescent City, Ill.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city, suffered damage or destruction resulting from explosion and fire occurring on June 21, 1970.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1970.

Dated: June 22, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-8184; Filed, June 26, 1970; 8:49 a.m.]

[Declaration of Disaster Loan Area 776]

PUERTO RICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June, 1970, because of the effects of certain disasters, damage resulted to residences and business property located in the city of San Juan, P.R.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 17 and 18, 1970.

OFFICE

Puerto Rico Regional Office (Hato Rey), 255 Ponce De Leon Avenue, Post Office Box 1915, P.R. 00919.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1970.

Dated: June 19, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-8185; Filed, June 26, 1970; 8:49 a.m.]

PHILLIPS INDUSTRIAL FINANCE CORP.

Notice of Issuance of Small Business Investment Company License

On June 2, 1970, a notice of application for a license as a minority enterprise small business investment company (MESBIC) was published in the FEDERAL REGISTER (35 F.R. 8518) stating that an application has been filed with the Small Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license as a minority enterprise small business investment company by Phillips Industrial Finance Corp., 257 Adams Building, Bartlesville, Okla. 74003.

Interested parties were given to the close of business, June 12, 1970, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(a) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 10/10-5155 to Phillips Industrial Finance Corp. to operate as a minority enterprise small business investment company.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

JUNE 18, 1970.

[F.R. Doc. 70-8183; Filed, June 26, 1970; 8:49 a.m.]

[Delegation of Authority 30-B (Region V) Amdt. 2]

REGION V REGIONAL DIVISION CHIEFS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-B, 34 F.R. 19342 dated December 18, 1969, as amended 35 F.R. 1073, dated January 27, 1970, Delegation of Authority 30-B (Region V) 35 F.R. 4155 dated March 5, 1970, as amended 35 F.R. 6095 dated April 14, 1970, is hereby further amended by adding new item IV-C to read as follows:

* * * * *

IV. *Branch Managers*—IV-C *Milwaukee, Wis.*—A. *Financing Program.* 1. To approve or decline business loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or

mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $50,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $50,000 and to decline them in any amount.

2. b. To approve or decline displaced business loans up to $50,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Branch Manager (City)

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. (Reserved)

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.* 1. (Reserved)

2. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed section 501 and 502 loans.

3. (Reserved)

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. (Reserved)

7. (Reserved)

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program.* 1. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation", and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. (Reserved)

e. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. (Reserved)

3. (Reserved)

4. (Reserved)

D. *Procurement and Management Assistance Program* (Reserved).

E. *Administrative* (Reserved).

F. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: June 9, 1970.

ROBERT A. DWYER,
Regional Director, Region V.

[F.R. Doc. 70-8186; Filed, June 26, 1970; 8:49 a.m.]

TARIFF COMMISSION

BICYCLE TIRES AND TUBES

Reports to the President

JUNE 12, 1970.

Workers at Indianapolis plant of Uniroyal Tire Co. ineligible for adjustment assistance.

The U.S. Tariff Commission today reported to the President the results of an investigation of a petition for adjustment assistance filed on behalf of certain production and maintenance workers at the Bicycle Tire and Tube Division of Uniroyal Tire Co., Indianapolis, Ind. The workers are members of Local Union No. 110, of the International United Rubber, Cork, Linoleum, and Plastic Workers of America (AFL-CIO, CLC).

The Commission unanimously found that bicycle tires and tubes like or directly competitive with those produced by Uniroyal's Indianapolis plant are not, as a result in major part of trade-agreement concessions, being imported into the United States in such quantities as to be the major cause of the unemployment or underemployment of a significant number of workers at the plant.

The investigation (No. TEA-W-20) was conducted under the provisions of section 301(c)(2) of the Trade Expansion Act of 1962.

A part of the material contained in the report may not be made public since it includes information that would disclose the operations of an individual firm. The Commission, therefore, is releasing to the public only those portions of the report that do not contain business confidential information.

