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Correction

In F.R. Doc. 70-9059, appearing at page 11368 in the issue of Thursday, July 16, 1970, under the heading for Arkansas the county appearing as "Ponsett" should read "Poinsett".

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 7; Docket No. AO-366-A4]

PART 1007—MILK IN GEORGIA MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Georgia marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Georgia marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Revise § 1007.51(a) to read as follows:

§ 1007.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.10 and plus 20 cents.

* * * * *

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

Effective date: September 1, 1970.

Signed at Washington, D.C., on July 28, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-9932; Filed, July 30, 1970; 8:50 a.m.]

[Milk Order No. 30; Docket No. AO-361-A2]

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning

of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to producer milk (including such handler's own farm production), other source milk allocated to Class I pursuant to § 1030.46 (a) (3) and (7) and the corresponding steps of § 1030.46(b), and Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeded the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants. A cooperative association handler pursuant to § 1030.13(e) shall make such payments set forth herein on producer milk described in § 1030.16(c).

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1030.6 is revised as follows:

§ 1030.6 Chicago Regional marketing area.

"Chicago Regional marketing area", hereinafter called the "marketing area" means the territory within the boundaries of the following places including piers, docks, and wharves and territory wholly or partly within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) In the State of Illinois:

(1) The counties of:

Boone.	Kendall.
Carroll.	Lake.
Cook.	Lee.
De Kalb.	McHenry.
Du Page.	Ogle.
Jo Daviess (except the city of East Dubuque).	Stephenson.
	Will.
	Winnebago.
Kane.	

(2) In Whiteside County:

(i) The townships of:

Caloma.	Jordan.
Hahnaman.	Montmorency.
Hopkins.	Sterling.
Hume.	Tampico.

(b) [Reserved]

(c) In the State of Wisconsin:

(1) The counties of:

Adams.	Menominee.
Brown.	Milwaukee.
Calumet.	Monroe.
Columbia.	Oconto.
Crawford.	Oneida.
Dane.	Outagamie.
Dodge.	Ozaukee.
Fond du Lac.	Portage.
Forest.	Racine.
Grant.	Richland.
Green.	Rock.
Green Lake.	Sauk.
Iowa.	Shawano.
Jefferson.	Sheboygan.
Juneau.	Vernon.
Kenosha.	Vilas.
Kewaunee.	Walworth.
La Crosse.	Washington.
Lafayette.	Waukesha.
Langlade.	Waupaca.
Lincoln.	Waushara.
Manitowoc.	Winnebago.
Marquette.	

(2) In Door County the city of Sturgeon Bay;

(3) In Marathon County:

(i) The towns of:

Bergen.	Marathon.
Berlin.	Mosinee.
Bevent.	Norrie.
Easton.	Plover.
Elderon.	Reid.
Franzen.	Rib Mountain.
Guenther.	Ringle.
Harrison.	Stettin.
Hewitt.	Texas.
Knowlton.	Wausau.
Kronenwetter.	Weston.
Maine.	

(ii) The villages of:

Brokaw.	Marathon.
Elderon.	Rothschild.
Hatley.	

(iii) The cities of:

Mosinee.	Wausau.
Schofield.	

(4) In Wood County:

(i) The towns of:

Cranmoor.	Rudolph.
Grand Rapids.	Saratoga.
Port Edwards.	Seneca.

(ii) The villages of:

Biron.	Port Edwards.

(iii) The cities of:

Nekoosa.	Wisconsin Rapids.

2. Section 1030.9 is revised as follows:

§ 1030.9 Exempt milk.

"Exempt milk" means milk received at a pool plant in bulk from the dairy farmer who produced it, to the extent of the quantity of any packaged fluid milk products returned to the dairy farmer if:

(a) The dairy farmer is a government which is not engaged in the route disposition of any of the returned products; and

(b) The dairy farmer has, by written notice to the market administrator and the receiving handler, elected nonproducer status for a period of not less than 12 months beginning with the month in which the election was made and continuing for each subsequent month until canceled in writing, and the election is in effect for the current month.

3. Section 1030.10 is revised as follows:

§ 1030.10 Plant.

(a) "Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment: including a building approved by an appropriate health authority which has facilities adequate for cleansing tank trucks and at which milk moved from the farm is transferred and commingled in another tank truck with other milk for transshipment, or at which milk is received from dairy farmers, or at which milk is processed and packaged or manufactured. Any building located on the premises of a pool distributing plant pursuant to § 1030.11(a) shall not be considered a supply plant unless it is located in a building that is entirely separate from the distributing plant. If a portion of the plant is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition and is physically separated from the Grade A portion, such unapproved portion shall not be considered a part of the plant.

(b) "Distributing plant" means a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes, either directly or through another plant.

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant.

4. Section 1030.11 is revised as follows:

§ 1030.11 Pool plant.

"Pool plant" means a plant pursuant to § 1030.10 which is described in paragraph (a), (b), or (c) of this section (except an other order plant, exempt distributing plant or the plant of a producer handler). In determining the pool plant qualifications of plants pursuant to this section on milk subject to the conditions specified in § 1030.13(h) the receipts and disposition of the plant operated by the transferor handler shall exclude the milk described in § 1030.13(h)(3) but shall include the milk described in § 1030.13 (h)(4).

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in subparagraphs (2) and (3) of this paragraph of the receipts specified in subparagraph (1). Two or more distributing plants of a handler shall be considered a unit for the purpose of subparagraph

(3) of this paragraph in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) The total Grade A fluid milk products, except filled milk, received during the month at such plant, including producer milk diverted under § 1030.16, and milk received from a handler pursuant to § 1030.13(h), but excluding receipts of fluid milk products in exempt milk, packaged fluid milk products and bulk fluid milk products by agreement for Class II uses from other pool distributing plants, and receipts from other order plants and unregulated supply plants which are assigned pursuant to § 1030.46(a)(4)(i)(*a*) and (ii) and the corresponding step of § 1030.46(b).

(2) Not less than 10 percent of such receipts is disposed of from such plant in the marketing area in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants from which it is disposed of in the marketing area on routes. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(3) Not less than 45 percent of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk moved during the month in accordance with subparagraphs (1) and (2) of this paragraph is not less than the percentages specified in subparagraph (4) of this paragraph subject to subparagraphs (6), (7) and (8) of this paragraph of the volume of Grade A milk received from dairy farmers and cooperative associations pursuant to § 1030.13(e), including produced milk diverted under § 1030.16. Such receipts shall be reduced by the disposition of packaged fluid milk products described in subparagraph (3) of this paragraph.

(1) Moved as fluid milk products to:

(i) Pool plants pursuant to paragraph (a) of this section;

(ii) Plants of producer handlers; and

(iii) Partially regulated distributing plants and assigned to Class I milk disposed of in the marketing area from such plants pursuant to § 1030.44(d)(3)(i);

(2) Moved as condensed skim milk to pool plants pursuant to paragraph (a) of this section to the extent it is used in a fluid milk product that is disposed of as a fluid milk product (except filled milk). Such use of condensed skim milk shall be prorated over receipts of condensed skim milk from all supply plants;

(3) The receipts of Grade A milk required to be included pursuant to this paragraph shall be reduced by the amount of packaged fluid milk products (except filled milk) that are disposed of from such plant on routes or moved to a nonpool plant from which they are disposed of on routes outside the marketing area;

(4) Such percentage shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and such subsequent month through July during which it would not otherwise qualify as a pool plant;

(5) [Reserved]

(6) The percentages specified in subparagraph (4) of this paragraph applicable during the months August–December shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided,* That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator;

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

(8) If a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of skim milk and butterfat at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of skim milk and butterfat shipped pursuant to this paragraph. When the work stoppage includes an entire month, the plant shall be considered to have met the minimum percentage shippage requirements in that month for pool plant status pursuant to this paragraph, but such relief shall not be granted for more than 2 consecutive months.

(c) A plant which is operated by a cooperative association and which is not a pool plant pursuant to paragraph (a) or (b) of this section shall be a pool plant if at least 50 percent of the Grade A milk of producers of such cooperative association is received at pool distributing plants of other handlers during the month and written application for pool plant status is filed with the market administrator on or before the first day of such month.

5. In § 1030.13 a new paragraph (h) is added as follows:

§ 1030.13 Handler.

* * * * *

(h) Any person who is a handler operating a pool distributing plant pursuant to paragraph (a) of this section may be the handler on producer milk delivered to pool distributing plants of other handlers, subject to the following conditions:

(1) Prior to the first month he becomes the handler pursuant to this paragraph such handler shall notify the market administrator in writing of his election to do so and he shall provide the name and address of each transferee pool plant receiving the milk that is subject to the conditions of this paragraph.

(2) All of the producer milk on which he is the handler pursuant to this paragraph shall be considered a transfer from such handler's pool distributing plant to another pool distributing plant for the purposes of classification pursuant to §§ 1030.40 through 1030.46;

(3) If an entire tank truck load of milk is delivered to the pool plant of another handler, it shall be considered a receipt by the transferor handler pursuant to this paragraph for pricing purposes pursuant to §§ 1030.50 through

1030.53 and 1030.70 through 1030.86 at the location of the transferee plant; and

(4) If less than an entire tank truck load of milk is delivered to the pool plant of another handler, a portion of the milk on the tank truck load must be physically received at the transferor handler's pool distributing plant. Such split load shall be considered a receipt of producer milk at the transferor handler's plant for pricing purposes pursuant to §§ 1030.50 through 1030.53 and 1030.70 through 1030.86.

6. Section 1030.15 is revised as follows:

§ 1030.15 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received as producer milk at a pool plant or diverted pursuant to § 1030.16 from a pool plant to a nonpool plant. The term shall not include:

(a) A dairy farmer who is a government and has nonproducer status for the month pursuant to § 1030.9; or

(b) A producer handler as defined in any order (including this part) issued pursuant to the Act.

7. In § 1030.16 paragraph (a) is revised, a new paragraph (a–1) is added, and in paragraph (d) a new subparagraph (4) is added as follows:

§ 1030.16 Producer milk.

* * * * *

(a) Received at a pool plant directly from a dairy farmer except:

(1) A dairy farmer who is a government and has nonproducer status for the month pursuant to § 1030.9; or

(2) That milk received by diversion from other order plants which is assigned pursuant to § 1030.46(a)(4)(ii) and the corresponding step of § 1030.46 (b).

(a–1) Received by a handler pursuant to § 1030.13(h).

* * * * *

(d) * * *

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31(b)(4) shall not be considered producer milk pursuant to this paragraph.

8. In § 1030.31 paragraph (b) is revised as follows:

§ 1030.31 Other reports.

* * * * *

(b) Each handler pursuant to § 1030.13 (a), (c), (d), (e), and (h) shall report to the market administrator on or before the 10th day after the end of the month in detail and on forms prescribed by the market administrator as follows:

(1) Each handler pursuant to § 1030.13(c) shall report the quantities of skim milk and butterfat in fluid milk products moved for his account from each pool plant and received at each pool plant or partially regulated distributing plant during the month;

(2) Each cooperative association handler pursuant to § 1030.13(d) shall report the quantities of skim milk and butterfat in producer milk diverted for its account from each pool plant and the utilization of such skim milk and butterfat during the month;

(3) Each cooperative association handler pursuant to § 1030.13(e) shall report the quantities of skim milk and butterfat in its receipts of producer milk pursuant to § 1030.16(c) and producer milk delivered to each pool plant during the month;

(4) Each handler pursuant to § 1030.13 (a) and (d) shall report for each load of milk diverted for his account the quantity of each producer's milk included therein the date(s) and times of pickup and delivery to the nonpool plant, the name and location of that plant, and the plant from which diverted; and

(5) Each handler pursuant to § 1030.13(h) shall report for each load of milk transferred for his account the quantity of each producer's milk included therein the dates and times of pickup and delivery to the transferee plant, the name and location of that plant and the plant from which transferred. Also, he shall report the quantities of skim milk and butterfat in his receipts of producer milk and delivery of such milk to each pool distributing plant during the month;

* * * * *

9. In § 1030.46(a) a new subparagraph (1–a) is added and a new subdivision (vi) is added to subparagraph (3) as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1–a) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in exempt milk;

* * * * *

(3) * * *

(vi) Receipts of fluid milk products (other than exempt milk) from a government which has elected nonproducer status for the month pursuant to § 1030.9;

* * * * *

10. In § 1030.41 paragraph (b)(7)(i) is revised as follows:

§ 1030.41 Classes of utilization.

* * * * *

(b) * * *

(7) * * *

(i) Two percent of producer milk receipts described in §§ 1030.16(a) and 1030.16(a–1); plus

* * * * *

11. Section 1030.51(a) is revised as follows:

§ 1030.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.26.

* * * * *

12. Section 1030.53 is revised as follows:

§ 1030.53 Location adjustments to handlers.

A location adjustment for each handler who operates a pool plant shall be computed by the market administrator as follows:

(a) The market administrator shall determine the location adjustment rate for each plant at which milk is to be priced under this part on the following basis:

(1) Zone I—adjustment rate—none. Zone I shall consist of the territory within 40 miles of the city hall in Chicago.

(2) Zone 2—adjustment rate—minus 2 cents per hundredweight of milk. Zone 2 shall consist of the territory beyond Zone 1 but within 55 miles of the city hall in Chicago.

(3) Zone 3—adjustment rate—minus 4 cents per hundredweight of milk. Zone 3 shall consist of the territory beyond Zone 2 but within 70 miles of the city hall in Chicago.

(4) Zone 4—adjustment rate—minus 6 cents per hundredweight of milk. Zone 4 shall consist of the territory beyond Zone 3 but within 85 miles of the city hall in Chicago, plus Milwaukee County, Wis., and Winnebago County, Ill.

(5) For plants located beyond Zone 4 the adjustment rate shall be an additional 2 cents per hundredweight of milk for each 15 miles or fraction thereof over 85 miles. The territory beyond 85 miles, but not to exceed 100 miles, shall be Zone 5 and each successive 15-mile area shall be an additional zone.

(b)(1) The mileages applicable pursuant to this section and § 1030.82 shall be determined by the market administrator on the basis of the shortest highway distance between the handler's plant and the city hall in Chicago.

(2) The market administrator shall notify each handler of the zone or mileage determination.

(3) Mileage shall be subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after the receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

(c) A handler who operates a pool distributing plant (or plants) shall receive a location adjustment computed as follows:

(1) Determine the aggregate quantity of Class I milk at such plant (or all pool plants of such handler for which a single report is filed pursuant to § 1030.30 after eliminating duplication for transfer between such plants);

(2) Subtract the quantity of packaged fluid milk products received at the handler's pool plant(s) from the pool plants of other handlers (or other pool plants, if applicable) and from nonpool plants if assigned to Class I milk;

(3) Subtract the quantity of bulk fluid milk products shipped from the

handler's pool plant(s) to pool plants of other handlers (or other pool plants, if applicable) and to nonpool plants that are classified as Class I;

(4) Subtract the Class I milk packaged by pool supply plants and disposed of on routes or to other plants;

(5) Subtract the quantity of bulk fluid milk products received at the handler's pool plant(s) from other order plants and unregulated supply plants that are assigned to Class I pursuant to § 1030.46;

(6) Assign the remaining quantity pro rata to receipts during the month from each source as specified in subdivisions (i) and (ii) of this subparagraph:

(i) Receipts at the handler's pool distributing plant(s) of producer milk, except that if the quantity prorated to any distributing plant exceeds the Class I disposition from such plant, such quantity shall be reduced to the amount of such Class I disposition and the quantity of milk represented in such reduction shall be prorated to receipts of producer milk at other distributing plants of the handler (limited in each instance to the amount of Class I disposition at each such plant) and receipts of bulk fluid milk products at such distributing plants from other pool plants; and

(ii) Receipts of bulk fluid milk products at such distributing plants from each other pool plant according to the quantity of such receipts from each such source;

(7) If receipts during the month at such distributing plants of producer milk and bulk fluid milk products from other pool plants are less than the quantity to be assigned pursuant to subparagraph (6) of this paragraph, prorate the amount of such excess in the same manner over such receipts in the next prior month in which there were receipts in excess of those assigned in that month pursuant to this subparagraph:

(8) Multiply by the location adjustment rates applicable at the transferor plants, the quantity assigned to receipts of producer milk at such distributing plants pursuant to subparagraph (6)(i) and (7) of this paragraph;

(9) Multiply by the location adjustment rates applicable at the transferor plants, the lesser of:

(i) 110 percent of the quantities assigned to receipts from each other pool plant pursuant to subparagraph (6)(ii) of this paragraph; or

(ii) Receipts specified in subparagraph (6)(ii) of this paragraph;

(10) Multiply by the location adjustment rates applicable at the transferor plants, the quantities assigned pursuant to subparagraph (7) of this paragraph to receipts from other pool plants in prior months;

(11) Multiply the quantity of bulk fluid milk products shipped from the handler's pool plant(s) to nonpool plants and classified as Class I by the location adjustment rates applicable at the shipping plant;

(12) Multiply the quantity of Class I milk packaged by pool supply plants and disposed of on routes or to other plants by the location adjustment rates applicable at the pool supply plants from which disposition is made; and

(13) Add together the minus amounts obtained pursuant to subparagraphs (8), (9), (10), (11), and (12) of this paragraph.

(d) A handler (other than one described in paragraph (c) of this section) who operates a pool supply plant shall receive a location adjustment credit on producer milk at such plant classified as Class I that is not shipped as a bulk fluid milk product to a pool distributing plant.

13. In § 1030.70 paragraph (g) is revoked, paragraphs (e), (f), and the text preceding paragraph (a) are revised as follows:

* * * * *

§ 1030.70 Computation of the net pool obligation of each handler.

The net pool obligation (or credit) of each handler pursuant to § 1030.13 (a), (d), and (h), and of each cooperative association with respect to producer milk described in § 1030.16(c), shall be a sum of money computed for each month by the market administrator as follows:

* * * * *

(e) Add an amount equal to the value at the Class I milk price (after making the location adjustment rate for the nearest nonpool plant from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1030.46(a)(7) and the corresponding step of § 1030.46(b); and

(f) Subtract an amount equal to the minus location adjustment computed pursuant to § 1030.53 (c)(13) or (d).

§ 1030.71 [Amended]

14. In § 1030.71 paragraph (d) is revoked.

15. Section 1030.82 is revised as follows:

§ 1030.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk pursuant to § 1030.71 received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1030.53(a).

(b) For the purpose of computation pursuant to § 1030.84(b)(2) the uniform price shall be adjusted at the rates set forth in § 1030.53(a) applicable at the location of the nonpool plant from which the milk was received.

16. Section 1030.85 is revised as follows:

§ 1030.85 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1030.84(b) exceeds the amount computed pursuant to § 1030.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

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

Effective date: September 1, 1970.

Signed at Washington, D.C., on July 28, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-9933; Filed, July 30, 1970; 8:50 a.m.]

[Milk Order No. 32; Docket No. AO-313-A19]

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The partial recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 17, 1970, and the partial final decision of the Assistant Secretary containing all amendment provisions of this order was issued July 10, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 533(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1032.14(b) subparagraph (2) is revised as follows:

§ 1032.14 Producer milk.

* * * * *

(b) * * *

(2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May, June and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer;

* * * * *

2. In § 1032.43 paragraph (d) is deleted and the introductory text of paragraph (e) preceding subparagraph (1) is revised as follows:

§ 1032.43 Transfers and diversions.

* * * * *

(d) [Reserved]

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class II, if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced:

* * * * *

3. In § 1032.53 paragraph (a) is revised as follows:

§ 1032.53 Location adjustment to handlers.