Copies of the public report, which contains statements of the reasons for the Commissioners' findings, are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-8187; Filed, June 26, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 101]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 23, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 298 TA), filed June 9, 1970. Applicant: DEATON OF DELAWARE, INC., doing business as DEATON, INC., Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, plasterboard, joint treatment products and materials, supplies and products used in the installation, application, and distribution of such commodities* (except in bulk); between the plantsite and facilities of United States Gypsum Co., New Orleans, La., on the one hand, and on the other points in Georgia, except Atlanta and those points in that part of Georgia bounded by a line beginning at the junction of Georgia Highways 61 and 20, at or near Cartersville, Ga., and extending east along Georgia Highway 20 to junction U.S. Highway 41–19, at or near Hampton, Ga., thence south along U.S. Highway 41–19, at or near Hampton, Ga., thence south along U.S. Highway 41019 to junction Georgia Highway 16, at or near Griffin, Ga., thence west along Georgia Highway 16 to Junction Alternate U.S. Highway 27, southeast of Newnan, Ga., thence in a northwesterly direction along Alternate U.S. Highway 27 to junction Georgia Highway 166 or near Carrollton, Ga., thence in a northeasterly direction along Georgia Highway 166 to junction Georgia Highway 61, and thence north along Georgia Highway 61 to junction Georgia Highway 20, for 180 days. NOTE: Applicant intends to tack with MC 11207 Sub-No. 242. Supporting shipper: United States Gypsum Co., 3098 Piedmont Road NE., Atlanta, Ga. 30305. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 31458 (Sub-No. 3 TA) (Correction), filed May 28, 1970, published FEDERAL REGISTER, issue of June 12, 1970, and republished as corrected this issue. Applicant: ROBERTSON MOTOR FREIGHT, INC., 1324 O'Fallon, St. Louis, Mo. 63106. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Louisiana, Vandalia, and Bowling Green, Mo., and Quincy, Ill., serving Quincy, Ill., for purpose of interchange with connecting carriers on overhead traffic. NOTE: The purpose of this republication is to show correct territory proposed to be served, inadvertently omitted from previous publication. Supporting shippers: There are six statements from supporting shippers attached to the application that may be examined here at the Office of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 47760 (Sub-No. 7 TA), filed June 16, 1970. Applicant: DRENNING DELIVERY SYSTEM, 2300 North Branch Avenue, Altoona, Pa. 16601. Applicant's representative: Robert Lynn, 2300 North Branch Avenue, Altoona, Pa. 16602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as defined by the Commission, in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, 766 in refrigerated trucks in pool car or pool truck distribution service, from Altoona, Pa., to points in Lackawanna, Lucerne, Pike, and Monroe Counties, Pa., for 150 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 66121 (Sub-No. 17 TA), filed June 11, 1970. Applicant: INDIAN BOW TRUCK LINES, LTD., 103 Harvard Avenue, Smithtown, N.Y. 11787. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolling doors, and materials, supplies and equipment* used in the installation thereof, (except in bulk), from West Babylon, N.Y., to points in that part of the United States in and east of Texas, Oklahoma, Kansas, Iowa, and Minnesota, *returned shipments, and materials, supplies, and equipment* used in the manufacture thereof (except in bulk), from points in the United States and east of Texas, Oklahoma, Kansas, Iowa, and Minnesota, to West Babylon, N.Y. 11757. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 105813 (Sub-No. 174 TA), filed June 17, 1970. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arthur J. Sibik (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the descriptions case (except commodities in bulk and hides), from Allen Township (Hillsdale County), Mich., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Walter Hoffner, Great Markwestern Packing Co., Detroit, Mich. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 114273 (Sub-No. 68 TA), filed June 17, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax paper*, from the plantsite and/or warehouse facilities of Midwest Wax Paper Co. located at Fort Madison, Iowa, to the plantsite and/or warehouse facilities of Curtis Candy Co., a division of Standard Brands, Inc., located at Franklin Park, Ill., for 180 days. Supporting shipper: Mid-West Wax Paper Co., Post Office Box 216, Fort Madison, Iowa 52627. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 116077 (Sub-No. 298 TA), filed June 8, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in tank vehicles, from Norco, La., to El Dorado and Magnolia, Ark.; Decatur and East Alton, Ill.; Calvert City, Ky.; Scott City, Kans., and Texas City and Greens Bayou, Tex.; and from Texas City, Tex., to Tarrant City, Ala.; El Dorado and Magnolia, Ark.; Decatur and East Alton, Ill.; Calvert City, Ky.; Michoud, and Taft, La.; Scott City, Kans., Greenville and Orangeburg, S.C., and Memphis, Tenn., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Enjay Chemical Co., (E. J. Morgan), Post Office Box 201, Florham Park, N.J. 07932. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 117344 (Sub-No. 204 TA), filed June 16, 1970. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Post Office Box 15010, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enamels and paints*, in bulk, in tank vehicles, from the plantsite of Inmont Corp., Cincinnati, Ohio, to the plantsite of Continental Can Co., Longview, Tex., for 180 days. Supporting shipper: Inmont Corp., 1754 Dana Avenue, Cincinnati, Ohio 45207. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123984 (Sub-No. 6 TA), filed June 11, 1970. Applicant: COPEY'S MOVING & STORAGE CO., INC., 379 Penn Avenue, Sharon, Pa. 16146. Applicant's representative: Paul F. Beery, Suite 1650, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk in tank vehicles), between the piggyback ramp of the Erie-Lackawanna Railway Co. at Sharon, Pa., on the one hand, and, on the other, points in Mahoning and Trumbull Counties, Ohio, and Lawrence, Mercer, and Venango Counties, Pa. Restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, for 180 days. Supporting shippers: Republic Steel Corp., Manufacturing Division, 1315 Albert Street, Youngstown, Ohio 44505; Providence-Philadelphia Dispatch, Inc., Post Office Box 1393, Providence, R.I. 02901; Universal-Rundle Corp., 217 North Mill Street, Post Office Box 960, New Castle, Pa. 16103. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 126472 (Sub-No. 14 TA), filed June 17, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used wooden pallets*, from points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, and Wisconsin to the plantsite of Chevron Chemical Co. at Fort Madison, Iowa, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, Iowa 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133824 (Sub-No. 2 TA), filed June 8, 1970. Applicant: DONALD FRANZEN, doing business as FRANZEN ENTERPRISES, Rural Delivery 2, Monroeville, N.J. 08343. Applicant's representative: Raymond A. Thistle, Jr., Suite 1301, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pea combines*, in secondary movement, in truckaway service, between the plantsites of Green Giant Inc., located at Salisbury and Fruitland, Md., and Woodside and Smyrna, Del., on the one hand, and, on the other, points in New York north of U.S. Highway 11 and east of New York Highway 56. Restricted to shipments originating at or destined to said plantsites and restricted further to shipments destined to and originating in the Province of Quebec, Canada. (2) *Pea Harvesters*, mounted on farm tractors, between the plantsites of Green Giant Inc., located at Salisbury and Fruitland, Md., and Woodside and Smyrna, Del., on the one hand, and, on the other, points in New York north of U.S. Highway 11 and east of New York Highway 56. Restricted to shipments originating at or destined to said plantsites and restricted further to shipments destined to and originating in the Province of Quebec, Canada, for 180 days. Supporting shipper: Green Giant Co., Le Sueur, Minn. 56058. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 134308 (Sub-No. 1 TA), filed June 11, 1970. Applicant: CADDO EXPRESS, INC., 1016 Southwest Second, Oklahoma City, Okla. 73125. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City,: Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Oklahoma City, Okla., over Oklahoma Highway 3 to its junction with U.S. Highway 81; thence over U.S. Highway 81 to Junction of U.S. Highway 81 and Oklahoma Highway 51; thence west over Oklahoma Highway 51 to Junction U.S. Highway 270; thence over U.S. Highway 270 to Woodward, Okla., and return over the same route, serving the towns of Woodward, Mooreland, Canton, Southard, Okeene, and Lacy, only, for 180 days. NOTE: Applicant intends to tack at Oklahoma City, Okla. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 134484 (Sub-No. 1 TA) (Correction), filed May 4, 1970, published FEDERAL REGISTER, issues of May 16, and June 12, 1970, and republished as corrected this issue. Applicant: MORGAN G. EDWARDS AND DAVID G. EDWARDS, doing business as EDWARDS BROTHERS, 1875 North Holmes, Post Office Box 2481, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. NOTE: The purpose of this partial republication is to show Missoula, Mont., as a destination point. This point was inadvertently omitted from previous publications. The rest of the application remains the same as previously published.

No. MC 134688 TA, filed June 15, 1970. Applicant: OPAL TRANSPORTATION, INC., Post Office Box 165, Lands Avenue, Rosenhayn, N.J. 08352. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, gaskets, and tools* in connection therewith from the plantsite of Jersey-Tyler Foundry Co., Bridgeton, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, D.C., West Virginia, and points in New Jersey as defined in the New York Harbor Area, Ex Parte 149, CFR Part 1070.1, for 150 days. Supporting shipper: Jersey-Tyler Foundry Co., Post Office Box 537, Bridgeton, N.J. 08302. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 134705 TA, filed June 17, 1970. Applicant: WILLIAM H. GARING AND HOWARD B. GARING, a partnership, doing business as GARING BROS. EXPRESS, 71 Leonard Street, New York, N.Y. 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheets, pillowcases, towels, rugs, and piece goods;* between warehouse facility of M. Lowenstein & Sons, Inc., at South Hackensack, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission, for 180 days. Supporting shipper: M. Lowenstein & Sons, Inc., Traffic Department, Post Office Box 2835 C.R.S., Rock Hill, S.C. 29730. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134707 TA, filed June 17, 1970. Applicant: GLENN B. MYERS, 7412 Golondrina, San Bernardino, Calif. 92410. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags, plastic tubing, and sheeting, and new burlap in compressed rolls*, from Newark, N.J., to points in Arizona, California, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, for 180 days. Supporting shipper: Packaging Products & Design Corp., 574 Ferry Street, Newark, N.J. 07105. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8203; Filed, June 26, 1970; 8:51 a.m.]