(a) For producer milk and other source milk which is classified as Class I at a plant located outside the marketing area, the price specified in § 1032.51 (a) (1) for the base zone shall be reduced 15 cents if such plant is 100 or more miles by the shortest highway distance, as determined by the market administrator from the nearer of the city or village limits of Alton, Robinson, or Vandalia, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided,* That the Class I price at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the Class I price applicable at a pool plant located in the northern zone; and

* * * * *

4. In § 1032.82 paragraph (a) is revised as follows:

§ 1032.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk, received at a pool plant located outside the marketing area, shall be reduced according to the location of the pool plant at the rates set forth in § 1032.53: *Provided,* That the uniform price at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the uniform price applicable at a pool plant located in the northern zone;

* * * * *

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

Effective date: August 1, 1970.

Signed at Washington, D.C., on July 28, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-9934; Filed, July 30, 1970; 8:50 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

Paragraph (k) *Fiancees and fiances of U.S. citizens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following two sentences at the end thereof: "The approval of a petition under this paragraph shall be valid for a period of 4 months. A petition which has expired due to the passage of time may be revalidated by a district director or an American consular officer for a period of 4 months from the date or revalidation upon a finding that the petitioner and beneficiary are free to marry and intend to marry each other within 90 days of the beneficiary's entry into the United States."

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

Paragraph (a) *Prescribed registration forms* of § 264.1 *Registration and fingerprinting* is amended by adding the following item as the penultimate item:

Form No.	*Class*
I–485A Application by Cuban Refugee for Permanent Residence.	Applicants under section 1 of the Act of November 2, 1966.

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

The listing of institutions of research in § 316a.2 *American institutions of research* is amended by deleting "Stanford Center for Chinese Studies in Taipei, Taiwan" and adding in lieu thereof in alphabetical sequence "Inter-University Program for Chinese Language Studies (formerly Stanford Center for Chinese Studies) in Taipei, Taiwan."

(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 and would serve no useful purpose because the amendment to § 214.2 (k) confers benefits upon persons affected thereby; the amendment to § 264.1(a) relates to agency procedure; and the amendment to § 316a.2 adds an institution of research to the listing.

Dated: July 28, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-9911; Filed, July 30, 1970; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 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:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of New Jersey; and a new paragraph (e)(18) relating to the State of New Jersey is added to read:

(18) *New Jersey.* That portion of Salem County bounded by a line beginning at the junction of State Highway 49 and the north bank of the Sarah Run; thence, following the north bank of the Sarah Run in a generally westerly direction to the Horse Run; thence, following the west bank of the Horse Run in a generally southwesterly direction to the Stowe Creek; thence, following the west bank of the Stowe Creek in a generally southerly direction to the Delaware River; thence, following the east bank of the Delaware River in a generally northwesterly direction to the Delaware-New Jersey State line; thence, following the Delaware-New Jersey State line in a generally northeasterly direction to the Delaware River; thence, following the east bank of the Delaware River in a northerly direction to the Alloways Creek; thence, following the south bank of the Alloways Creek in a generally northeasterly direction to State Highway 49; thence, following State Highway 49 in a southeasterly direction to its junction with the east bank of the Sarah Run.

(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 amendment shall become effective upon issuance.

The amendment quarantines a portion of Salem County, N.J., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of July 1970.

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

[F.R. Doc. 70-9930; Filed, July 30, 1970; 8:50 a.m.]

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:

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Ohio, and a new paragraph (e)(19) relating to the State of Ohio is added to read:

(19) *Ohio.* The adjacent portions of Allen and Auglaize Counties comprised of Auglaize Township in Allen County and Wayne Township in Auglaize County.

(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 amendment shall become effective upon issuance.

The amendment quarantines portions of Allen and Auglaize Counties in Ohio because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of July 1970.

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

[F.R. Doc. 70-9931; Filed, July 30, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-25-AD; Amdt. 39-1052]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Company Model 707/720 Series

There are incidents of inflight smoke and fire which are attributed to failure of cove light ballast capacitors. There is one instance of an unattended airplane burning on the ground which was attributed to a ballast capacitor failure.

Since these capacitors may fail and ignite flammable material in airplanes of the same type design, an airworthiness directive is being issued to require deactivation of the cove light circuits until all ballast capacitors are relocated to the inboard side of the cove light race way.

The Boeing Co. issued Service Bulletin 2986, May 15, 1970, entitled "Main Cabin Cove Light Ballast Capacitor Relocation" which recommends deactivation of

the cove light circuits until all cove light ballast capacitors have been relocated.

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

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 to the Federal Aviation Regulations is amended by adding the following airworthiness directive:

BOEING. Applies to Boeing Model 707/720 Series Airplanes. (Effectivity listed on Boeing Service Bulletin No. 2986 dated May 15, 1970, or later FAA-approved revisions).

Compliance required within 100 hours time in service after the effective date of this AD unless already accomplished.

To prevent fire caused by failure of the Main Cabin Cove Light Ballast Capacitors deactivate the main cabin cove light circuits until one of the following items has been accomplished:

(1) Relocate all main cabin ballast capacitors to the inboard side of the cove light race way as described in Boeing Service Bulletin No. 2986 dated May 15, 1970, or later FAA-approved revisions.

(2) Perform an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on August 1, 1970.

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

Issued in Los Angeles, Calif., on July 22, 1970.

WILLIAM R. KRIEGER,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-9889; Filed, July 30, 1970; 8:47 a.m.]

[Docket No. 10039; Amdt. 39-1056]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls-Royce Dart Models 542-4, 542-4K, 542-10, 542-10J, and 542-10K Engines

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-913, 35 F.R. 145, AD 70-2-3, to extend the applicability of the AD to the Rolls-Royce Dart Model 542-4K engines and to require repetitive inspections of certain specified propeller shafts installed in Rolls-Royce Dart Models 542-4, 542-4K, 542-10, 542-10J, and 542-10K engines for as long as the specified shafts remain in service was published in the FEDERAL REGISTER, 35 F.R. 6761.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. One comment to the proposal suggested that the wording of paragraph (h) be revised to include a provision for the future development of an inspection method that would obviate the need for the repetitive inspections. The FAA agrees, and the provision is therefore being incorporated into paragraph (h).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-913, 35 F.R. 145, AD 70-2-3, is amended as follows:

(1) By amending the applicability clause to include the 542-4K engine.

(2) By amending paragraph (a) by striking out the words "and marked in accordance with paragraph (e) of this AD" and inserting in place thereof the words "and marked as specified in paragraph (e) of this AD and which are not listed in paragraph (h) of this AD."

(3) By adding the phrase, "Except for those engines with propeller shafts installed bearing a serial number listed in paragraph (h)," at the beginning of paragraph (e).

(4) By adding the phrase, "Except for those engines with propeller shafts installed bearing a serial number listed in paragraph (h)," at the beginning of paragraph (f).

(5) By adding a new paragraph (g) to read as follows:

(g) For all airplanes with the Rolls-Royce Dart Model 542-4K engines installed, except those having engine propeller shafts which have been supplied and marked, or overhauled (including ultrasonic inspections) and marked as specified in paragraph (e) of this AD, and which are not listed in paragraph (h) of this AD, within 50 hours' time in service after the effective date of this amendment install in clear view of the pilot and as close to the r.p.m. indicators as possible the placard specified in paragraph (a).

(6) By adding a new paragraph (h) to read as follows:

(h) Until an FAA-approved inspection method has been developed to insure that the shafts are free from defects, the placard required by paragraphs (a) and (g) may not be removed, and the repetitive inspections required by paragraphs (c) and (d) may not be discontinued, for any aircraft having engines with propeller shafts installed bearing the following serial numbers:

INSPECTION OF DART PROPELLER SHAFTS IN INSTALLED ENGINES—SHAFTS FROM TOP THREE INGOT POSITION

Shaft Serial No.	*Shaft Serial No.*
HA.275	HD.67
HA.277	HD.69
HA.281	HD.71
HB.25	HD.73
HB.29	HD.74
HB.30	HD.86
HC.846	HD.88
HC.847	HD.94
HC.849	HD.95
HC.854	HD.97
HC.856	HD.103
HC.857	HD.105
HC.858	HD.107
HC.861	HD.110
HC.862	HD.117
HD.60	HD.119
HD.61	HD.373
HD.62	HD.376
HD.377	HM.436
HD.391	HR.315
HD.392	HR.319
HD.394	HR.326
HD.399	HR.337
HD.401	HR.345
HD.404	HR.346
HD.413	HR.439
HD.414	HR.442
HD.421	HR.447
HD.425	HR.448
HD.427	HR.511
HE.111	HR.513
HE.115	HR.520
HE.121	HR.527
HE.129	HR.528
HE.135	HR.529
HE.139	HR.532
HE.141	HR.533
HE.142	HR.535
HE.143	HR.536
HG.562	HR.547
HG.563	HR.551
HG.570	HR.552
HG.571	HR.553
HG.572	HR.580
HH.699	HR.581
HH.700	HR.583
HH.714	HR.592
HH.715	HR.595
HH.716	HR.596
HH.717	HR.597
HH.719	HR.600
HH.720	HR.601
HH.721	HR.780
HJ.135	HR.781
HJ.138	HR.789
HJ.143	HR.980
HJ.151	HR.981
HJ.153	HR.989
HJ.157	HR.993
HJ.165	HR.995
HJ.167	HS.1
HJ.168	HS.5
HJ.173	HS.7
HJ.176	HS.8
HJ.178	HS.11
HJ.180	HS.13
HJ.189	HS.14
HJ.190	HS.16
HJ.196	HS.24
HJ.197	HS.25
HJ.199	HS.28
HJ.201	HS.29
HJ.207	HS.30
HJ.212	HS.129
HJ.218	HS.131
HJ.219	HS.139
HJ.223	HS.140
HM.266	HS.142
HM.267	HS.149
HM.272	HS.150
HM.288	HS.153
HM.289	HS.156
HM.294	

INSPECTION OF DART PROPELLER SHAFTS IN INSTALLED ENGINES—SHAFTS FROM UNRECORDED INGOT POSITIONS

HA.28	HA.81
HA.29	HA.82
HA.30	HA.83
HA.31	HA.84
HA.32	HA.85
HA.37	HA.86
HA.70	HA.87
HA.71	HA.88
HA.72	HA.89
HA.73	HA.90
HA.74	HA.91
HA.75	HA.92
HA.76	HA.93
HA.77	HA.94
HA.78	HA.95
HA.79	HA.96
HA.80	HA.97

Shaft Serial No.	Shaft Serial No.
HA.592	HD.825
HA.595	HD.826
HA.690	HD.827
HA.952	HD.828
HA.953	HD.829
HA.954	HD.830
HA.955	HD.831
HA.956	HD.832
HA.957	HD.833
HA.958	HD.834
HA.959	HD.835
HA.960	HD.836
HA.961	HD.837
HA.962	HD.838
HA.963	HD.839
HA.964	HD.840
HB.35	HD.841
HB.36	HD.842
HB.37	HD.843
HB.38	HD.844
HB.39	HD.845
HB.40	HD.846
HB.41	HD.847
HB.975	HD.848
HB.976	HD.849
HB.977	HD.850
HB.978	HD.851
HB.979	HD.852
HB.980	HH.638
HB.981	HH.639
HB.982	HH.640
HC.539	HH.641
HC.540	HH.642
HC.541	HH.643
HC.542	HH.644
HC.543	HH.645
HC.544	HH.646
HC.545	HH.647
HC.546	HH.648
HC.547	HH.649
HC.548	HH.650
HC.549	HH.651
HC.550	HH.652
HC.558	HH.653
HC.559	HH.654
HC.560	HH.655
HC.561	HH.656
HC.562	HH.657
HC.563	HH.658
HC.564	HH.659
HC.565	HH.660
HC.566	HH.661
HC.567	HH.662
HC.568	HH.663
HC.569	HH.664
HC.576	HH.665
HC.577	HH.666
HC.578	HH.667
HC.579	HH.668
HC.580	HH.669
HC.581	HH.670
HC.582	HH.671
HC.850	HH.672
HC.852	HH.673
HC.853	HH.674
HC.855	HH.675
HC.859	HH.676
HC.996	HH.677
HD.807	HH.678
HD.808	HH.679
HD.809	HH.680
HD.810	HH.681
HD.811	HH.682
HD.812	HH.683
HD.813	HH.684
HD.814	HH.685
HD.815	HH.686
HD.816	HH.687
HD.817	HH.688
HD.818	HH.689
HD.819	HH.690
HD.820	HH.691
HD.821	HH.692
HD.822	HH.693
HD.823	HH.694
HD.824	HH.798
HH.799	HM.386
HH.800	HM.387
HH.801	HM.388
HH.802	HM.389
HH.803	HM.390
HH.804	HM.391
HJ.944	HM.392
HJ.945	HM.393
HJ.946	HM.394
HJ.947	HM.395
HJ.948	HM.396
HJ.949	HM.397
HJ.950	HM.398
HJ.951	HM.399
HJ.952	HM.400
HJ.953	HM.401
HJ.954	HM.402
HJ.955	HM.403
HJ.956	HM.404
HJ.957	HM.405
HJ.958	HM.406
HM.355	HM.407
HM.356	HM.408
HM.357	HM.409
HM.358	HM.410
HM.359	HM.411
HM.360	HM.412
HM.361	HM.413
HM.362	HM.414
HM.363	HM.415
HM.364	HM.416
HM.365	HM.417
HM.366	HM.418
HM.367	HM.419
HM.368	HM.420
HM.369	HM.421
HM.370	HM.422
HM.371	HM.423
HM.372	HM.424
HM.373	HM.425
HM.374	HM.426
HM.375	HM.427
HM.376	HM.428
HM.377	HM.429
HM.378	HM.430
HM.379	HM.431
HM.380	HM.432
HM.381	HM.433
HM.382	HM.434
HM.383	HM.435
HM.384	HR.355
HM.385	

These numbers are listed in Appendices A and B of Rolls-Royce Dart Aero Engine Service Bulletin No. DA 72-637, Revision 2, dated February 18, 1970.

This amendment becomes effective August 30, 1970.

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

Issued in Washington, D.C., on July 23, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-9890; Filed, July 30, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-32]

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

Alteration of Control Zone

On June 19, 1970, F.R. Doc. 70-7746 was published in the FEDERAL REGISTER (35 F.R. 10107), amending Part 71 of the Federal Aviation Regulations by altering the Fort Rucker, Ala., control zone.

In the amendment, reference is made to "the 5-mile radius zone" in lieu of "the 7-mile radius zone" in the control zone description. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 70-2823 is amended as follows:

In line 11 of the Fort Rucker, Ala., control zone description "* * * 5-mile radius zone * * *" is deleted and "* * * 7-mile radius zone * * *" is substituted therefor.

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

Issued in East Point, Ga., on July 22, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-9892; Filed, July 30, 1970; 8:47 a.m.]

[Airspace Docket No. 70-EA-48]

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 Quantico, Va., Restricted Area R-6608.

The Department of the Navy has agreed to the modification of R-6608 by changing the designated altitudes from "Surface to 14,000 feet MSL." to "Surface to 10,000 feet MSL." and the time of designation from "Continuous." to "0700 to 2400 local time."

Since this amendment will restore airspace to the public use and is minor in nature, notice and public procedure hereon are unnecessary and for that reason this amendment may be made effective in less than 30 days.

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

In § 73.66 (35 F.R. 2352) R-6608 Quantico, Va., is amended by deleting "Designated altitudes: Surface to 14,000 feet MSL." and "Time of designation: Continuous." and substituting therefor "Designated altitudes: Surface to 10,000 feet MSL." and "Time of designation: 0700 to 2400 local time."

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

Issued in Washington, D.C., on July 23, 1970.

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

[F.R. Doc. 70-9893; Filed, July 30, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-171]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Guyana

JULY 22, 1970.

The Department of State advised the Secretary of the Treasury on June 24, 1970, that on June 16, 1970, the Government of Guyana gave satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Guyana upon the vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Guyana in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Guyana, and the produce, manufactures, or merchandise imported into the United States in such vessels from Guyana or from any other foreign country. This suspension and discontinuance shall take effect from June 16, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Guyana" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-9935; Filed, July 30, 1970; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER I—HOUSING FOR ELDERLY OR HANDICAPPED PERSONS

PART 231a—HOUSING FOR THE ELDERLY OR HANDICAPPED UNDER SECTION 202 OF HOUSING ACT OF 1959

The responsibility for production of direct-loan housing for the elderly or handicapped under section 202 of the Housing Act of 1959 has been assigned to the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Assistant Secretary-Commissioner).[1] Part 1550 of Chapter III of this title, which implements section 202, is therefore redesignated Part 231a and transferred to Chapter II.

Redesignated § 231a.4(b) requires that eligible projects must have "independent living units with kitchen facilities and separate bathrooms." Other housing programs for the elderly or handicapped, administered by the Assistant Secretary-Commissioner under the National Housing Act, do not by regulation restrict eligible projects to units with full housekeeping facilities. In the interest of administrative flexibility, the restriction is deleted from § 231a.4(b). The title of Subchapter I is amended by adding the words "or Handicapped". Minor editorial amendments reflect organizational changes and correct a citation to CFR.

As amended, redesignated Part 231a reads as follows:

Sec.
231a.1 Definitions.
231a.2 General policy.
231a.3 Sponsorship.
231a.4 Eligible projects.
231a.5 Loan applications.
231a.6 Loan terms.
231a.7 Loan agreement.
231a.8 Regulatory agreement.
231a.9 Other requirements.
231a.10 Assistance to nonprofit organizations.
231a.11 Refinancing.

AUTHORITY: The provisions of this Part 231a issued under title II of the Housing Act of 1959, 12 U.S.C. 1701q. Secretary's delegation of authority to Assistant Secretary-Commissioner published at 35 F.R. 2749, Feb. 7, 1970.

§ 231a.1 Definitions.

As used in this part:

(a) All terms shall have the same meaning as given them in the Act.

(b) "Act" means title II of the Housing Act of 1959, as amended, 12 U.S.C. 1701q.

(c) "Applicant" means any nonprofit corporation no part of the net earnings of which inures to the benefit of any private shareholder, contributor, or individual, if such corporation is approved by the Secretary; any limited profit sponsor approved by the Secretary; any consumer cooperative; or any public body or agency eligible under section 202(a)(2) of the Act.

(d) "Construction" means erection of new structures or rehabilitation, alteration, conversion, or improvement of existing structures and includes acquisition of existing structures to be rehabilitated, altered, converted, or improved.

(e) "Development cost" means the costs of construction of housing and related facilities, and of land and necessary site improvements, and included preliminary development costs, architect and engineering costs, organizational and development costs, legal and administrative costs, and interest during construction and rent-up period.

(f) "Elderly or handicapped families" means families consisting of two or more persons, the head of which (or his spouse) is 62 years of age or over or is handicapped; and any single person who is 62 years of age or over or is handicapped.

(g) "Handicapped person" means any person having a physical impairment which is expected to be of long-continued and indefinite duration, substantially impedes his ability to live independently, and is of such nature that such ability could be improved by more suitable housing conditions.

(h) "Housing and related facilities" means structures suitable for dwelling use by elderly or handicapped families, and structures suitable for use as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities.

(i) "Secretary" means the Secretary of Housing and Urban Development or any officer authorized to perform the functions of the Secretary.

(j) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

§ 231a.2 General policy.

The purpose of the program described in this part is to provide assistance for the development of rental housing projects, to serve elderly or handicapped families whose incomes are below those needed to pay the rentals in adequate private-market housing, through direct loans where private financing is not available on equally favorable terms and conditions. Project design, site selection, and financial arrangements must be consistent with the ultimate purpose of providing pleasant living arrangements at minimum rentals to promote independent living by elderly or handicapped families.

[1] See HUD Handbook 1100.3, November 1969; delegation of authority from the Secretary, 35 F.R. 2749, Feb. 7, 1970.

§ 231a.3 Sponsorship.

An applicant either must be an established organization the purposes of which include promotion of the welfare of elderly or handicapped families or must be sponsored by a fraternal, civic, religious, charitable, or similar organization with long-term social and financial responsibility. The sponsor must be willing and able to maintain a continuing interest in and support of the project and its affairs during the life of the loan.

§ 231a.4 Eligible projects.

Loan assistance to finance the construction of housing and related facilities for elderly or handicapped families may be provided under the following conditions:

(a) Construction must not be of elaborate or extravagant design or materials and must be undertaken in an economical manner.

(b) Project design, site selection, and costs must provide access to community activities and services, and a pleasant environment.

(c) Nursing homes, hospitals, or similar medical establishments, and chapels or other facilities of a religious nature are not eligible for loan assistance.

(d) Customary leasing arrangements with periodic payments for rentals and collateral services must be provided; life-care contracts, founders' fees, or similar arrangements are not permissible.

(e) An eligible facility must be financially feasible and essential for the welfare of the project residents, and may include such facilities as project-management office space, project workshops and storage space, recreation and social centers, snack bars, craft shops, multipurpose rooms, laundry facilities, and cafeterias or dining halls. Commercial facilities, such as grocery stores, restaurants, beauty and barber shops, may be included if they are essential for the elderly or handicapped families in the project and are not otherwise conveniently available to them.

§ 231a.5 Loan applications.

Information and application forms may be obtained from and applications submitted to the HUD Regional Office which serves the area in which the applicant or sponsoring organization is located. A list of HUD Regional Offices with their addresses and areas of jurisdiction appears at § 3.8 of this title. Prior to loan approval, an applicant must establish that:

(a) It has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to provide such security as shall be required by the Secretary;

(b) It has the ability to comply with the terms and conditions for repayment of the loan and operation of the project; and

(c) It has or will have such interest in or title to the project site, including access thereto, as will assure undisturbed use, possession, and operation of the facilities during the term of the loan.

§ 231a.6 Loan terms.

Loans shall be repayable within such period, not to exceed 50 years, shall bear interest at such rate, not to exceed 3 percent per annum, and shall be so secured and subject to such terms and conditions, as shall be determined by the Secretary. A loan may be in an amount not to exceed the total development cost of the project except that, in the case of limited profit sponsors, a loan may not exceed 90 percent of total development cost.

§ 231a.7 Loan agreement.

Upon approval of a loan and reservation of funds, the Secretary will prepare and forward a loan agreement for execution by the applicant. The loan agreement will set forth the terms and conditions of the loan and will also specify conditions which must be fulfilled precedent to the making of the loan. The fully executed loan agreement will constitute the loan contract between the applicant and the Secretary during the life of the loan.

§ 231a.8 Regulatory agreement.

Prior to loan disbursement, an applicant is required to enter into a regulatory agreement with the Secretary under which the applicant shall agree (a) to establish rentals approved by the Secretary, (b) to limit occupancy of the project to elderly or handicapped families in accordance with occupancy criteria approved by the Secretary, including prescribed income limits, (c) not to rent any portion of the project for transient or hotel use, and (d) to provide a governing board and management acceptable to the Secretary.

§ 231a.9 Other requirements.

(a) All laborers and mechanics employed by contractors and subcontractors in the construction of housing and related facilities assisted under the Act shall be paid wages at rates not less than those prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, 40 U.S.C. 276a—276a–5, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act, 40 U.S.C. 327–332.

(b) All contracts for construction work paid for in whole or in part from loan funds provided under the Act shall provide that the contractor shall comply with the Copeland ("Anti-Kickback") Act, 40 U.S.C. 276c, and the regulations of the Secretary of Labor thereunder (29 CFR Part 3).

(c) The requirements of title VI of the Civil Rights Act, 42 U.S.C. 2000d et seq., that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination are applicable to projects receiving assistance under the Act.

(d) All contracts for construction work paid for in whole or in part from loan funds provided under the Act are subject to Executive Order No. 11246 (30 F.R. 12319, Sept. 28, 1965), providing for equal opportunity in employment, and the rules and regulations of the Department of Labor with respect thereto.

(e) The provisions of title VIII (Fair Housing) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3601–3619, prohibiting refusal to rent to or discrimination against any person in terms or conditions of rental or provision of services on account of race, color, religion, or national origin, are applicable to projects assisted under the Act.

§ 231a.10 Assistance to nonprofit organizations.

Nonprofit organizations are eligible for financial assistance under section 106 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701x, to cover costs expected to be incurred in planning and obtaining financing for the rehabilitation or construction of housing projects for elderly or handicapped persons under the Act. Such assistance is in the form of 80 perecnt interest-free loans to cover such costs directly related to the project as organization expenses, legal fees, consultant fees, preliminary site engineering fees, site options, FHA and GNMA application fees, and construction loan fees. Requests for such assistance should be submitted to the Assistant Commissioner for Subsidized Housing Programs, 451 Seventh Street SW., Washington, D.C. 20410.

§ 231a.11 Refinancing.

Projects may be refinanced by mortgages insured under section 236(j) of the National Housing Act, 12 U.S.C. 1715z–1(j), provided that application therefor is made within a reasonable time after project completion. As a condition of obtaining a direct loan, an applicant must agree to seek such refinancing within 30 days after project completion if it finds that refinancing is feasible and advantageous to the occupants of the project. Application for refinancing should be made to the appropriate HUD Regional Office.

Effective date. This regulation is effective July 31, 1970.

WOODWARD KINGMAN,
Deputy Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[F.R. Doc. 70–9926; Filed, July 30, 1970; 8:50 a.m.]

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

PART 1550—HOUSING FOR THE ELDERLY OR HANDICAPPED

Redesignation and Transfer

To reflect the transfer of functions with respect to the production of housing for the elderly or handicapped under section 202 of the Housing Act of 1959

to the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner, Part 1550 is transferred to Chapter II and redesignated Part 231a of Subchapter I.

(Secretary's delegation of authority to Assistant Secretary-Commissioner published at 35 F.R. 2749, Feb. 7, 1970)

Effective date. This regulation is effective July 31, 1970.

WOODWARD KINGMAN,
Deputy Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[F.R. Doc. 70-9927; Filed, July 30, 1970; 8:50 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER C—SHIPPING AND NAVIGATION

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS QUARANTINE, CUSTOMS, IMMIGRATION AND ADMEASUREMENT REQUIREMENTS

Advance Papers Required by Airmail

Effective upon publication in the FEDERAL REGISTER, § 101.12 of Part 101 of Subchapter C, Chapter I, Title 35 of the Code of Federal Regulations is revoked.

(2 C.Z.C. sec. 1331, 76A Stat. 46, 35 CFR 3.1(a)(1))

Dated: July 20, 1970.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 70-9912; Filed, July 30, 1970; 8:49 a.m.]

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

Clear View Forward From the Bridge and Steering Light Requirement for Certain Vessels

Section 103.27, Part 103 of Title 35, Code of Federal Regulations is amended by changing its heading, by making the former section paragraph (a) of the amended section, and by adding paragraphs (b), (c), (d), (e), and (f) as follows:

§ 103.27 Clear view forward from the bridge and steering light requirement for certain vessels.

(a) A vessel may not be navigated in Canal Zone waters unless there is a clear, unobstructed view forward from the bridge.

(b) A vessel so constructed that the horizontal distance from the point at which the centerline intersects the foremost part of the navigation bridge deck to the point, on the centerline, at which the stem intersects the uppermost forward weather or forecastle deck is 250 feet or more in length shall have installed, at or near the stem, a light, other than a white, green or amber light, of such an intensity and so fixed as to be clear of or above obstructions and clearly visible from the navigation bridge and so shaded that it shall not be visible forward of the beam.

(c) Naval or military vessels exempted from the requirements of Part 111 of this chapter shall also be exempt from the requirements of paragraphs (b), (d), (e), and (f) of this section.

(d) The light required by this section shall be capable of being illuminated and extinguished by a suitable control switch located either on the navigation bridge or on the forecastle deck, or both.

(e) The use of this steering light shall be at the discretion of the Panama Canal Pilot who has control of the vessel.

(f) This section will be effective January 1, 1971.

(76A Stat. 46, 2 C.Z.C. sec. 1331; 35 CFR 3.1(a)(1))

Dated: July 20, 1970.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 70-9913; Filed, July 30, 1970; 8:49 a.m.]

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, Part 115 of Title 35, Code of Federal Regulations, is amended as follows:

1. In § 115.1, paragraph (b) is revised to read as follows:

§ 115.1 Board of Local Inspectors; Supervising Inspector.

* * * * *

(b) The Marine Director of the Panama Canal Company shall serve, ex officio, as Supervising Inspector of the Canal Zone Government except when he is designated to serve as Chairman of the Board in accordance with § 115.2(c). When the Marine Director is so designated, the Lieutenant Governor of the Canal Zone, or such other official as the Governor may designate in his stead, shall serve as Supervising Inspector.

2. In § 115.2, paragraphs (a) and (b) are revised and new paragraphs (c) and (d) are added. As amended, § 115.2 reads as follows:

§ 115.2 Composition of Board.

(a) The Board of Local Inspectors, referred to in this part as "the Board," shall, except as otherwise provided in paragraphs (b) and (c) of this section, consist of the following officials who shall serve, ex officio, in the capacities stated:

(1) Chief, Navigation Division, as Chairman;

(2) Port Captain, Balboa, as member; and

(3) Port Captain, Cristobal, as member.

(b) Where the subject matter of circumstances of a particular accident warrant such action, the Supervising Inspector may designate the Chief, Industrial Division or the Superintendent, Terminal Division, or both, to serve, ex officio, as members of the Board in place of either or both of the members listed in paragraph (a) (2) and (3) of this section. In the absence of the Chief, Navigation Division, the senior Port Captain then on the Board shall act as Chairman.

(c) If the Governor deems it appropriate in a particular investigation, he may designate an alternate to replace any official regularly serving on the Board. If the Marine Director is designated as such an alternate, he shall serve as Chairman of the Board.

(d) Any accident investigation or other proceeding may, in the discretion of the Supervising Inspector, be conducted by one or more officials of the Board. The report of any such investigation or proceeding is subject, however, to the requirements of Part 117 of this subchapter.

(2 C.Z.C. sec. 1331, 76A Stat. 46, 35 CFR 3.1(a)(1))

Dated: July 20, 1970.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 70-9914; Filed, July 30, 1970; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 118]

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Deferment Because of Graduate Study

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendment of the Selective Service Regulations prescribed by Executive Order No. 11360 of June 30, 1967, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

§ 1622.26 Class II–S: Registrant deferred because of activity in graduate study.

(a) In Class II–S shall be placed any registrant who is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, osteopathy, optometry or podiatry, or in such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon the advice of the National Security Council.

* * * * *

[SEAL] CURTIS W. TARR,
Director of Selective Service.

JULY 28, 1970.

[F.R. Doc. 70-9908; Filed, July 30, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-27; Amdt. 173-31]

PART 173—SHIPPERS

Reuse of Specification 17 Series Steel Drums

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to prescribe standards for the use of reconditioned and converted steel drums for the shipment of hazardous materials.

On July 23, 1969, the Hazardous Materials Regulations Board issued a notice of proposed rule making, Docket No. HM-27; Notice No. 69-19 (34 F.R. 12187), requesting public comment on a proposal to amend the Hazardous Materials Regulations to prescribe drum reconditioning standards. The proposed standards were based largely on those that had been used by the Bureau of Explosives of the Association of American Railroads for many years.

The general nature of the comments was in support of the intent of the proposal to prescribe the standards in the regulations rather than relying upon individual case by case subjective evaluations. Most of the comments received dealt with only a very few basic points of the proposal. Most of these comments have been incorporated in one form or another in this amendment. Changes have been made in several sections of the proposed rule as a result of comments received:

(1) The requirement for inspection and replacement of closure devices (including gaskets) has been modified to simplify the language and to state the requirements in more general terms. This revised wording reflects the propriety of methods and techniques presently in use for this purpose.

(2) The procedure for conducting the internal air pressure test of each drum has been modified to allow other testing methods which are at least equivalent to the proposed tests.

(3) The prohibition against repairs of drums has been deleted. The Board believes that the performance standards themselves provide adequate control over any repairs to be made. The limitations in § 173.28 (a) and (m)(1), as proposed, already preclude any major repairs. The Board agrees that minor repairs should be allowed as long as the drum is still capable of meeting the prescribed standards.

(4) The marking requirements have been simplified. Based on the comments received the Board agrees that the listing of the test pressure is unnecessary. In incorporating a registration number system for drum reconditioners, the Board believes that the registration number itself will provide adequate identification of the locale of the drum reconditioner's plant, so the specific marking of the location is unnecessary.

(5) One commenter indicated that the "type test" referred to in proposed § 173.28(n)(1) required destructive testing of each drum. This was not intended. Since the requirement that the converted drum meet the new specifications provides adequate assurance that the converted drum would be capable of meeting the type test, the specific provision is unnecessary.

(6) A provision has been made in § 173.28(n)(2) to require that the means of attachment of the metal plate be of such a nature as to not adversely affect the integrity of the drum. Methods of attachment such as welding, epoxy bonding, or brazing would be allowed under this provision, so long as they do not adversely affect the integrity of the drum.

Several commenters requested that the reconditioned specification 17 series drums be authorized for shipments of extremely flammable liquids (flash point below 20° F.) and poisons. However, the Board believes that the degree of potential hazard of these materials is sufficiently great that the authorization of used drums would not be in the public interest. On May 9, 1969, in Docket HM-4, the Board pointed out a number of problems involved in the shipping of poisons in light weight steel drums. That matter has still not been resolved, and the Board considers it inappropriate to authorize these high hazard materials in second-hand light weight drums.

Several commenters objected to the requirement that cleaning processes not remove parent metal from the drums. The Board believes that for the specification 17 series drums, there is insufficient allowance for significant reduction of parent metal thickness without a resultant unacceptable loss of integrity of the drum. The provision has therefore been retained.

One commenter objected to the application of a DOT registration number other then the reconditioner's trade symbol. Nothing in this amendment would preclude a reconditioner from marking the drums with his own symbol in addition to the required markings. Furthermore, this amendment does not establish a licensing or certification scheme for directly controlling the industry. The registration is a merely ministerial function to facilitate identification of drum reconditioners. While the Board is considering licensing in this area, and others, such substantive regulation will not take place without separate rule making action. That same commenter recommended that manufacturers be required to emboss the gauge thickness on each removable head rather than requiring this to be done by the reconditioner. The Board agrees that this might be a desirable procedure but believes it would not be appropriate to include in this amendment. The Board will consider that specific recommendation in a future rule making action involving steel drum specifications.

The question of applicablity of these standards to all steel drums (e.g., Specifications 5 and 6 series) arose during the comment period. The Board recognizes that these same reconditioning and testing standards would be appropriate for these drums as well. Another question arose regarding the need for a temperature limitation on the burning process used to remove residue from the drums. The Board considers both of these points to be beyond the scope of this rule-making action. They will be handled later as appropriate.

One commenter pointed out that the process of converting a closed head drum to an open head drum is subject to differences in quality control due to inherent design differences in different drums. The Board is investigating this situation.

Interested persons were afforded an opportunity to participate in this rulemaking action and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, 49 CFR Part 173 is amended, effective December 31, 1970. However, compliance with the regulations as amended herein is authorized immediately.

In § 173.28 paragraph (h) is amended; paragraphs (m) and (n) are added to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(h) Except as provided in paragraphs (m) and (n) of this section, single-trip containers made under specifications prescribed in Part 178 of this chapter, from which contents have once been removed following use for shipment of any material, must not be used thereafter for shipment of hazardous materials.

* * * * *

(m) Specifications 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118 of this chapter), from which contents have been removed, may be reused as packagings for shipments of flammable liquids having flash points above 20° F., flammable solids, oxidizing materials, and radioactive materials, only if the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse:

(1) Each drum must be thoroughly cleaned to remove all residues and foreign matter, inspected for deterioration or defects, and returned to its original shape and contour. All closure devices and parts must be removed (if removable), inspected for defects, and replaced as necessary. Each open head cover gasket must be replaced. Any drum which shows evidence of deterioration (e.g., visible pitting; creases; significant reduction in parent metal thickness from rust, corrosion, or cleaning processes; metal fatigue; or other material defects) or which cannot be returned to its original shape and contour does not qualify for reuse.

(2) The entire surface of each drum must be tested for leakage by constant internal air pressure. The leakage test must be conducted by submersion under water, by completely covering the surface with soap suds or oil, or by some other method that will be equally sensitive. The air pressure must be maintained for a period of time sufficient to

permit a complete inspection for leaks. The minimum air pressure for the test must be as follows:

Specification No.	Capacity	Minimum test pressure p.s.i.
17C	All	15
17E	Over 12 gallons	7
	12 gallons or less	5
17H	Over 12 gallons	7
	12 gallons or less	5

If leaking, the drum does not qualify for reuse.

(3) Marking:

(i) All previous test markings, commodity identification markings, and labels must be removed.

(ii) The outside of each drum qualifying for reuse under this section must be marked on the body within 10 inches of the top head, in letters of a contrasting color with the following information: "Tested", the month and year of the test, and the DOT registration number of the reconditioner. For example:

TESTED 2/70

DOT R1001

The registration number required for this marking must be obtained from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(iii) The outside of each removable head, for drums over 5 gallons capacity, must be marked to indicate the gauge of the steel used in making the head (e.g., "16-gauge").

(iv) Marking must conform to the requirements of § 173.24.

(n) Any drum meeting one specification which has been altered to meet another specification must be capable of meeting the new specification in all respects.

(1) Each drum so altered must be inspected and tested in accordance with paragraph (m) of this section.

(2) The specification marking on the drum must be as required by the new specification, and must be on a metal plate securely attached to the drum. The means of attachment of the metal plate must not adversely affect the integrity of the drum. The plate must be located on the body within 10 inches from the top head. The marking must conform to § 173.24. If the rated capacity is reduced by more than 2 percent, the new rated capacity must be shown. Both the old and the new specification identification must be shown with the specification to which the drum is converted shown last, e.g., "17E/17H".

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

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

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

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

F. C. TURNER,
Federal Highway Administrator.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[F.R. Doc. 70-9910; Filed, July 30, 1970; 8:48 a.m.]

Chapter IV—Coast Guard, Department of Transportation

[CGFR 69-79a]

CERTIFICATION OF CARGO CONTAINERS FOR TRANSPORT UNDER CUSTOMS SEAL

In the FEDERAL REGISTER of September 4, 1969 (34 F.R. 14054–60), there was published a notice of proposed rule making containing proposed regulations concerning the certification of intermodal cargo containers for transport under Customs seals. Interested persons were invited to submit written comments on the regulations and to arrange for conferences with the cognizant Coast Guard personnel. Several comments were received and two informal conferences were held.

Two of the comments received suggested that container manufacturers be included in the list of organizations designated as Certifying Authorities. This suggestion cannot be adopted since Executive Order No. 11459 limits further delegations of authority thereunder to "nonprofit firms or associations."

A comment suggested that the fees to be charged by Certifying Authorities be set forth in the regulations; however, other comments opposed this suggestion. After a full discussion of this issue with a number of interested persons the suggestion was rejected in favor of the requirement in § 421.20 that the fees shall be approved by the Commandant. Each Certifying Authority shall furnish a schedule of its approved fees. All the approved schedules of fees may be inspected at U.S. Coast Guard Headquarters.