[Notice 102]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49

CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2754 (Sub-No. 17 TA), filed June 16, 1970. Applicant: NEUENDORF TRANSPORTATION CO., 121 South Stoughton Road, Post Office Box 588, Madison, Wis. 53701. Applicant's representative: Robert E. Bryant (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Madison, Wis., and Milwaukee, Wis., over Interstate I94 serving no intermediate points. Restricted to interlining at Milwaukee, Wis., and tacking and interlining at Madison, Wis., for 180 days. Supporting shippers: There are approximately 55 shippers and 9 interline carriers supporting application. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 25798 (Sub-No. 215 TA), filed June 16, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 22823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Allen Township (Hillsdale County), Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Walter Hoffner, Great Markwestern Packing Co., Detroit, Mich. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 3155

No. MC 59488 (Sub-No. 33 TA), filed June 16, 1970. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: L. Van Hyning, 7600 South Central Expressway, Dallas, Tex. 75216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Dallas, Tex., and Shreveport, La., from Dallas to Shreveport over Interstate Highway 20, and return, serving the intermediate points of Longview and Marshall, Tex., and the off-route point of Kilgore, Tex., over Texas Highway 31 through Tyler, Tex., and U.S. Highway 259 as an access highway to Interstate Highway 20, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Offices of the Interstate Commerce Commission in Washington, D.C., or copies thereof, which may be examined at the field office named below. NOTE: Carrier states it will interline at all gateways authorized. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 61403 (Sub-No. 206 TA), filed June 19, 1970. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, in tank vehicles, from Lowland, Tenn., to Sharonville, Ohio, for 180 days. Supporting shipper: F. H. Ross and Co., 3930 Glenwood Drive, Charlotte, N.C. 28201. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 108053 (Sub-No. 97 TA), filed June 17, 1970. Applicant: LITTLE AUDREY'S TRANSPORTATION, COMPANY, INC., 1520 West 23 Street, Fremont, Nebr. 68025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the Descriptions Case (except commodities in bulk and hides), from Allen Township (Hillsdale Co.) Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Great Markwestern Packing Co., Detroit, Mich. (Walter Hoffner). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 114045 (Sub-No. 340 TA), filed June 16, 1970. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, 75240, Dallas, Tex. 75222. Applicant's representative: Arthur J. Sibik (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the Descriptions Case (except commodities in bulk and hides), from Allen Township (Hillsdale Co.), Mich., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Great Markwestern Packing Co., Detroit, Mich. NOTE: Carrier does not intend to tack authority. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 114632 (Sub-No. 28 TA), filed June 19, 1970. Applicant: APPLE LINES, INC., Post Office Box 507, Madison, S. Dak. 57042. Applicant's representative: Robert A. Applewick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and packinghouse products*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Sioux Falls, S. Dak., and Chicago, Ill., for 120 days. Supporting shipper: John Morrell and Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57104; Claude Stewart, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114897 (Sub-No. 87 TA), filed June 17, 1970. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesium chloride brine*, in bulk, in tank vehicles, from Duval Mine, located approximately 15 miles east of Carlsbad, N. Mex., to points in Pima, Santa Cruz, Cochise, Yuma, Pinal, Graham, Greenlee, Maricopa, Gila, Mohave, and Yavapai Counties, Ariz., for 180 days. Supporting shipper: M. Fred Owen, Vice President, Duval Sales Corp., 300 The Main Building, Houston, Tex. 77002. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 115331 (Sub-No. 285 TA), filed June 18, 1970. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used wooden pallets*, from points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, and West Virginia, to the plantsite of Chevron Chemical Co. at Fort Madison, Iowa, for 180 days. Supporting shipper, Chevron Chemical Co., Post Office Box 282 Ortho Way, Fort Madison, Iowa 52627. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 118062 (Sub-No. 2 TA), filed June 19, 1970. Applicant: DUD COOKE, doing business as COOKE MOTOR EXPRESS, Post Office Box 386, Lake City, S.C. 29560. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton and synthetic cloth and sewing room supplies; finished dresses, machinery and parts used in production of dresses*, between Lake City, S.C., to Andrews, Tex., for 180 days. Supporting shipper: Wentworth Manufacturing Co., Lake City, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 119315 (Sub-No. 15 TA), filed June 17, 1970. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentaerythritol* and *sodium formate*, between the plantsite of Pan-American Chemical Corp. at Toledo, Ohio, on the one hand, and, on the other, Newark, Boonton, Metuchen, Linden, and South Kearney, N.J.; Fort Wayne, Ind.; Philadelphia, Pa.; Carpenterville, Rockford, and Chicago, Ill.; Madison and Port Washington, Wis.; Burlington, Iowa; Baltimore, Md.; Detroit, Mich., and Buffalo, N.Y., for 180 days. Supporting shipper: Pan-American Chemical Corp., 153 Chestnut Hill Road, Newark, Del. 19711. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124054 (Sub-No. 1 TA), filed June 11, 1970. Applicant: MERLIN HERRMANN, 510 East Dodge Street, Luverne, Minn. 56156. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock bunk feeders, poultry brooder stoves, poultry nests and cages, poultry, and livestock building ventilation equipment, chimney caps, poultry equipment, water softeners, water conditioning equipment, and pig feeding equipment*, from the plantsite of A. R. Wood Manufacturing Co., Luverne, Minn., to points in Ohio, Arkansas, Texas, Mississippi, Alabama, Georgia and that part of Missouri lying south of U.S. Highway 24. The operations sought herein are limited to a transportation service to be performed, under a continuing contract, or contracts with A. R. Wood Manufacturing Co., of Luverne, Minn., for 180 days. Supporting shipper: A. R. Wood Manufacturing Co., Box 218, Luverne, Minn. 56156. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 127681 (Sub-No. 6 TA), filed June 5, 1970. Applicant: JOE JONES, JR., doing business as JOE JONES TRUCKING CO., 3148 Bankhead Highway, Atlanta, Ga. 30318. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* in paper bags, drums, or boxes, from the plantsite of Oxford Chemicals, Division of Consolidated Foods Corp., in Chamblee, Ga., to points in the United States (excluding Alaska and Hawaii.): *Defective, rejected and repossessed chemical products*, from the points in the United States (excluding Alaska and Hawaii) to the plantsite of Oxford Chemicals in Chamblee, Ga.: *Materials, equipment, and supplies*, used for or useful in the distribution of chemicals when transported with shipments of chemicals as otherwise authorized under MC 127681. Between the plantsite of Oxford Chemicals, Division of Consolidated Foods Corp., in Chamblee, Ga., on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Oxford Chemicals, Post Office Box 80202, Atlanta, Ga. 30341. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 134468 TA (correction), filed April 2, 1970, published FEDERAL REGISTER, issue of April 16, 1970, and republished as corrected this issue. Applicant: TAHOE BASIN FREIGHTWAYS, INC., 3527 Meadow Street, Oakland, Calif. 94601. Applicant's representative: Clark A. Barrett, Suite 6, 1611 Bonel Place, San Mateo, Calif. 94402. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *General commodities*, requiring refrigeration, and transported in refrigerated equipment, from Berkeley, Emeryville, Oakland, San Francisco, San Jose, and San Leandro, Calif., to points on or within 5 miles of the shoreline of Lake Tahoe, Calif.-Nev., for 180 days. NOTE: The purpose of this republication is to show the correct destination territory proposed to be served. Supporting shippers: There are six statements of support attached to the application that may be examined here at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 134565 (Sub-No. 2 TA), filed June 3, 1970. Applicant: J & W TRANSPORT, INC., 2212 Hazelwood Avenue, Fort Wayne, Ind. 46805. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. *Iron and steel and iron and steel articles, aluminum and aluminum fasteners, resins, solder, and paints*, from that part of the Chicago commercial zone, located in Illinois; from Wheeling, W. Va., Toledo, Ohio, Racine and Kenosha, Wis., including transportation from the Chicago commercial zone, Toledo, Ohio, Racine and Kenosha, Wis., having prior movement by ship, to Goshen and Topeka, Ind.; 2. *Livestock tanks, watering equipment and feeders, and boats*, from Goshen, Ind., to the 48 adjacent States and Washington, D.C.; 3. *Travel trailers, and fold-campers*, from Topeka, Ind., to the 48 adjacent States and Washington, D.C., for 180 days. Supporting shipper: Starcraft Co., Goshen, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-8204; Filed, June 26, 1970; 8:51 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 24, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41983—*Beet or cane sugar to Cedar Rapids, Iowa*. Filed by Western Trunk Line Committee, agent (No. A-2628), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from specified points in Idaho, to Cedar Rapids, Iowa.