In consideration of comments received, the following changes are made in the proposed regulations:

1. Section 421.1 is revised to provide for the listing of a number of Certifying Authorities. At the time of the publication of the proposed regulations it was contemplated that only one organization would be designated; however, since publication several other organizations applied for accreditation as Certifying Authorities. These applications are presently under review, and, when additional certifying authorities are designated, their names will be added to § 421.1. Minor editorial changes are made throughout the body of these regulations to clearly indicate that more than one Certifying Authority may be designated.

2. In § 421.31, the proposed text is redesignated paragraph (a) and a new paragraph (b) is added. The new paragraph requires the Certifying Authorities to submit to the Commandant (Merchant Marine Safety) copies of certificates of individual approval, for consistency with paragraph (a), which applies to certificates of approval by design type.

3. A new Subpart F is added to Part 421, to replace the text proposed as § 422.7, which is now deleted. This change has the effect of making the section apply to containers approved individually as well as to containers approved by design type.

4. Sections 422.1 and 423.2 are amended to provide for application for approval by an owner of a container.

5. In proposed § 422.2, subparagraph (10) is deleted, and succeeding subparagraphs are renumbered as (10) through (12) to eliminate a requirement considered unnecessary.

6. In subparagraph (2) of § 422.5 the illustrative example is amended to eliminate the reference to a particular Certifying Authority. One comment suggested that this reference was misleading.

7. In §§ 422.6 and 423.6 the effect of repairs to the container on the approval previously issued is clarified.

8. Section 424.41 has been revised to align it with the appropriate international convention by permitting materials other than canvas in sheets for open-top containers.

9. Several minor corrections and insertions were made for the sake of clarity, precision, and organization.

The Merchant Marine Council, meeting in executive session on May 5, 1970, recommended that the proposed regulations, with the changes described above, be adopted. After due consideration of all relevant matter, including the comments of the interested persons and the recommendation of the Merchant Marine Council, the Commandant, U.S. Coast Guard hereby adopts the proposal as set forth below.

Since this amendment establishes procedures which may be complied with on a voluntary basis by the public in order to realize the benefits of the international conventions which became effective in the United States on March 3, 1969, I find that there is good cause for making these regulations effective in less than 30 days.

Accordingly, Subtitle B of Title 49 of the Code of Federal Regulations is amended by adding the following new Chapter IV:

SUBCHAPTER A—CERTIFICATION OF CARGO CONTAINERS FOR TRANSPORT UNDER CUSTOMS SEAL

PART 420—CONTAINER CERTIFICATION—GENERAL

Sec.
420.1 Purpose.
420.2 Application.
420.3 Definitions.

AUTHORITY: The provisions of this Part 420 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.46(f) (35 F.R. 4959).

§ 420.1 Purpose.

This chapter establishes procedures for certifying containers in conformance with the Customs Convention on Containers (1956) (TIAS 6634) and the Customs Convention on the International Transport of goods Under Cover of TIR Carnets (1959) (TIAS 6633) by applying the procedures and technical conditions set forth in the Annexes to these conventions as modified, amended, or otherwise supplemented from time to time.

§ 420.2 Application.

Certification of containers for international transport under Customs seal is voluntary. This chapter does not require that containers be certified.

§ 420.3 Definitions.

For the purposes of this chapter—

(a) "Certifying Authority" means a nonprofit firm or association designated by the Commandant to certify containers for international transport under Customs seal.

(b) "Commandant" means the Commandant of the U.S. Coast Guard.

(c) "Container" means an article of transport equipment (liftvan, portable tank, or other similar structure including normal accessories and equipment when imported with the container), other than a vehicle or conventional packaging—

(1) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(2) Specifically designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

(3) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;

(4) So designed as to be easy to fill and empty; and

(5) Having an internal volume of 1 cubic meter (35.3 cubic feet) or more.

(d) "Manufacturer" means an organization or person constructing containers for certification in accordance with this chapter.

(e) "Prototype" means a sample unit of a series of identical containers all built so far as practical under the same conditions.

PART 421—CONTAINER CERTIFICATION—ADMINISTRATION

Subpart A—Designation of Certifying Authorities

Sec.
421.1 Designated Certifying Authorities.
421.2 Designation of additional Certifying Authorities.

Subpart B—Functions of the Certifying Authorities

Sec.
421.10 Examination of drawings.
421.11 Examination of containers.
421.12 Issuance of Certificates of Approval by design type.
321.13 Issuance of Individual Certificates of Approval.

Subpart C—Fees

421.20 Establishment of fees.

Subpart D—Records and Reports

421.30 Records maintained by the Certifying Authorities.
421.31 Records to be furnished the Commandant.
421.32 Reports by manufacturer.
421.33 Notification of Certifying Authority prior to production.

Subpart E—Appeal Provisions

421.40 Appeal procedures.
421.41 Decision of Commandant final.

Subpart F—Certificated Containers Not in Compliance

421.50 Nonconformance.

AUTHORITY: The provisions of this part 421 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.46(f) (35 F.R. 4959).

Subpart A—Designation of Certifying Authorities

§ 421.1 Designated Certifying Authorities.

The following organizations are designated as Certifying Authorities:

(a) The American Bureau of Shipping, 45 Broad Street, New York, N.Y. 10004.

(b) The National Cargo Bureau, Inc., 99 John Street, New York, N.Y. 10038.

(c) International Cargo Gear Bureau, Inc., 17 Battery Place, New York, N.Y. 10004.

§ 421.2 Designation of additional Certifying Authorities.

The Commandant may designate as Certifying Authority any other nonprofit firm or association which he finds to be competent for this purpose.

Subpart B—Functions of the Certifying Authority

§ 421.10 Examination of drawings.

Each Certifying Authority shall examine drawings and specifications submitted to it for containers to be certified under Part 422 of this chapter and shall advise the owner or manufacturer of the changes, if any, in design that must be made to make the container comply with the applicable provisions of Part 424 of this chapter.

§ 421.11 Examination of containers.

Each Certifying Authority shall conduct such physical examinations of containers submitted to it as may be required for certification under the procedures of Parts 422 and 423 of this chapter.

§ 421.12 Issuance of Certificates of Approval by design type.

Each Certifying Authority shall issue Certificates of Approval by design type for containers certified by it under Part 422 of this chapter. A Certifying Authority may not issue a Certificate of Approval by design type until it has examined one or more prototype containers and is satisfied that the requirements of Part 424 of this chapter have been met.

§ 421.13 Issuance of Individual Certificates of Approval.

A Certifying Authority shall issue and renew Certificates of Approval for individual containers submitted to it that are not approved by design type. A Certifying Authority may issue an individual Certificate of Approval only if it is satisfied as the result of inspection that the container for which the approval is sought meets the applicable provisions of Part 424 of this chapter.

Subpart C—Fees

§ 421.20 Establishment of fees.

(a) Each Certifying Authority shall establish and file with the Commandant a schedule of fees for the performance of the certification procedures under this chapter. The fees shall be based on the costs (including transportation expense) actually incurred by the Certifying Authority. The fees shall be approved by the Commandant prior to their use by the Certifying Authority.

(b) Each Certifying Authority shall furnish on request a schedule of its fees approved by the Commandant. In addition, the Commandant (Merchant Marine Safety), U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. 20591, will furnish on request the schedules of approved fees for all the Certifying Authorities.

(c) If the Commandant approves an amendment to the approved fees for any Certifying Authority, he will cause a notice of this fact to be published in the FEDERAL REGISTER.

Subpart D—Records and Reports

§ 421.30 Records maintained by the Certifying Authorities.

Each Certifying Authority shall keep a copy of each Certificate of Approval by design type issued, together with a copy of the plans and application to which the approval refers. Each Certifying Authority shall also maintain a record of the manufacturer's serial numbers assigned to containers manufactured under each approval. Where individual approvals are issued the Certifying Authority shall keep a copy of each Approval Certificate issued by it.

§ 421.31 Records to be furnished the Commandant.

(a) Each Certifying Authority shall send to the Commandant (Merchant Marine Safety) a copy of each Certificate of Approval by design type issued by it, together with a copy of the plans and application to which the approval refers.

(b) Each Certifying Authority shall send to the Commandant (Merchant Marine Safety) a copy of each individual approval issued.

§ 421.32 Reports by manufacturer.

Each manufacturer shall forward to the appropriate certifying authority, quarterly or when otherwise requested:

(a) The serial numbers assigned to containers manufactured under a Certificate of Approval by design type; and

(b) An attestation that each container to which a serial number was assigned was manufactured in full compliance with the Certificate of Approval by design type.

§ 421.33 Notification of Certifying Authority prior to production.

The manufacturer shall notify the Certifying Authority before each production run of approved container types.

Subpart E—Appeal Provisions

§ 421.40 Appeal procedures.

Whenever a manufacturer, carrier, or owner feels aggrieved by a determination of a Certifying Authority with respect to any matter arising in the performance of its activities as a Certifying Authority, and after exhausting any appeal reviews provided by the Certifying Authority, the manufacturer or owner may, within 30 days after he has been notified of that determination (including any appellate review provided by the Certifying Authority), appeal to the Commandant. Any determination which is appealed remains in effect pending a decision by the authority to whom the appeal is directed.

§ 421.41 Decision of Commandant final.

The decision of the Commandant on any matter appealed to him is final.

Subpart F—Certificated Containers Not in Compliance

§ 421.50 Nonconformance.

Any Customs authority may refuse to allow the use in international traffic under Customs seal of any individual container bearing the evidence of approval provided for by this chapter whenever the container is found not to conform to the technical requirements of Part 424 of this chapter.

PART 422—PROCEDURES FOR APPROVAL OF CONTAINERS BY DESIGN TYPE

Sec.
422.1 General.
422.2 Application for approval.
422.3 Plan review.
422.4 Certificates of approval by design type.
422.5 Approval plates.
422.6 Termination of approval.

AUTHORITY: The provisions of this Part 422 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.46(f) (35 F.R. 4959).

§ 422.1 General.

The Certifying Authority shall, at the request of a manufacturer or an owner, evaluate containers for the approval by design type during the manufacturing stage.

§ 422.2 Application for approval.

(a) Requests for approval may be made by the manufacturer or owner to a Certifying Authority and shall include the following:

(1) Four copies of the drawings and specifications. For ease of the review those features prescribed by Part 424 of this chapter should be illustrated on a single drawing hereinafter referred to as a "Customs and TIR Plan." (Drawings shall have outside dimensions no greater than 3 feet by 4 feet.)

(2) Name and address of manufacturer.

(3) Type of container.

(4) Nominal overall dimensions.

(5) Material of construction.

(6) Type of construction.

(7) Coating systems to be used.

(8) Identification marks and numbers.

(9) Tare weight.

(10) Customs and TIR Plan number.

(11) Location and date for inspection of prototype.

(12) A statement by the manufacturer that he will make available any containers of the type concerned that may be required for physical examination and approval by the Certifying Authority; permit the Certifying Authority to examine further units at any time during production of the type series concerned; advise the Certifying Authority of each change in the design before it is adopted; and mark the containers, in addition to the markings required on the approval plate by § 422.5 with the identification numbers or letters of the design type and the serial number of the container in the design series.

§ 422.3 Plan review.

The Certifying Authority shall, after examining the drawings and specifications, advise the manufacturer of any necessary changes to be made in the design before approval can be granted. When changes in design are made during the process of construction (after the initial examination of drawings and specifications by the Certifying Authority) the manufacturer shall furnish as-built drawings of the container to the Certifying Authority before the final physical inspection of the prototype container is made.

§ 422.4 Certificates of Approval by design type.

(a) Prior to the issuance of a Certificate of Approval by design type the Certifying Authority shall:

(1) Make a physical examination of one or more containers of the production series concerned.

(2) Assure himself as to the adequacy of the manufacturer's system to control quality of materials used, manufacturing methods, and finished containers.

(3) Require the manufacturer to make available to the Certifying Authority records of materials, including affidavits, furnished by suppliers.

(b) The Certifying Authority shall issue a Certificate of Approval by design type to the manufacturer for each container type that it approves.

(c) The Certifying Authority shall conduct such examinations, inspections, and tests of the production run containers as it deems necessary.

§ 422.5 Approval plates.

(a) The manufacturer shall affix, in a clearly visible place, on or near one of the doors or other main openings of each container manufactured to the approved design, a metal approval plate measuring at least 20 centimeters (7.8 inches) by 10 centimeters (3.9 inches). The following shall be embossed on or stamped into the surface of the approval plate:

(1) "Approved for transport under Customs seal."

(2) "USA/(number of the certificate of approval)/(last two digits of year of approval)." (E.g. "USA/16001/70" means "United States of America certificate of approval number 16001 issued in 1970.")

(3) Identification of the type of container and of the number of the container in the type series.

§ 422.6 Termination of approval.

Any container the essential features of which are changed shall no longer be covered by the design type approval. Such a container may be made available to a Certifying Authority for inspection and individual approval in accordance with Part 423 of this chapter. However, repairs in kind do not constitute a change of the essential features.

PART 423—PROCEDURES FOR INDIVIDUAL APPROVAL OF CONTAINERS

Sec.
423.1 General.
423.2 Application.
423.3 Approval.
423.4 Individual Certificates of Approval.
423.5 Periodic inspection and renewal of approval.
423.6 Termination of approval.

AUTHORITY: The provisions of this Part 423 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.46(f) (35 F.R. 4959).

§ 423.1 General.

This part provides for the individual approval and certification of containers which are not manufactured under a Certificate of Approval by design type or are altered so as to void their design type approval.

§ 423.2 Application.

A request for individual approval of a container shall be made by the manufacturer, carrier, or owner to a Certifying Authority and shall include the following:

(a) Type of container.

(b) Name and business address of applicant.

(c) Identification marks and numbers.

(d) Tare weight.

(e) Nominal overall dimensions in centimeters.

(f) Type of construction and essential particulars of structure (nature of materials, parts which are reinforced, whether bolts are riveted or welded, and similar matters).

(g) Proposed location and date for inspection of container.

§ 423.3 Approval.

A container for which individual approval is sought shall be submitted to a Certifying Authority for inspection. The Certifying Authority shall inspect the container and issue an individual Certificate of Approval for each container that complies with the applicable provisions of Part 424 of this chapter.

§ 423.4 Individual Certificates of Approval.

A Certifying Authority shall issue an individual Certificate of Approval, valid for 2 years, for each individually approved container. The Certificate shall accompany the container, inserted in the protective frame required by Part 424 of this chapter and shall be sealed so that it cannot be removed from the protective frame without breaking the seal.

§ 423.5 Periodic inspection and renewal of approval.

An individual Certificate of Approval may be renewed by making the container available for inspection by a Certifying Authority for compliance with the applicable provisions of Part 424 of this chapter.

§ 423.6 Termination of approval.

Approval of a container terminates:

(a) Two years after the issuance of the Certificate of Approval.

(b) Upon a change in any of the essential features of the container. However, repairs in kind do not constitute a change of the essential features.

(c) Upon a change in ownership of the container.

PART 424—TECHNICAL REQUIREMENTS FOR CONTAINERS

Subpart A—General

Subpart B—Structure of Container

Subpart C—Closing Systems

Subpart D—Containers for Special Use

Subpart E—Sheeted Containers

AUTHORITY: The provisions of this Part 424 issued under E.O. 11459 (34 F.R. 5057) and 49 CFR 1.46(f) (35 F.R. 4959).

Subpart A—General

§ 424.1 Container marking.

Each container shall be durably marked with the name and address of its owner; with particulars of its tare weight and with identification marks and numbers.

§ 424.2 Customs security.

Each container shall be constructed and equipped in such a manner that Customs seals can be simply and effectively affixed thereto; no goods can be removed from or introduced into the sealed part of the container without obvious damage to it or without breaking the seals; and it includes no spaces where goods may be hidden.

§ 424.3 Accessibility of spaces.

Each container shall be so constructed that all spaces in the form of compartments, receptacles or other recesses which are capable of holding goods are readily accessible for Customs inspection.

§ 424.4 Empty spaces in sides, floor, or roof.

If any empty spaces are formed by the different layers of the sides, floor, and roof of the container, the inside surface shall be firmly fixed, solid, unbroken, and incapable of being dismantled without leaving obvious traces.

§ 424.5 Frame for Certificate of Approval.

Each container to be approved individually in accordance with Part 423 of this chapter shall have on one of its outside walls a frame to hold the Certificate of Approval, which shall be covered on both sides by transparent plastic sheets hermetically sealed together. The frame shall adequately protect the seal and be designed to protect the Certificate of Approval and to make it impossible to remove the Certificate without breaking the seal that will be affixed in order to prevent the removal of the Certificate.

Subpart B—Structure of Container

§ 424.10 Sides, floor, and roof.

The sides, floor, and roof of the container shall be constructed of plates, boards, or panels of sufficient strength, of adequate thickness, and welded, riveted, grooved, or jointed in such a way as not to leave any gaps in the structure through which access to the contents can be obtained. The various parts shall fit each other exactly and be so arranged that it is impossible either to move or remove them without leaving visible traces or damaging the Customs seals.

§ 424.11 Essential fasteners.

(a) Essential fasteners, such as bolts, rivets, etc., shall be seated on the outside and fastened in such a manner that they cannot be removed from the outside without leaving visible traces. If the fasteners holding the essential parts of the sides, floor, and roof are seated on the outside, other bolts may be seated on the inside if the nut is properly welded on the outside and is not covered with nontransparent paint.

(b) For the assembly of the floor, roof, and sides of a container, the majority of the fasteners may be fixed in such a way that they do not protrude into the container interior, provided an adequate number are seated on the outside and fastened on the inside of the container and the Certifying Authority is satisfied that constituent elements so assembled cannot be moved without leaving obvious traces of tampering.

§ 424.12 Apertures for ventilation.

Apertures for ventilation may be installed if their longest side does not exceed 400 millimeters (15.7 inches). If they permit direct access to the interior of the container, they shall be covered with metal gauze or perforated metal screens (maximum dimension of holes: 3 millimeters (0.1 inch) in both cases) and protected by welded metal lattice-work (maximum dimension of holes: 10 millimeters (0.4 inch)). If they do not permit direct access to the interior of the container (for example, by means of multiple-bend air ducts), they shall be provided with the same protective devices but the dimensions of the holes may be increased to 10 millimeters (0.4 inch) and 20 millimeters (0.8 inch), respectively. Metal gauze shall be of wire at least 1 millimeter (0.04 inch) in diameter and so made that single strands cannot be pushed together and that the size of individual holes cannot be increased without leaving visible traces. The aperture covers shall be installed so that it is not possible to remove them from outside the container without leaving visible traces.

§ 424.13 Apertures for drainage.

Apertures for drainage may be installed if their longest side does not exceed 35 millimeters (1.4 inches). They shall be covered with metal gauze or perforated metal screens (maximum dimension of holes: 3 millimeters (0.1 inch) in both cases) and protected by welded metal lattice-work (maximum dimension of holes: 10 millimeters (0.4 inch)). The aperture covers shall be installed so that it is not possible to remove these devices from outside the container without leaving visible traces.

Subpart C—Closing Systems

§ 424.20 Customs sealing of doors.

Each door or other closing system of a container shall be fitted with a device which permits simple and effective Customs sealing. This device shall be affixed in such a manner that it is impossible to remove without leaving visible traces.

§ 424.21 Hinges.

Hinges shall be made and fitted so that doors and other closing systems, once shut, cannot be lifted off the hinge-pins. The screws, bolts, hinge-pins and other fasteners shall be welded to the outer

parts of the hinges. Alternate arrangements may be used, however, if the doors and other closing systems have a locking device inaccessible from the outside which, once it is applied, prevents the doors from being lifted off the hinge-pins.

§ 424.22 Effectiveness of closures.

Each door shall be constructed so as to cover all interstices and ensure complete and effective closure.

§ 424.23 Protection for Customs seal.

Each container shall have a satisfactory device for protecting the Customs seal, or shall be so constructed that the Customs seal is adequately protected.

Subpart D—Containers for Special Use

§ 424.30 General.

Sections 424.1 through 424.23 apply to insulated and refrigerator containers, tank containers, furniture containers and to containers specially built for air transport. If any of the requirements in §§ 424.1 through 424.23, are not compatible with the technical criteria which those containers must fulfill in use, the Certifying Authority may approve equivalent arrangements so long as they serve the purpose for which the certification is intended.

§ 424.31 Tank containers.

The flanges (filler caps), drain cocks and manholes of tank containers shall be constructed to allow simple and effective Customs sealing.

§ 424.32 Folding or collapsible containers.

Folding or collapsible containers are subject to the same conditions as nonfolding or noncollapsible containers, if the locking devices enabling them to be folded or collapsed allow for Customs sealing and no part of the containers can be moved without breaking the Customs seals.

Subpart E—Sheeted Containers

§ 424.40 Application.

Each container covered by a removable sheet (in place of a fixed roof) shall conform to the appropriate conditions of §§ 424.1 through 424.23. In addition, the container shall conform to the conditions specified in this subpart.

§ 424.41 Sheets.

The sheet shall be of strong canvas or, provided it is not dark in color, of strong nontensible, plastic-covered or rubberized cloth. The sheet may be fashioned in one piece or of strips, each in one piece. It shall be in good condition and made in such a way that once the closing device has been fastened, it is impossible to gain access to the load without obvious traces.

§ 424.42 Seams.

(a) If the sheet is made up of several strips, their edges shall be folded into one another and sewn together with two seams at least 15 millimeters (0.6 inch) apart. These seams shall be made as shown in figure 424.42(a)(1); however, if in the case of certain parts of the sheet, such as flaps at the rear and reinforced corners, it is not possible to assemble the strips in that way, it is sufficient to fold the edge of the top section and make the seams as shown in figure 424.42(a)(2). The threads used for each of the two seams shall be plainly different in color; one of the seams shall be visible only from the inside and the color of the thread used for that seam shall be plainly different from the color of the sheet itself. All seams shall be machine-sewn.

Figure 424.42(a)(1)-
Seams in sheets.

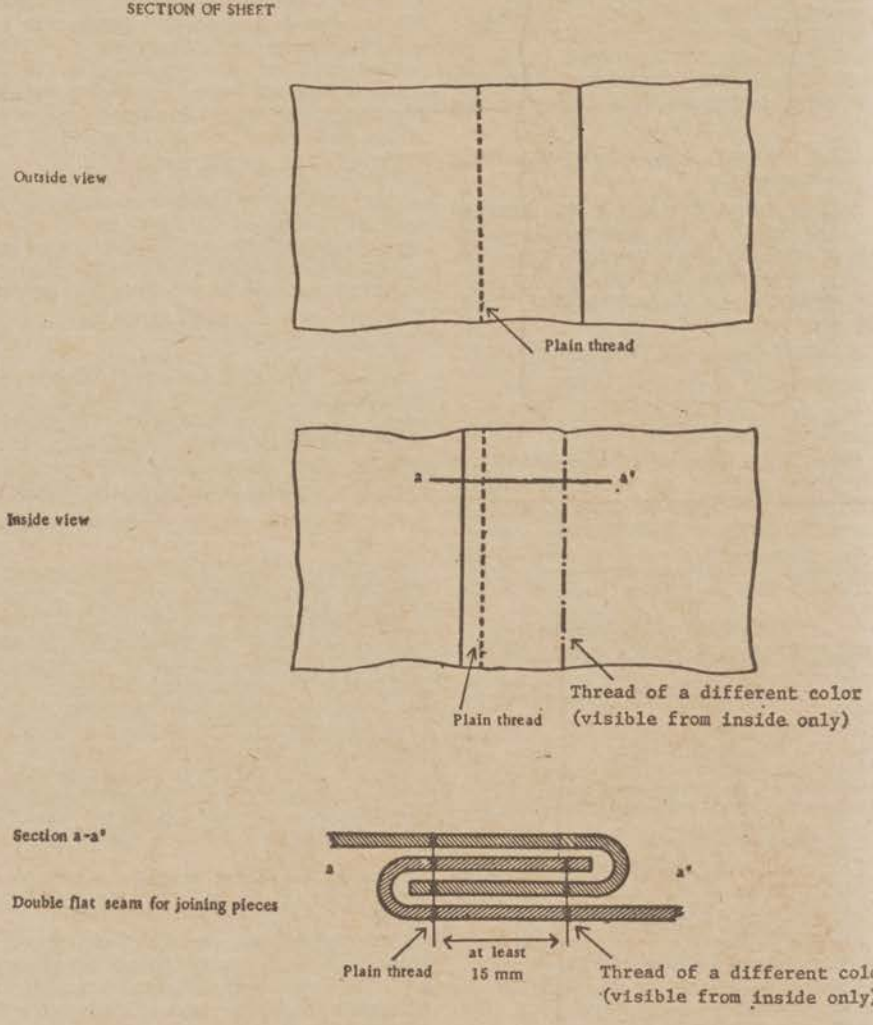


Figure 424.42(a)(2)-
Seams in sheets.

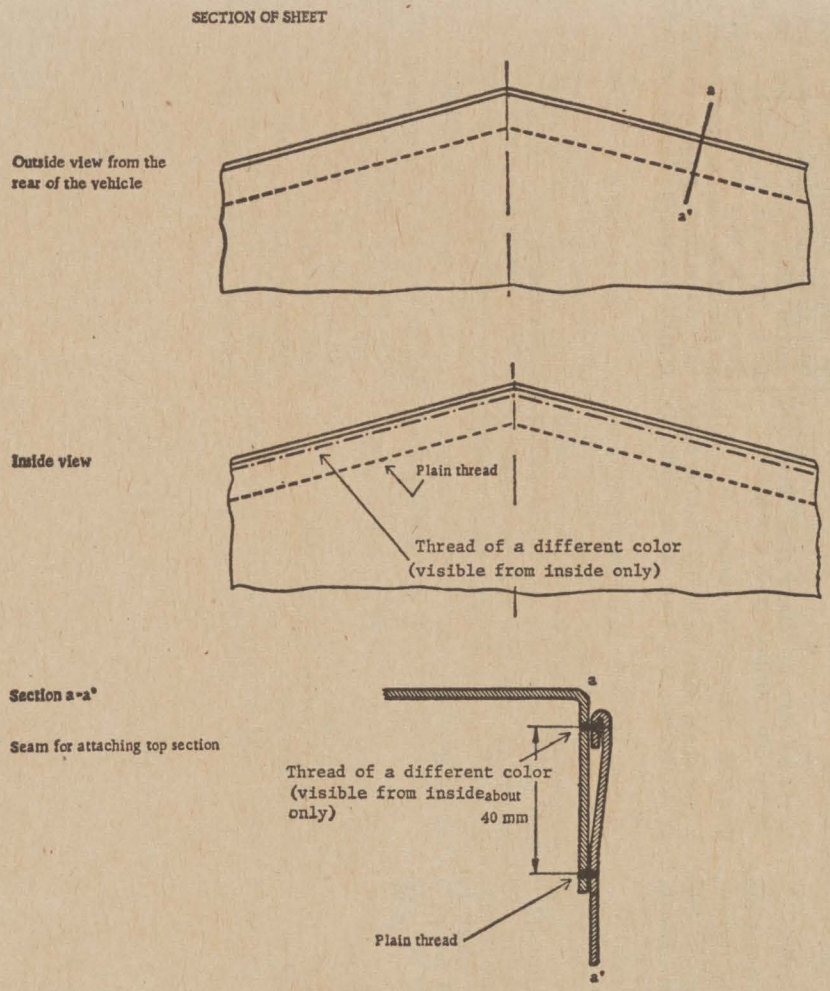
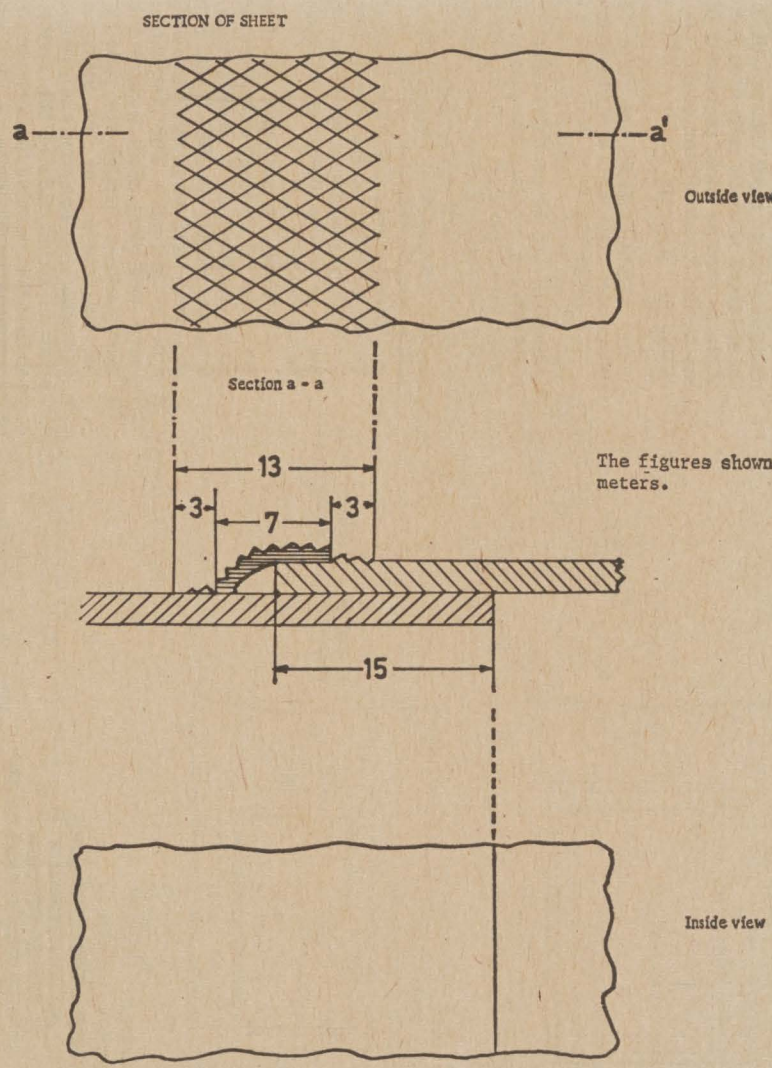


Figure 424.42(b)-
Seams in plastic-covered cloth sheets.

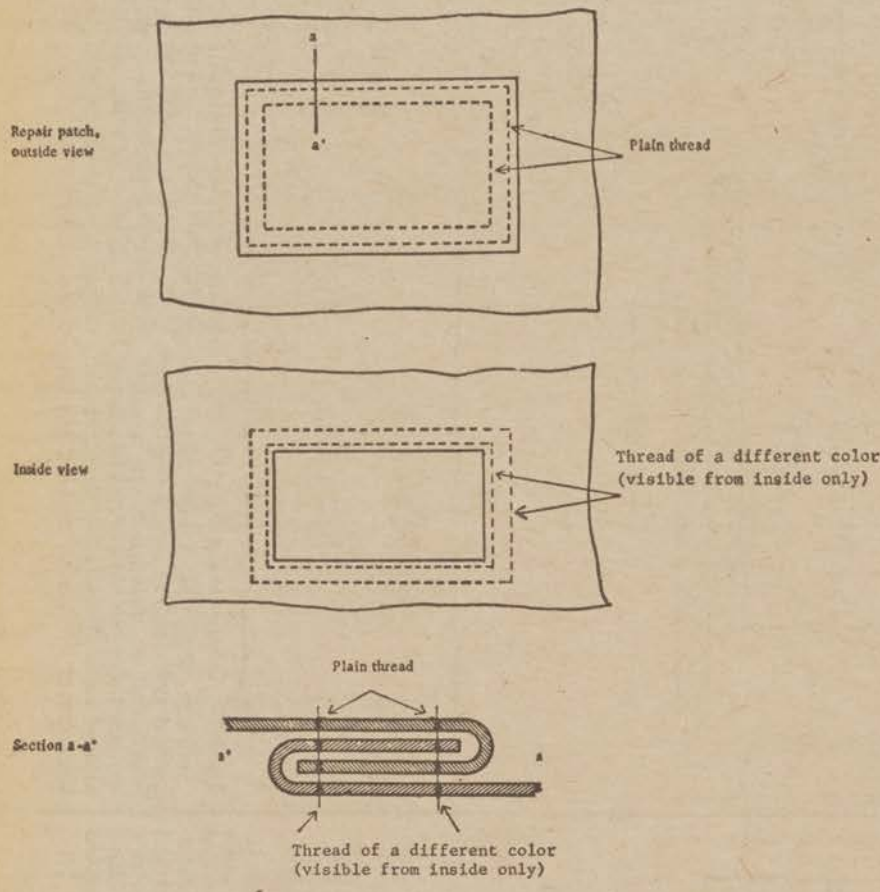


(b) If the sheet is of plastic-covered cloth, and is made up of several strips, the strips may be welded together in the manner shown in figure 424.42(b). The edges of the strips shall ovrelap by at lease 15 millimeters (0.6 inch). The strips shall be fussed together over the whole width of the overlapping parts. The edge of the outer sheet shall be covered with a band of plastic at least 7 millimeters (0.3 inch) wide, affixed by the same welding process. The plastic band and a width of at least 3 millimeters (0.1 inch) on each side shall have a well-marked uniform relief stamped on it. The strips shall be welded in such a way that they cannot be separated and then rejoined without leaving obvious traces.

§ 424.43 **Repairs to sheets.**

Repairs shall be made using the method described in figure 424.43. The edges shall be folded into one another and sewn together with two visible seams at least 15 millimeters (0.6 inch) apart; the color of the thread visible from the inside shall be different from that of the thread visible on the outside and from that of the sheet itself. All seams shall be machine-sewn; however, sheets of plastic-covered cloth may also be repaired in accordance with the method described in § 424.42(b).

Figure 424.43 - Sheet repairs.



§ 424.44 Securing rings and eyelets.

Securing rings shall be so fitted that they cannot be removed from the outside. Eyelets in the sheet shall be reinforced with metal or leather. The interval between eyelets or rings shall not exceed 200 millimeters (7.8 inches).

§ 424.45 Support for sheets.

The sheet shall be so fixed to the sides as to render the load inaccessible. It shall be supported by at least three lengthwise bars or laths resting at the ends of the container, either on hoops or on the end walls of the container; when the length of the container exceeds 4 meters (13 feet), at least one intermediate hoop shall be provided. The hoops shall be fixed so that it is impossible to change their position from the outside of the closed container.

§ 424.46 Fastenings.

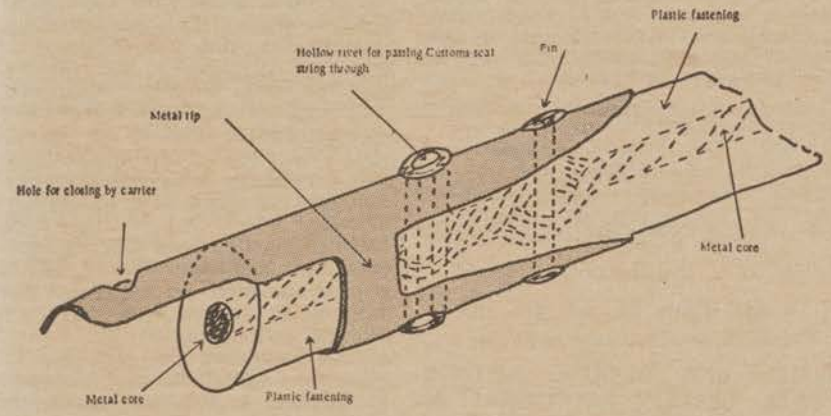
(a) Fastenings for the sheet shall be one of the types described in this section:

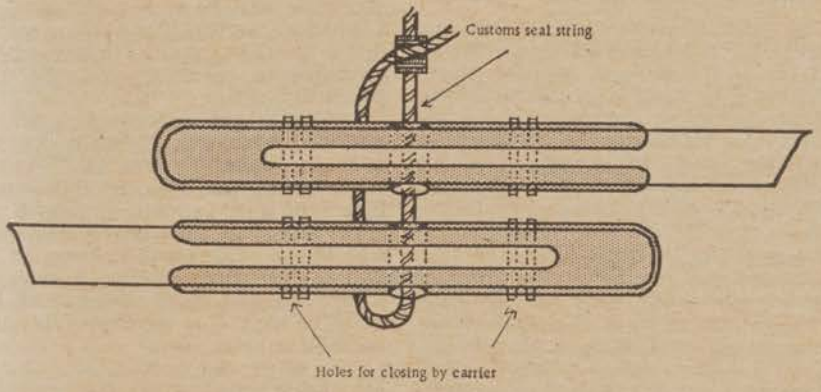
(1) Steel wire rope shall have a diameter of at least 3 millimeters (0.1 inch) and shall not be covered except with a transparent, nontensible plastic sheath. Each wire rope shall be in one piece and have a metal end-piece. The fastener of each metal-end piece shall include a hollow rivet passing through the rope to allow the introduction of the string of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ascertain whether the rope is one piece as illustrated by figure 424.46(a).

(2) Hemp or sisal rope shall have a thickness of at least 8 millimeters (0.3 inch) encased in a transparent nontensible plastic sheath. Each hemp or sisal rope shall be in one piece and have a metal end-piece. The fastener of each metal end-piece shall include a hollow rivet passing through the rope to allow the introduction of the string of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ascertain whether the rope is one piece as illustrated by figure 424.46(a).

(3) Iron bars shall have a diameter of at least 8 millimeters (0.3 inch). Iron bars shall not be coated with nontransparent materials. Each iron bar shall be in one piece. It shall have a hole at one end to take the closing device and, at the other end, a head forged to the bar and so constructed as to make it impossible for the bar to turn on its axis.

Figure 424.46(a)-
End pieces.





§ 424.47 Height of container sides.

When ropes are used the sides of the containers shall be at least 350 millimeters (13.8 inches) high and the sheet shall cover the sides to a depth of at least 300 millimeters (11.8 inches).

§ 424.48 Closure of openings.

At the openings used for loading and unloading the container, the two edges of the sheet shall have an adequate overlap. They shall likewise be fastened by a flap attached to the outside and sewn in accordance with § 424.42. In addition to the fastenings referred to in § 424.46, leather thongs may be used: *Provided,* That they are at least 20 millimeters (0.8 inch) wide and 3 millimeters (0.1 inch thick) thick. These thongs shall be attached inside the sheet and fitted with eyelets to take the wire, rope, or iron bar mentioned in § 424.46.

Effective date. This amendment becomes effective on July 31, 1970.

Dated: July 27, 1970.

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

[F.R. Doc. 70-9846; Filed, July 30, 1970; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Shiawassee National Wildlife Refuge is permitted from 7 a.m. to 6 p.m. each day from November 15, 1970, through November 30, 1970, only on the area designated by signs as open to hunting. This open area, comprising 4,800 acres, is delineated on a map available at the refuge headquarters, Saginaw, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Public hunting of deer with bow and arrow is permitted on the entire refuge area from 6 a.m. to 7 p.m. each day from December 1, 1970, through December 31, 1970, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting licenses, deer tag, game, and vehicle contents to Federal and State Officers upon request.