Grounds for relief—Rate relationship.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-8205; Filed, June 26, 1970; 8:51 a.m.]

[S.O. 994; ICC Order No. 16; Amdt. 5]

PENN CENTRAL

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 16 (Penn Central) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 16 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-8206; Filed, June 26, 1970; 8:51 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

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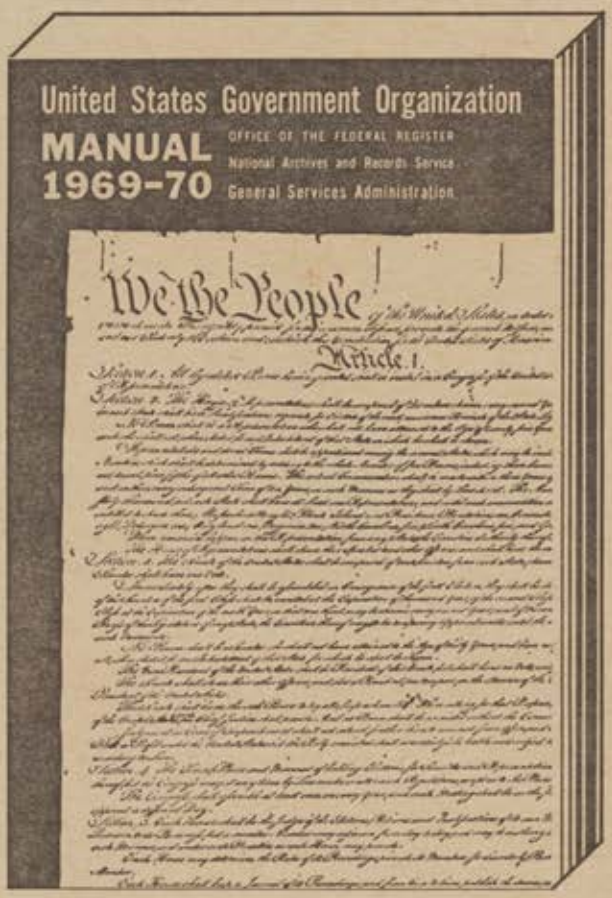

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