(2) Bow and arrow hunting will be by federal permit only, from December 1, 1970, through December 15, 1970. No permit will be required from December 16, 1970, through December 31, 1970.

(3) Applications for bow and arrow hunting permit must be received at the refuge office on or before November 15, 1970.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1970.

JOHN R. FRYE,
Refuge Manager, Shiawassee National Wildlife Refuge, Saginaw, Mich.

JULY 24, 1970.

[F.R. Doc. 70-9881; Filed, July 30, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10470]

S.N.I.A.S., SUD MODEL SE.210, MK. VI–R "CARAVELLE" AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to S.N.I.A.S. Sud Model SE.210, MK. VI–R "Caravelle" airplanes. There have been reports of insufficient warning of an incipient jam in the elevator system servodyne on these airplanes. On one occasion, the warning was of such short duration that the crew was unable to detect the system affected, and on another occasion because of the short duration the warning went unnoticed by the crew. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require installation of a holding relay in the elevator servodyne jam warning circuit.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 31, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

SOCIETE NATIONAL INDUSTRIELLE AERSPATIALE (S.N.I.A.S.). Applies to SUD Model SE.-210, MK VI–R "Caravelle" airplanes.

Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished, incorporate S.A. Modification 1592 by installing a holding relay in the elevator servodyne jamming warning circuit in accordance with Sud-Service Caravelle Bulletin No. 27–218 at Revision 4, dated March 27, 1970, or later SGAC-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C. on July 23, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–9883; Filed, July 30, 1970; 8:46 a.m.]

[14 CFR Parts 61, 63, 65, 143]

[Docket No. 10467; Notice 70–30]

AIRMEN AND GROUND INSTRUCTORS; CERTAIN ADDITIONAL INFORMATION IN APPLICATION FOR DUPLICATE CERTIFICATES, AND EXPIRATION DATE FOR TELEGRAPHIC CERTIFICATE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61, 63, 65, and 143 of the Federal Aviation Regulations to: (1) Require certain additional information in an application for a lost or destroyed airman or ground instructor certificate; and (2) provide a 60-day limitation on a telegram from the FAA confirming that the lost certificate was issued.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 29, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(1) *Additional information in application for duplicate airman or ground instructor certificates.* Sections 61.13(b), 63.16(b), 65.16(b), and 143.8(b) presently provide that an application for replacement of a lost or destroyed airman or ground instructor certificate is made by letter to the FAA Airman Certification Branch in Oklahoma City, Okla. The letter must contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it.

The information now required is not always adequate to make possible a determination that the applicant for a duplicate certificate is the person actually entitled thereto. Approximately 1,000 applications for replacement of lost or destroyed certificates are received by the FAA each month. Recently, duplicate certificates have been issued to several persons other than the actual certificate holders. One of these duplicate certificates was issued to a person whose certificate had been revoked, and whose request included the certificate number assigned to another person with a name identical to his own.

It is considered that requiring the applicant for a duplicate certificate to state, in addition to the items presently required, his permanent mailing address (including zip code), social security number, and the date and place of his birth, will reduce the number of instances in which a duplicate certificate is issued to a person who is not entitled to it. Accordingly, the FAA proposes to amend §§ 61.13(b), 63.16(b), 65.16(b), and 143.8(b) to require that the application for a duplicate certificate contain these additional items.

(2) *Sixty-day limitation on telegraphic certificate.* Sections 61.13(d), 63.16(d), 65.16(d), and 143.8(c) presently provide that a person whose certificate has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate, unless he has been notified that the certificate has been suspended or revoked.

It appears that a number of persons are using the telegraphic certificate without also applying for duplicate certificates. In order to preclude persons from doing this for indefinite periods of time, and to assure that application is actually made for a duplicate certificate, as contemplated by the regulations, it is proposed that the telegraphic certificate be limited to a period not to exceed 60 days. This 60-day period would allow the FAA sufficient time to process the duplicate certificate.

In consideration of the foregoing, it is proposed to amend Parts 61, 63, 65, and 143 of the Federal Aviation Regulations to read as follows:

1. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including ZIP code), social security number, and date and place of birth of the certificate holder,

and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

* * * * *

2. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 63.16 to read as follows:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number, and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

* * * * *

3. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 65.16 to read as follows:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number, and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carrier as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

* * * * *

4. By amending paragraph (b)(1) and the second sentence in paragraph (c) of § 143.8 to read as follows:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number, and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(c) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

These amendments are proposed under the authority of sections 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 23, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-9884; Filed, July 30, 1970; 8:46 a.m.]

[14 CFR Parts 65, 91]

[Docket No. 10468; Notice 70-31]

PARACHUTE RIGGERS; TESTING AND PRIVILEGES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 65 of the Federal Aviation Regulations to (1) provide that an applicant who fails a test for a parachute rigger certificate may be retested upon the additional instruction and statement of a certificated senior parachute rigger; (2) provide that an applicant for a senior parachute rigger certificate may receive supervision on meeting his experience requirements from a rigger with the same rating; (3) change the requirements for applicants for master parachute rigger certificate; and (4) provide that a certificated senior parachute rigger may supervise other persons in packing any type of parachute for which he is rated. It is also proposed to define an "approved parachute" in Part 91.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 29, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Advance notice of proposed rule making (Notice 68-7) issued on March 7, 1968 (33 F.R. 4523), concerned, in part, the certification of parachute riggers and the standards of performance by them. That notice was withdrawn on December 31, 1969. However, some relevant comments were received on that notice, and these have been carefully reviewed. As a result of this review and additional consideration of the existing regulations, it is now proposed to issue amendments that would provide an easier method for an applicant for a parachute rigger certificate to obtain this certificate, and accomplish several other desired objectives.

(1) Paragraph (b)(4) of § 65.19 would be amended to allow an applicant for a parachute rigger certificate who has failed a written, oral, or practical test to receive the additional instruction and statement from a certificated and appropriately rated senior, as well as master, parachute rigger. Since only a limited number of certificated master parachute riggers are available, this change would provide for the applicant who fails a test a wider group of instructors from whom he may receive additional instruction before retesting.

(2) Similarly, paragraph (a) of § 65.115 would be amended to allow an applicant for a senior parachute rigger certificate to receive supervision in meeting the experience requirements of that section from a certificated senior, as well as master, parachute rigger.

(3) Paragraph (a) of § 65.119 would be amended to change the present 5-year experience requirement as a parachute rigger to 3 years for an applicant for a master parachute rigger certificate. It is considered that the present 5-year experience requirement is unnecessarily long, and that a 3-year period is sufficient.

Additionally, paragraph (a) would be amended to allow an applicant for a master parachute rigger certificate to meet the prescribed experience requirements on the basis of packing parachutes either while he is a senior parachute rigger or while he is under the supervision of a certificated and appropriately rated parachute rigger who is not necessarily a master parachute rigger as now required. Also, paragraph (a) would be amended to require an applicant for a master parachute rigger certificate to pack the prescribed number of parachutes in accordance with the manufacturer's instructions. These changes would conform § 65.119 with the similar requirements of § 65.115.

Paragraph (b) of § 65.119 would be amended by striking out as obsolete the requirement that an applicant for a master parachute rigger certificate must show that he can satisfactorily supervise other persons in packing and maintaining two types of parachutes in common use. The testing provisions of § 65.119 would be amended to provide that an applicant for a master parachute rigger certificate who does not hold a senior parachute rigger certificate must pass a prescribed written test, in addition to the oral and practical test now required of all applicants.

Section 65.123(a) would be amended by striking out the word "master" to make it consistent with the foregoing proposed amendments.

(4) Paragraph (a) of § 65.125 would be amended to allow the holder of a senior parachute rigger certificate to supervise other persons in packing any type of parachute for which he is rated. Paragraph (b) would be amended by striking out the word "instruct" as unnecessary, and striking out the phrase "in the proper methods and procedures of constructing" and the word "using", as obsolete.

Finally, the language of paragraph (a) of § 91.15 would be amended to conform it with the use of the phrase "certificated and appropriately rated parachute rigger" in Part 65. Also, although § 91.15(a) does not allow a parachute that is available for emergency use to be carried in an aircraft unless it is an approved type, Part 91 does not specifically define an "approved" type. Section 105.43(d) defines an approved auxiliary parachute. To promote consistency in the regulations, it is proposed to amend Part 91 to state the approval criteria as defined in § 105.43(d), for all civilian and military parachutes without excluding, as § 105.43(d) does, a high altitude, high-speed, or ejection parachute since such a parachute could be required for emergency use in high performance aircraft.

In consideration of the foregoing, it is proposed to amend Parts 65 and 91 of the Federal Aviation Regulations as follows:

§§ 65.19, 65.115, 65.123 [Amended]

1. By striking out the word "master" in paragraph (b)(4) of § 65.19, paragraph (a) of § 65.115, and paragraph (a) of § 65.123.

2. By amending § 65.119 to read as follows:

§ 65.119 Master parachute rigger certificate: experience, knowledge, and skill requirements.

An applicant for a master parachute rigger certificate must meet the following requirements:

(a) Show the Administrator that he has had at least 3 years of experience as a parachute rigger and has satisfactorily packed at least 100 parachutes of each of two types in common use, in accordance with the manufacturer's instructions—

(1) While a certificated and appropriately rated senior parachute rigger; or

(2) While under the supervision of a certificated and appropriately rated parachute rigger or a person holding appropriate military ratings.

An applicant may combine experience specified in subparagraphs (1) and (2) of this paragraph to meet the requirements of this paragraph.

(b) If the applicant is not the holder of a senior parachute rigger certificate, pass a written test, with respect to two types of parachutes in common use, on—

(1) Their construction, packing, and maintenance;

(2) Their use;

(3) The manufacturer's instructions; and

(4) The regulations of this subpart.

(c) Pass an oral and practical test showing his ability to pack and maintain two types of parachutes in common use, appropriate to the type ratings he seeks.

3. By amending paragraphs (a) and (b) of § 65.125 to read as follows:

§ 65.125 Certificates: privileges.

(a) A certificated senior parachute rigger may—

(1) Pack or maintain (except for major repair) any type of parachute for which he is rated; and

(2) Supervise other persons in packing any type of parachute for which he is rated.

(b) A certificated master parachute rigger may—

(1) Pack, maintain, or alter any type of parachute for which he is rated; and

(2) Supervise other persons in packing, maintaining, or altering any type of parachute for which he is rated.

* * * * *

§ 91.15 [Amended]

4. By amending paragraph (a) (1) and (2) of § 91.15 by striking out the word "an" and inserting the words "a certificated and" before the phrase "appropriately rated parachute rigger" in each subparagraph.

5. By inserting a new § 91.15(e) after § 91.15(d) to read as follows:

(e) For the purposes of this section, an "approved" parachute is—

(1) A parachute manufactured under a type certificate or a technical standard order (C-23 series); or

(2) A personnel-carrying military parachute identified by an NAF, AAF, or AN drawing number, an AAF order number, or any other military designation or specification number.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 70-9885; Filed, July 30, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pekin, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Pekin, Ill., Municipal Airport utilizing the Peoria VORTAC as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Pekin, Ill. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Peoria Air Traffic Control Tower.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

PEKIN, ILL.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Pekin Municipal Airport (latitude 40°29'25" N., longitude 89°40'20" W.); excluding the portion which overlies the Peoria, Ill., 700-foot floor transition area.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-9886; Filed, July 30, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to designate a transition area at Valentine, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Miller Field, Valentine, Nebr., utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Valentine, Nebr. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Denver Air Route Traffic Control Center through Pierre Flight Service Station.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

VALENTINE, NEBR.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'25" N., longitude 100°32'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 145° bearing from the Miller Field Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 325° bearing from the Miller Field Airport extending from the airport to 12 miles northwest of the airport; excluding the portion which overlies the Ainsworth, Nebr., 1,200-foot floor transition area.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-9887; Filed, July 30, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-68]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lambertville, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Wagon Wheel Airport, Lambertville, Mich. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at Lambertville, Mich. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Toledo, Ohio, Air Traffic Control Tower.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

LAMBERTVILLE, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wagon Wheel Airport (latitude 41°44'00" N., longitude 83°39'00" W.); and within 2 miles each side of the 357° radial of the Waterville, Ohio, VORTAC, extending from the 5-mile radius area to 14 miles north of the VORTAC; excluding the portion which overlies the Toledo, Ohio, 700-foot floor transition area.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-9888; Filed, July 30, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-58]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Athens, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Athens transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport.

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

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

Issued in East Point, Ga., on July 20, 1970.

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

[F.R. Doc. 70-9891; Filed, July 30, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-AL-8]

CONTROL ZONES AND TRANSITION AREAS

Proposed Revocation and Designation

The FAA is considering amending FAR Part 71 to revoke the Prudhoe Bay control zone and transition area, and designate the Deadhorse Airport control zone and transition area.

The Prudhoe Bay and Deadhorse, Alaska, private-use airports and associated radio navigational aids were established to support individual oil company exploration and development programs. Deadhorse Airport is located 4.3 miles south of Prudhoe Bay Airport.

On April 15, 1970, the State of Alaska assumed ownership and responsibility for operation of Deadhorse Airport and changed the airport classification from private to public use.

On or about August 20, 1970, the FAA will establish a radio beacon (RBN) in the vicinity of Deadhorse Airport and will certify it for use in the common system to support public use terminal and en route IFR flight operations. The existing Prudhoe Bay RBN (PUO) is privately owned and will be withdrawn from the NAS and changed to a 25-watt locator-type facility with the commissioning of the FAA RBN to be installed at Deadhorse. Therefore, controlled airspace designated on the existing Prudhoe Bay RBN must be revoked and redesignated on the permanent FAA RBN.

During calendar year 1969 an estimated 43,000 itinerant aircraft operations were conducted at Deadhorse and Prudhoe Bay, of which 534 were instrument operations at Deadhorse and 1,903 were instrument operations at Prudhoe Bay. This is a substantial volume of traffic concentrated in a small geographic area.

On July 7, 1970, FAA established a part-time flight service station at Deadhorse Airport. The UNICOM service previously provided was discontinued.

With the change of airport classification and establishment of the part-time flight service station, it is anticipated the majority of air transport operations will shift to Deadhorse.

To provide an acceptable level of operational safety, controlled airspace would be designated to encompass terminal IFR aircraft operating areas of Prudhoe Bay and Deadhorse Airports.

The proposed control zone and transition area would be effective at all times. However, hourly and special weather observations would be available only between the hours of 7 a.m. and 11 p.m. local time daily when the Deadhorse FSS is in operation.

Basic VFR weather minimums of FAR 91.105(d)(2) would be applicable at Prudhoe Bay Airport at all times since weather reporting will be discontinued at Prudhoe Bay and would be applicable at Deadhorse Airport when weather observations are not available. When weather observations are available, basic VFR weather minimums of FAR 91.105 would be applicable at Deadhorse Airport. When less than basic VFR weather conditions prevail, special VFR operations may be authorized in accordance with FAR 91.107.

The following control zone is presently designated at the Prudhoe Bay Airport:

PRUDHOE BAY, ALASKA

Within a 5-mile radius of Prudhoe Bay Airport (latitude 70°15'10" N., longitude 148°20'13" W.).

The following transition area is presently designated at Prudhoe Bay, Alaska:

PRUDHOE BAY, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prudhoe Bay, Alaska, RBN (latitude 70°14'55" N., longitude 148°23'28" W.) 076° bearing, extending from the RBN to 16 miles northeast, and within 2 miles northwest and 4 miles southeast of the Prudhoe Bay RBN 256° bearing extending from the RBN to 24 miles southwest, and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to latitude 70°33'00" N., longitude 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N., longitude 146°00'00" W.; to latitude 69°35'00" N., longitude 146°00'00" W.; to latitude 69°00'00" N., longitude 148°00'00" W.; to latitude 69°00'00" N., longitude 153°00'00" W.; thence to point of beginning.

This proposal would revoke the Prudhoe Bay transition area and control zone.

This proposal would designate the Deadhorse Airport control zone as follows:

DEADHORSE, ALASKA

Within a 5-mile radius of the Deadhorse Airport (latitude 70°11'37" N., longitude 148°29'10" W.); within 3 miles south and 8 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148°27'53" W.), extending from the Deadhorse RBN to 10 miles east of the Deadhorse RBN; and within 3 miles south and 8 miles north and parallel to the 250° True (218° Magnetic) bearing of the Deadhorse RBN, extending from the Deadhorse RBN to 8 miles west of the Deadhorse RBN.

Designate the Deadhorse transition area as follows:

DEADHORSE, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles south and 10 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148°27'53" W.) extending from the RBN to 24 miles northeast; within 5 miles south and 10 miles north and parallel to the 250° True (218° Magnetic) bearing of the RBN extending from the RBN to 24 miles southwest.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Issued in Anchorage, Alaska, on July 23, 1970.

WILLIAM P. COMSTOCK,
Brigadier General, U.S. Air Force, Acting Director, Alaskan Region.

[F.R. Doc. 70-9937; Filed, July 30, 1970; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

FERRITE CORES FROM JAPAN

Withholding of Appraisement Notice

JULY 27, 1970.

Information was received on March 22, 1968, that ferrite cores (of the type used in consumer electronic products) from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the Act). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 25, 1968, on page 15808. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such ferrite cores (of the type used in consumer electronic products) from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price.

Preliminary analysis suggests that purchase price will probably be calculated by deducting clearance charges, export loading charges, transportation charges, insurance, brokerage charges and U.S. customs duties, as appropriate, from the prices to the United States.

It appears that home market prices will probably be based on the delivered prices at which such or similar ferrite cores were sold to purchasers in Japan. From these prices inland freight will probably be deducted. Adjustments will probably be made for differences between the interest and packing costs incurred on sales in the home market and on sales to the United States. Further adjustment, as appropriate, will probably be made for differences in the merchandise sold in Japan and that sold to the United States.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase prices in some cases will be lower than home market prices.

Customs officers are being directed to withhold appraisement of ferrite cores (of the type used in consumer electronic products) from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 70-9898; Filed, July 30, 1970; 8:47 a.m.]

Internal Revenue Service

CHARLES E. WILLIAMS

Notice of Granting of Relief

Notice is hereby given that Charles E. Williams, 25711 Chernick, Taylor, Mich. 48180, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 16, 1946, District Court of the United States, Eastern District of Michigan, Southern Division, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Charles E. Williams because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236, 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Charles E. Williams to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Charles E. Williams' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Charles E. Williams be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 20th day of July 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-9897; Filed, July 30, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 3843]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 23, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S 3843, for the withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry, and patenting under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The withdrawal of the land is needed to isolate and maintain thereon a seed orchard for production of genetically superior pine seed for reforestration of national forest lands. Within the area under consideration for withdrawal is a developed seed orchard embracing approximately 64 acres which together with an isolation strip includes approximately 167 acres. The use of the remainder of the land within the area will necessarily be limited to those uses compatible with protection and maintenance of the seed orchard.

For a period of 30 days from the date of publication of this notice, all persons

who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E–2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations in 43 CFR 2351.4(c), 35 F.R. 9557, dated June 13, 1970 (formerly 43 CFR 2311.1–3 (c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Foresthill Divide Pine Seed Orchard

T. 14 N., R. 11 E.
Sec. 3, W½ lot 3, lot 4, and W½SW¼;
Sec. 4, E½ lot 1, E½SE¼NE¼, E½NE¼ SE¼SE¼;
Sec. 9, N½NE¼NE¼;
Sec. 10, NW¼NW¼NW¼.
T. 15 N., R. 11 E.
Sec. 34, S½SW¼SW¼ and SW¼SE¼ SW¼.

The areas described aggregate approximately 302 acres in Placer County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 70–9899; Filed, July 30, 1970; 8:47 a.m.]

[Serial No. I–2837]

IDAHO

Notice of Proposed Classification of Public Lands in Bennett Hills Area for Multiple-Use Management

Correction

In F.R. Doc. 70–8968, appearing at page 11414 in the issue for Thursday, July 16, 1970, the following changes should be made:

1. The eighth line from the bottom of the third column on page 11416 should read "Sec. 27, E½E½, SW¼NE¼, and W½SE¼;".

2. The second line under the heading "Benchmark Waterholes" in the middle column on page 11418 should read "Sec. 29, SE¼SW¼;".

3. The second line under the heading "Meander Waterhole" in the middle column on page 11418 should read "Sec. 26, E½SE¼NW¼, W½SW¼NE¼."

Geological Survey

[Colorado No. 132]

COLORADO

Coal Land Classification Order

Correction

In F.R. Doc. 70–9296, appearing at page 11641 in the issue of Tuesday, July 21, 1970, the fourth line under "T. 35 N., R. 16 W.," of Noncoal Lands reading "Sec. 26, SE¼;" should read "Sec. 28, SE¼;".

Office of Hearings and Appeals

[Docket No. M 70–2]

ARMCO STEEL CORP. ET AL.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that the following parties have filed a petition to modify the application of section 317(f)(4) of the Act with respect to their coal mines:

Armco Steel Corp.
Amherst Coal Co.
Beatrice Pocahontas Co.
Beaver Creek Consolidated Coal Co.
Bell & Zoller Coal Co.
Beth-Elkhorn Corp.
Bethlehem Mines Corp.
Bishop Coal Co.
Buckeye Coal Co.
C F & I Steel Corp.
Cannelton Coal Co.
Christopher Coal Co.
Clinchfield Coal Co.
Coal Processing Corp.
Consolidation Coal Co.
Eastern Associated Coal Corp.
Enos Coal Corp.
Freeman Coal Mining Corp.
Gateway Coal Co.
Harmar Coal Co.
Howe Coal Co.
Inland Steel Co.
Island Creek Coal Co.
Itmann Coal Co.
Jewell Ridge Coal Corp.
Jones & Laughlin Steel Corp.
Kentland-Elkhorn Coal Corp.
Kings Station Coal Corp.
Mohawk Mining Co.
National Coal Mining Co.
National Mines Corp.
North American Coal Corp.
Old Ben Coal Corp.
Olga Coal Co.
Omar Mining Co.
Peabody Coal Co.
Pikeville Coal Co.
Republic Steel Corp.
Rochester & Pittsburgh Coal Co.
Sewell Coal Co.
Slab Fork Coal Co.
United Electric Coal Cos.
United States Steel Corp.
Westmoreland Coal Co.
Wheeling-Pittsburgh Steel Corp.
Youngstown Mines Corp.
Zeigler Coal & Coke Co.
Central Pennsylvania Coal Producers' Association.
Northern Panhandle of West Virginia Coal Operators Association.
Northern West Virginia Coal Association.
Ohio Coal Association.
Southern Coal Producers' Association.
Western Pennsylvania Coal Operators Association.

Section 317(f)(4) of the Act provides:

In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as such extension does not pose a hazard to the miners.

Petitioners propose to modify section 317(f)(4) of the Act to read as follows:

In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be extended to the junction of the entries which comprise the working section with the main or sub-main or secondary entries from which the entries were driven. The Secretary or his authorized representative may permit such smoke-free intake to be extended for a lesser distance so long as such extension does not post a hazard to the miners.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70–9900; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. M 71–1]

ARMCO STEEL CORP. ET AL.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that the following parties have filed a petition to modify the application of section 303(y)(1) of the Act with respect to their coal mines:

Armco Steel Corp.
Amherst Coal Co.
Beatrice Pocahontas Co.
Beaver Creek Consolidated Coal Co.
Bell & Zoller Coal Co.
Beth-Elkhorn Corp.

Bethlehem Mines Corp.
Bishop Coal Co.
Buckeye Coal Co.
C F & I Steel Corp.
Cannelton Coal Co.
Christopher Coal Co.
Clinchfield Coal Co.
Coal Processing Corp.
Consolidation Coal Co.
Eastern Associated Coal Corp.
Enos Coal Corp.
Freeman Coal Mining Corp.
Gateway Coal Co.
Harmar Coal Co.
Howe Coal Co.
Inland Steel Co.
Island Creek Coal Co.
Itmann Coal Co.
Jewell Ridge Coal Corp.
Jones & Laughlin Steel Corp.
Kentland-Elkhorn Coal Corp.
Kings Station Coal Corp.
Mohawk Mining Co.
National Coal Mining Co.
National Mines Corp.
North American Coal Corp.
Old Ben Coal Corp.
Olga Coal Co.
Omar Mining Co.
Peabody Coal Co.
Pikeville Coal Co.
Republic Steel Corp.
Rochester & Pittsburgh Coal Co.
Sewell Coal Co.
Slab Fork Coal Co.
United Electric Coal Co.
United States Steel Corp.
Westmoreland Coal Co.
Wheeling-Pittsburgh Steel Corp.
Youngstown Mines Corp.
Zeigler Coal & Coke Co.

Central Pennsylvania Coal Producers' Association.
Northern Panhandle of West Virginia Coal Operators Association.
Northern West Virginia Coal Association.
Ohio Coal Association.
Southern Coal Producers' Association.
Western Pennsylvania Coal Operators Association.

Petitioners contend that the application of section 303(y)(1), which provides separate standards concerning belt haulage entries, diminishes the safety protection of miners. The petition proposes to eliminate or re-word the provisions of section 303(y)(1) so that belt haulage entries are treated in the same way as "other areas of the mine which are already subject to mandatory safety standards governing methane and dust concentration."

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70-9901; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. M 71-2]

ARMCO STEEL CORP. ET AL.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173) notice is hereby given that the following parties have filed a petition to modify the application of section 313(y)(2) of the Act with respect to their coal mines:

Armco Steel Corp.
Amherst Coal Co.
Beatrice Pocahontas Co.
Beaver Creek Consolidated Coal Co.
Bell & Zoller Coal Co.
Beth-Elkhorn Corp.
Bethlehem Mines Corp.
Bishop Coal Co.
Buckeye Coal Co.
C F & I Steel Corp.
Cannelton Coal Co.
Christopher Coal Co.
Clinchfield Coal Co.
Coal Processing Corp.
Consolidation Coal Co.
Eastern Associated Coal Corp.
Enos Coal Corp.
Freeman Coal Mining Corp.
Gateway Coal Co.
Harmar Coal Co.
Howe Coal Co.
Inland Steel Co.
Island Creek Coal Co.
Itmann Coal Co.
Jewell Ridge Coal Corp.
Jones & Laughlin Steel Corp.
Kentland-Elkhorn Coal Corp.
Kings Station Coal Corp.
Mohawk Mining Co.
National Coal Mining Co.
National Mines Corp.
North American Coal Corp.
Old Ben Coal Corp.
Olga Coal Co.
Omar Mining Co.
Peabody Coal Co.
Pikeville Coal Co.
Republic Steel Corp.
Rochester & Pittsburgh Coal Co.
Sewell Coal Co.
Slab Fork Coal Co.
United Electric Coal Cos.
United States Steel Corp.
Westmoreland Coal Co.
Wheeling-Pittsburgh Steel Corp.
Youngstown Mines Corp.
Zeigler Coal & Coke Co.
Central Pennsylvania Coal Producers' Association.
Northern Panhandle of West Virginia Coal Operators Association.
Northern West Virginia Coal Association.
Ohio Coal Association.
Southern Coal Producers' Association.
Western Pennsylvania Coal Operators Association.

Section 303(y)(2) of the Act provides:

In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake aircourses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

Petitioners propose to modify section 303(y)(2) of the Act to read as follows:

In any coal mine opened on or after the operative date of this title, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, each operator shall adopt a plan to be approved by the Secretary which shall provide for the proper control of the velocity of air currents on such haulageways consistent with and a part of the plans for roof control and ventilation, which are to be designed to minimize hazards of all kinds throughout the mine.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 20, 1970.

[F.R. Doc. 70-9902; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. M 71-3]

ARMCO STEEL CORP. ET AL.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that the following parties have filed a petition to modify the application of section 303(z)(2) of the Act with respect to their coal mines:

Armco Steel Corp.
Amherst Coal Co.
Beatrice Pocahontas Co.
Beaver Creek Consolidated Coal Co.
Bell & Zoller Coal Co.
Beth-Elkhorn Corp.
Bethlehem Mines Corp.
Bishop Coal Co.
Buckeye Coal Co.
C F & I Steel Corp.
Cannelton Coal Co.
Christopher Coal Co.
Clinchfield Coal Co.
Coal Processing Corp.
Consolidation Coal Co.
Eastern Associated Coal Corp.
Enos Coal Corp.
Freeman Coal Mining Corp.
Gateway Coal Co.
Harmar Coal Co.
Howe Coal Co.
Inland Steel Co.
Island Creek Coal Co.
Itmann Coal Co.
Jewell Ridge Coal Corp.
Jones & Laughlin Steel Corp.
Kentland-Elkhorn Coal Corp.
Kings Station Coal Corp.
Mohawk Mining Co.
National Coal Mining Co.
National Mines Corp.
North American Coal Corp.
Old Ben Coal Corp.
Olga Coal Co.
Omar Mining Co.
Peabody Coal Co.
Pikeville Coal Co.
Republic Steel Corp.
Rochester & Pittsburgh Coal Co.
Sewell Coal Co.
Slab Fork Coal Co.
United Electric Coal Co.
United States Steel Corp.
Westmoreland Coal Co.
Wheeling-Pittsburgh Steel Corp.
Youngstown Mines Corp.
Zeigler Coal & Coke Co.
Central Pennsylvania Coal Producers' Association.
Northern Panhandle of West Virginia Coal Operators Association.

Northern West Virginia Coal Association.
Ohio Coal Association.
Southern Coal Producers' Association.
Western Pennsylvania Coal Operators Association.

Section 303(z)(2) of the Act provides:

Within 9 months after the operative date of this title, all areas from which pillars have been wholly or partially extracted and abandoned areas, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means, or be sealed, as determined by the Secretary or his authorized representative. When ventilation of such areas is required, such ventilation shall be maintained so as continuously to dilute, render harmless, and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from the hazards of such methane and other explosive gases. Air coursed through underground areas from which pillars have been wholly or partially extracted which enters another split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine.

Petitioners propose to modify section 303(z)(2) to read as follows:

Within 9 months after the operative date of this title, all areas from which pillars have been wholly or partially extracted and abandoned areas, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or bleeder systems or equivalent means, or be sealed, if adequate ventilation cannot be maintained. Such ventilation shall be maintained so as continuously to dilute, render harmless, and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from the hazards of such methane and other explosive gases. Air coursed through underground areas from which pillars have been wholly or partially extracted which enters another split of air shall not cause that split of air which it enters to exceed the permitted methane content, when tested at the point where thorough mixing of the airsplits has occurred.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70-9903; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. M 71-4]

CARBON FUEL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given of the filing by The Carbon Fuel Co. of a petition to modify the application of section 318(g)(1) of the Act with respect to its coal mines.

Petitioner proposes to modify section 318(g)(1) of the Act so as to provide that:

[A] working face means any place in a coal mine in which miners are actively engaged in the work of extracting coal from its natural deposit in the earth or in securing roof and ribs, and includes a single entry or room and the crosscut under development to connect with an adjacent parallel entry or room.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 24, 1970.

[F.R. Doc. 70-9915; Filed, July 30, 1970; 8:49 a.m.]

[Docket No. NORT 70-207]

JEWELL RIDGE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given of the filing by Jewell Ridge Coal Corp. of a petition to modify the application of section 303(b) of the Act with respect to the Big Creek Jewell Mine, located at Jewell Valley, Va.

Petitioner proposes that said mine be excepted from the application of the requirements of section 303(b) of the Act, on the ground, inter alia, that compliance with this section will result in a diminution of the safety protection of miners.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70-9904; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. NORT 70-208]

JEWELL RIDGE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat., 742, et seq., Public Law 91-173), notice is hereby given of the filing by Jewell Ridge Coal Corp. of a petition to modify the application of section 303(c)(1) of the Act with respect to the Big Creek Jewell Mine, located at Jewell Valley, Va.

Petitioner proposes that said mine be excepted from the application of the requirements of section 303(c)(1) of the Act, on the ground, inter alia, that compliance with this section will result in a diminution of the safety protection of miners.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70-9905; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. NORT 70-209]

JEWELL RIDGE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat., 742, et seq., Public Law 91-173), notice is hereby given of the filing by Jewell Ridge Coal Corp. of a petition to modify the application of section 317(f)(4) of the Act with respect to the Big Creek Jewell Mine, located at Jewell Valley, Va.

Petitioner proposes that said mine be excepted from the application of the requirements of section 317(f)(4) of the Act, on the ground, inter alia, that compliance with this section will result in a diminution of the safety protection of miners.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70-9906; Filed, July 30, 1970; 8:48 a.m.]

[Docket No. NORT 70-210]

JEWELL RIDGE COAL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173) notice is hereby given of the filing by Jewell Ridge Coal Corp. of a petition to modify the application of section 303(y)(2) of the Act with respect to the Big Creek Mine, located at Jewell Valley, Va.

Petitioner proposes that said mine be excepted from the application of the requirements of section 303(y)(2) of the Act, on the ground, inter alia, that compliance with this section will result in a diminution of the safety protection of mines.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Washington, D.C.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JULY 23, 1970.

[F.R. Doc. 70-9907; Filed, July 30, 1970; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN PESTICIDES

Request for Submission of Views With Respect to Uses

Benzene hexachloride, chlordane, endrin, heptachlor, lindane, strobane-T and toxaphene have been used quite extensively as insecticides.

The relatively slow dissipation of their residues has resulted in contamination of the environment with low levels of these chemicals. Trace residues can often be detected in areas far removed from sites of application. This was recognized by the President's Science Advisory Committee (PSAC) in its report of May 15, 1963, entitled, "Use of Pesticides." The report recommended an orderly reduction in the use of persistent pesticides with their elimination being the goal. The report of the Environmental Pollution Panel of the PSAC entitled, "Restoring the Quality of our Environment" also expressed concern over the persistence of pesticides in the environment, and recommended more stringent controls.

In November of 1966, the Department of Agriculture requested that a committee be appointed by the National Research Council to appraise the significance of residues from the standpoint of their effects on the environment. The committee submitted its report in May of 1969, and recommended that immediate attention be given to the problem of buildup of persistent pesticides in the total environment. The Commission on Pesticides and their Relationship to Environmental Health, appointed by the Secretary of Health, Education, and Welfare, recommended in its report of November 1969, that uses of several pesticides, including those listed above, be restricted to essential purposes and replaced by safer alternatives whenever possible.

The Department is requesting comments on the need for these chemicals in order to determine if certain uses are essential and if there are no effective and safe substitutes. This notice is to afford interested persons an opportunity for a period of 90 days to submit views and comments in response to this request.

In preparing and submitting views and comments, the items listed below should be considered and covered in the submission.

A. Use pattern involved:

1. Crops, animals or site to be treated.
2. Formulations of the particular chemical employed.
3. Rate of application.

B. Pests to be controlled:

1. Name of pests.
2. Statement of damage or injury expected without the use of these chemicals.

C. Data on environmental pollution:

1. Any available test results showing the extent of environmental contamination expected from the use pattern involved.

D. Possible substitutes:

1. Substitutes now available.
2. Substitutes being tested.

3. A statement of efforts to find a suitable substitute.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same in triplicate with the Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER. Please make reference in any submissions to "F.R. Notice" and name the chemical of interest. If you wish to comment on more than one chemical, please make separate submission.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

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

G. G. ROHWER,
Acting Director,
Pesticides Regulation Division.

[F.R. Doc. 70-9929; Filed, July 30, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ESSA/ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL LABORATORIES ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00011-56-17500. Applicant: ESSA/Atlantic Oceanographic and Meteorological Laboratories, 901 South Miami Avenue, Miami, Fla. 33130. Article: Recording current meters, Model 4. Manufacturer: Ivar R. Aanderaa, Norway. Intended use of article: The article will be used to make simultaneous and coincident measurements of temperature, salinity, and vector current in estuarine and coastal regions, in oceanographic research. Application received by Commissioner of Customs: July 6, 1970.

Docket No. 71-00012-98-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic NVD. The Netherlands. Intended use of article: The article will be used for research concerning electron energy analysis within the electron microscope, which will be modified by the insertion of an electron energy analyzer of the magnetic prism type below the objective lens. Experiments include microanalysis of various two-phase materials by imaging electrons which have lost characteristic amounts of energy in passing through a thin specimen; "no energy loss" image studies of biological tissue sections; and plasmon interaction as a function of crystal orientation. Application received by Commissioner of Customs: July 7, 1970.

Docket No. 71-00013-33-46500. Applicant: William H. Singer Memorial Research Institute, 320 East North Avenue, Pittsburgh, Pa. 15212. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used for very thin serial sections required for a study of the ultrastructure of several Simian oncogenic adenoviruses with respect to the mechanism by which these viruses produce cancer in host animals; and for a fine structure study on the intracytoplasmic and intranuclear organelle, annulate lamellae, to obtain insight into its probable nucleo-cytoplasmic interaction within hepatic, testicular, neoplastic, and embryonic myocardial cells. Application received by Commissioner of Customs: July 8, 1970.

Docket No. 71-00014-01-77040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Avenue, Richmond, Calif. 94804. Article: Mass spectrometer, Model MS 1201. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research on drugs and their metabolites and air pollutants. Direct and collaborative research will involve isolation and identification of these materials to determine trace levels of drugs, including hallucinogenics, and their metabolites and to determine the relationship between the types of air pollutants and their individual and collective effect on health. Application received by Commissioner of Customs: July 8, 1970.

Docket No. 71–00015–33–43780. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Six total hip joint replacements. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The articles will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: July 8, 1970.

Docket No. 71–00016–01–77040. Applicant: University of Virginia, Department of Chemistry, Charlottesville, Va. 22901. Article: Mass spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research concerning the structure elucidation of natural products; structure determination of products and intermediates produced in synthetic organic and inorganic chemistry; isotopic labeling studies; and for analysis of cell membrane constituents, components in biological fluids, drug metabolites and pesticides. Application received by Commissioner of Customs: July 8, 1970.

Docket No. 71–00020–33–46500. Applicant: Jersey City State College, 2039 Kennedy Boulevard, Jersey City, N.J. 07305. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to make ultrathin sections of rat tissues and tissue fraction pellets which exhibit the greatest uptake of radioisotopically labeled catecholamines and which have been fixed, dehydrated and embedded. Iistructional programs include courses in electron microscopy for undergraduate and graduate students. Application received by Commissioner of Customs: July 10, 1970.

Docket No. 71–00021–33–46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for an investigation of the polar organization of the spindle apparatus in dividing sperm mother cells of *Marsilea vestita;* fine structural localization of the enzyme peroxidase in differentiating wound vessel elements of *Coleus blumei;* and for a quantitative determination of the distribution of microtubules in dividing root tip cells of *Allium cepa.* Application received by Commissioner of Customs: July 10, 1970.

Docket No. 71–00022–01–77030. Applicant: David Lipscomb College, Nashville, Tenn. 37203. Article: NMR spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used to study compounds of the substituted ortho formates ($HC(OR)_3$). The chemical shifts of both hydrogen and carbon-13 will be examined and hydrogen-carbon-13 will be observed. Other research includes studies of transition metal chelates and the effect of lanthanide salts on the structure of methanol and ethanol. The instrument will be used in five courses, Organic Qualitative Analysis, Organic Chemistry, Physical Chemistry, Instrumental Methods of Analysis and Advanced Inorganic Laboratory. Application received by Commissioner of Customs: July 10, 1970.

Docket No. 71–00023–33–46040. Applicant: Beth Israel Hospital, 330 Brookline Avenue, Boston, Mass. 02215. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used in scientific investigations including cytochemical localization of several hydrolytic enzymes in smooth muscle cells; cytochemical study of lysosomal enzymes in platelets during aggregation; ionic movements in the turtle bladder preparation, including the effects of enzymatic poisons; studies of experimental injury to the gastrointestinal mucosa; and composition of tubular casts encountered in experimental renal failure. Application received by Commissioner of Customs: July 13, 1970.

Docket No. 71–00027–33–46040. Applicant: The University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, N.Y. 14620. Article: Electron microscope, Model AEI EM801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research projects on the morphological changes in axons electrically stimulated; the structure of electrical synapses; the details of the fine structure of triadic junction in vertebrate striated muscle fibers; and for a study of the structure of sensitive endings in the crayfish stretch receptor. Application received by Commissioner of Customs: July 16, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–9864; Filed, July 30, 1970; 8:45 a.m.]

NEW YORK HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00422–33–46040. Applicant: New York Hospital, Cornell Medical Center, 525 East 68th Street, New York, N.Y. 10021. Article: Electron microscope, Model EM 6B. Manufacturer: Associated Electrical Ind., England.

Intended use of article: The article will be used for corneal research and training of physicians in electron microscope techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides specimen holders which will hold three grids. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by Forgflo Corp. (Forgflo).

We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated June 24, 1970, that the multiple specimen holder of the foreign article is pertinent to the applicant's research studies. HEW further advises that the EMU–4B does not have an equivalent multiple specimen holder.

We, therefore, find that the EMU–4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70–9865; Filed, July 30, 1970; 8:45 a.m.]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00563–98–78000. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Spectrophotometer, Model FS–720. Manufacturer: Beckman-RIIC Ltd., United Kingdom.

Intended use of article: The article will be used to investigate excitation spectra of donor and acceptor impurities

in germanium, silicon, aluminum antimonide, indium antimonide, gallium antimonide, and cadmium telluride; localized and lattice vibrations in silicon, germanium, sodium chlorate, and benzil; and for optical rotatory dispersion of benzil, crystalline quartz, and sodium chlorate. Studies of these types give important information about imperfections in otherwise perfect crystals and of perfect crystals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's research studies require a system capable of measuring low intensity photon energy in the 20- to 1,000-micron region of the spectrum. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 24, 1970, that the comparable domestic Block Model FTS-16 manufactured by Digilab, Inc. (Digilab), can cover the required spectral region, but measures 0.0000001 watts with a signal to noise ratio (S/N) of only 3.5, whereas the foreign article measures such energy in the required region with a S/N of 20. NBS further advises that this greater S/N of the foreign article is pertinent to the applicant's intended purposes.

We, therefore, find that the Digilab Block Model FTS-16 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-9866; Filed, July 30, 1970; 8:45 a.m.]

RENSSELAER POLYTECHNIC INSTITUTE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice (of denial without prejudice to resubmission) inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice has the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 68-00054-65-77040. Applicant: Rensselaer Polytechnic Institute, 110 Eighth Street, Troy, N.Y. 12180. Article: Knudsen cell mass spectrometer, Model MS 1040. Date of denial without prejudice to resubmission: April 26, 1968.

Docket No. 68-00055-65-77040. Applicant: Rensselaer Polytechnic Institute, 110 Eighth Street, Troy, N.Y. 12180. Article: Mass spectrometer system, Model EMU-6E. Date of denial without prejudice to resubmission: May 6, 1968.

Docket No. 68-00062-00-00000. Applicant: Twin City Area Educational Television Corp., 1640 Como Avenue, St. Paul, Minn. 55108. Article: Audio-video cueing generator, Model DQ-1. Date of denial without prejudice to resubmission: August 17, 1967.

Docket No. 68-00070-33-46500. Applicant: Illinois State University, Normal, Ill. 61761. Article: Ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: September 12, 1967.

Docket No. 68-00071-60-63540. Applicant: U.S. Department of Agriculture, Dairy Products Lab., Eastern Utilization Division, Hyattsville, Md. 20782. Date of denial without prejudice to resubmission: August 31, 1967.

Docket No. 68-00072-33-07700. Applicant: Jerome N. Goldman, M.D. Retina Foundation, 20 Staniford Street, Boston, Mass. 02114. Article: Kowa R.C. 2 fundus camera with stand. Date of denial without prejudice to resubmission: September 14, 1967.

Docket No. 68-00103-33-46040. Applicant: University of Illinois Medical Center, 833 South Wood Street, Chicago, Ill. 60612. Article: Electron microscope, Model HS-7S. Date of denial without prejudice to resubmission: January 5, 1968.

Docket No. 68-00119-75-01000. Applicant: Tufts University, Medford, Mass. 02155. Article: Projection system, Model SPI/60. Date of denial without prejudice to resubmission: November 6, 1967.

Docket No. 68-00125-65-02600. Applicant: Los Angeles County Museum of Art, 5905 Wilshire Boulevard, Los Angeles, Calif. 90036. Article: Vacuum hot table and accessories. Date of denial without prejudice to resubmission: November 13, 1967.

Docket No. 68-00130-33-43400. Applicant: Michael Reese Medical Center, 2901 South Ellis Avenue, Chicago, Ill. 60616. Article: Micromanipulator (2). Date of denial without prejudice to resubmission: November 1, 1967.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-9863; Filed, July 30, 1970; 8:45 a.m.]

UNIVERSITIES RESEARCH ASSOCIATION, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00632-00-20900. Applicant: Universities Research Association, Inc., National Acceleratory Laboratory, 2100 Pennsylvania Avenue NW., Washington, D.C. 20037. Article: Deuterium thyratrons. Manufacturer: English Electric Ltd., United Kingdom.

Intended use of article: The article is to be used with the 8 GeV extraction which requires a 100-gauss pulsed magnet with 20 nanoseconds rise and fall times.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities of withstanding 80,000 volts, with a rise time of less than 20 nanoseconds and conducting up to 1,000 amperes. These characteristics of the foreign article are pertinent to the purposes for which the article is intended to be used.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated June 23, 1970 that it knows of no domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-9867; Filed, July 30, 1970; 8:45 a.m.]

Patent Office

REDUCTION IN PATENT APPLICATION DISCLOSURE

Notice of proposed Guidelines for Preparation of Patent Application Disclosure was published in the FEDERAL REGISTER of January 14, 1969 (34 F.R. 524), and in the Official Gazette of the Patent Office of February 4, 1969 (859 O.G. 1). Comments from the general public were invited.

After consideration of comments received, new guidelines are deemed unnecessary, even though the average length of specification seems to be increasing. Applicants and their attorneys are reminded that 35 U.S.C. 112 requires inventions to be described "in such full, clear, concise, and exact terms as to enable any person skilled in the art * * * to make and use the same * * *". To satisfy the "concise" requirement, lengthy and unnecessary descriptive detail should be avoided.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: July 24, 1970.

MYRON TRIBUS,
Assistant Secretary for Science and Technology.

[F.R. Doc. 70-9862; Filed, July 30, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19923; Order 70-7-121]

AIR FREIGHT TARIFF LIABILITY AND CLAIM RULES AND PRACTICES

Order Regarding Air Carrier Agreements

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

In August 1967, the Board initiated an informal inquiry of the air freight liability and claim rules and practices of the U.S. scheduled route air carriers, and requested that carriers review such rules and practices with a view toward improving uniformity, removing ambiguity, and increasing shipper acceptance and understanding of air transportation. Subsequently, the carriers petitioned the Board to engage in discussions on the foregoing subjects, which the Board approved.[1]

By a series of agreements filed in 1968 and 1969, on behalf of the domestic air carriers, the carriers propose to revise certain tariff rules concerning air freight liability and claims matters. These agreements are the product of the series of intercarrier and shipper-carrier meetings during 1968 and 1969, as authorized by the Board. Notices of all meetings and minutes thereof, as well as the proposed revised rules and the carriers' supporting justification statements, have been filed with the Board and distributed to interested shippers and other parties. Major changes proposed by the carriers are set forth below.

Although the carriers intend to maintain their present limitations on domestic liability, typically 50 cents per pound or $50 per shipment, whichever is greater,[2] they now proposed to reimburse freight charges over and above such liability limits.[3] The carriers also propose to treat each part of an assembly or distribution shipment as a separate shipment for purposes of determining the limit of liability.[4] The carriers' current domestic tariffs provide that the liability limit on interline shipments between carriers having different liability limits shall be the lowest liability limit of any of the carriers in the routing, and that excess valuation shall be charged at the highest valuation rate of either carrier. The carriers now propose to change this rule to provide that the liability limits and excess declared value rate of the origin carrier shall govern the through interline movement.[5] The carriers also propose to establish joint liability for interline shipments, whereby the consignor shall have have a right of action against the origin carrier, the consignee against the destination carrier, and each may further take action against the carrier which performed the transportation during which the destruction, loss, or damage took place.[6] The carriers have also added a rule for international traffic reflecting Article 29(1) of the Warsaw Convention (Warsaw)[7] providing that the right to damages shall be extinguished if action is not brought within 2 years[8] along with the present domestic rule which essentially establishes a 2-year limitation for bringing such actions.[9]

The present rule on liability for charges obligates the shipper and consignee for unpaid freight charges, even though the carrier has extended credit to the responsible party. The proposed rules would relieve the other party (shipper or consignee) when the carrier has extended credit.[10]

The carriers have clarified the rule concerning their lien on shipments for sums due the carriers,[11] as well as the rule providing for notice and disposition of delayed or undelivered shipments. Shippers of edible perishables have previously objected to the lack of adequate notice to them when delay occurs, and have advocated automatic notice in such instances. Although opposing automatic notice, the carriers have rewritten these rules for clarification and simplification, and have provided for advance written instructions by the shipper whenever he desires notification of day, etc.[12] Tariff revisions to clarify Rules 38 and 40 were filed in the tariff for effectiveness August 16, 1968, and were not protested by any party, and the Board is herein approving the agreement relating thereto.

Specific time limits are established in the carriers' existing tariffs for the filing of various types of claims. The carriers propose to extend their present 270-day

[1] See Orders 69-10-4 of Oct. 1, 1969, and 69-6-32 of June 6, 1969, and prior orders in Docket 19923; the discussion authority expired Mar. 30, 1970.

[2] Numerous commodities are accorded lower limits, e.g., 10 cents per pound, or $10 per shipment, with excess valuation charged at $2 per $100.

[3] Rule 32(B); all rule numbers referred to are published in Official Air Freight Rules Tariff No. 1-B, CAB No. 96, Airline Tariff Publishers, Inc., Agent.

[4] Rule 52(E)(3).

[5] Rule 52(D).

[6] Rule 64.

[7] Convention for the Unification of Certain Rules Relating to International Transportation by Air Concluded at Warsaw, Poland, on the 12th day of October 1929.

[8] Rule 62(A).

[9] Rule 62(B); previously approved by the Board, Order 68-10-13, dated Oct. 3, 1968.

[10] Rule 36.

[11] Rule 38.

[12] Rule 40.

time period for the filing of claims for delay and visible loss or damage to 9 months and 9 days, and to waive the payment of freight charges as a prerequisite to the filing of a claim whenever any part of a shipment is not delivered.[13] The carriers state that the above change from 270 days to 9 months plus 9 days was made to satisfy shipper requests for greater compatibility with surface carrier rules, and that the waiver of payment of charges on nondelivered shipments or parts of shipments was made in response to shipper requests for a more equitable rule.[14]

The carriers' agreements also include a substantive change in their rule concerning carrier liability (Rule 30). The present rule provides essentially that the carrier shall not be liable except for its actual negligence, and shippers contend that the carriers often deny liability on the grounds that they have accorded the goods ordinary care in handling and without undue delay. The carriers now propose to adopt, for domestic purposes, the principles of Articles 10, 11, 18(1), 20(1), and 26(1) of the Warsaw Convention. The proposed rules provide that the carrier will be liable in event of loss or damage during the transportation covered by the airline and that the carrier shall not be liable if it proves it has taken all measures to avoid damage or that it was impossible to take such measures.

In addition to the international provision cited above for actions at law, the carriers propose other "international" rules to be added to the domestic tariff. Such rules would have application only to traffic moving to or from the United States when the rates of a domestic carrier are combined with those of an international carrier, and when such domestic carrier does not participate in the through international rules tariff of the international carrier. The proposed provisions reflect international rules only insofar as Warsaw traffic is concerned; hence international non-Warsaw traffic would still be governed by "domestic" rules, e.g., 50 cents per pound, etc. This is substantially dissimilar to the tariffs of the international carriers, which typically treat Warsaw and non-Warsaw international traffic the same. Further, the proposed international rules for the domestic tariff perpetuate the practice of the international carriers in basing the additional charge (currently $0.40 per $100 or fraction thereof) for excess valuation declarations on the shippers' total declared value, as distinguished from assessing the excess valuation charge only upon the amount by which the declared value is in excess of the liability limits assumed by the carrier.

From the inception of this proceeding in August 1967 to date, the Board has received a substantial volume of correspondence on this subject from shippers and various shipper groups, the general public, and Members of the Congress. Much of such correspondence and other written presentations is thoughtful and compelling, and the Board can only conclude, as it earlier indicated in 1967, that a substantial degree of public dissatisfaction has existed and will still exist with respect to the air carriers' rules and practices concerning air freight liability and claims.

With rare exception, however, protestants offer little opposition to the pending agreements of the carriers and their proposed rule changes, per se. Rather, the opposition has focused largely on what the carriers have not proposed to revise, and/or that their proposed revisions do not go far enough. Thus, it appears that the proposed revisions to these rules are considered typically to constitute an improvement, albeit a lesser one than most would have contemplated. The Board therefore finds that such changes do not appear to be adverse to the public interest or in violation of the Federal Aviation Act, and we will accordingly approve the agreements, subject to certain conditions, as hereinafter explained. Those agreements which we are herein ordering investigated are approved pendente lite.

We are not convinced, however, that the carriers have fully resolved the major issues on carrier liability, limit of liability, declared value, packing and marking requirements, and the 15-day notice rule on concealed loss and damage, and, upon consideration of all relevant matters, the Board finds that these provisions may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and that they should be investigated.

While the Warsaw principles proposed for domestic carrier liability undoubtedly constitute an improvement over the present rules, the carriers still maintain exclusions or limitations on their cargo liability which are significantly more limited than the traditional liability of common carriers. The 50 cent/$50 liability limit of the carriers has been both protested and supported by shippers. The amount provided by this rule would undoubtedly cover only a portion of the actual loss to the shipper in most situations and there is a serious question as to its lawfulness. More so are the carrier exceptions to these limits (footnote 2, supra). The maintenance of a total exclusion on liability for consequential and special damages also appears to warrant reexamination.

The carriers do not propose any change in their general rules on packing requirements, which typically place the full burden on the shipper to anticipate properly the hazards inherent in air transportation. Claims for damage are often denied on the grounds of improper packing, even though the carrier accepted the goods without noting any exceptions as to condition of the shipment. The Board is of the opinion that the carriers should specify packing requirements consonant with the air environment, which they should know best. Absent such carrier-prescribed packing standards, it would seem to follow that the carriers should not be permitted to deny liability for loss or damage if they have accepted the goods for transportation.

Although surface carriers also employ a 15-day notice standard on concealed loss or damage, the absence of such notice is not of itself grounds for denial of a claim. Hence the unequivocal air carrier rule on this point is more stringent than the surface carriers' rule.

The Board intends, at least initially, that the investigation be limited to the major issues just discussed. With regard to other rules and issues of lesser import, which the carriers have not resolved, the Board will instruct its staff to develop revised and improved rules to be circulated to the carriers and shippers,[15] which if adopted will obviate an investigation thereof by the Board. We will not hesitate, however, to broaden the investigation to include other rules and issues should it appear that these informal procedures are not successful.

In addition, it appears that some matters will more readily lend themselves to rulemaking action by the Board, and we will review and consider this avenue for such matters as a uniform standard airbill, reserved air freight, shippers' all-risk insurance, and a shipper's claim manual.

Lastly, we turn to the proposed international rules for domestic carriers. The addition of such rules to the domestic tariff will very likely clarify numerous points on which the tariff is presently silent, and will to some degree bring such provisions into better agreement with other international provisions. While the volume of traffic which would move under the international rules of the domestic carriers is limited, we cannot find that it is in the public interest for the domestic carriers to agree to apply more onerous conditions on international traffic which is not subject to the Warsaw Convention than to Warsaw traffic. We will therefore condition our approval to insure that international non-Warsaw and Warsaw traffic are treated the same with respect to the liability limit of $7.52 per pound, and to establish uniform time limits for claims.[16] Lastly, the rules are

[13] Rule 60; see also Order 68-10-13, supra, concerning the 2-year limit on overcharge claims.

[14] The carriers do not propose any change in their 15-day notice rule on concealed loss and damage, or as to packing and marking requirements, both of which were the subject of substantial shipper complaints.

[15] In addition to rules directly concerned with liability, the Board also takes note of concern expressed by shippers with rules involving carrier terms of acceptance, as well as the numerous individual carrier exceptions throughout the carriers' tariff. The staff effort will therefore embrace these aspects as well.

[16] Although the industry agreement cites $7.52 per pound, derived from 250 francs per kilogram as specified in Article 22 of the Warsaw Convention, various international tariffs currently use either the language of the Convention, or $7.48 per pound, or $16.50 per kilogram, to express the limit of carrier liability. In addition, several international carriers require that in case of partial loss a complaint must be made in 7 days, consistent with the Warsaw requirement as to damage in Article 26; for total loss, however, many international carriers impose a 120-day requirement, and some, but not all, international tariffs specify a 2-year time limit on the filing of overcharge claims.

silent as to whether the carriers' liability of $7.52 per pound is based upon the total weight of the entire shipment or only the weight of the lost or damaged packages, and are silent on time limits for filing claims on loss or overcharges, and we believe these omissions should be corrected. Accordingly, the Board will condition its approval of the carriers' agreements with respect to the foregoing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, 412, 414, and 1002 thereof:

It is ordered, That:

1. Agreement CAB 19891–A4 covering Rules 38 and 40, Agreement CAB 20746–A1 covering Rule 36, Rule 60(B), Rule 62 and Rule 64,[17] Agreement CAB 20746–A2 covering Rule 36, and Agreement CAB 21288 covering Rule 30, Rule 32, and new Rules 52 (B), (D), and (E)(3) are approved;

2. Agreement CAB 20746–A1 covering Rule 60(A) and 60(B)(2), and Agreement CAB 21288 covering Rule 52(A) are approved, provided (a) that the definition of "international transportation" is amended to include all traffic between a point in the United States and a point outside the United States, including but not limited to "international transportation" as defined in the Warsaw Convention; (b) that notice of claims on international partial loss is treated the same as damage under the international 7-day rule; (c) that notice of claims on international total loss (including nondelivery) be made subject to a 9-month plus 9-day time limit; (d) that a 2-year time limit on international overcharge claims shall be required in conjunction with Rule 60(A); (e) that international liability at $7.52 per pound shall be computed on the weight of the total shipment; (f) that international charges for shipper's declared value shall be assessed on only that amount by which such declared value exceeds $7.52 per pound per shipment; and (g) that the absence of the 15-day domestic notice requirement on concealed loss or damage shall not constitute grounds for denial of such claims;

3. An investigation is instituted to determine whether the provisions of the rules appearing on the revised pages of the tariffs, including subsequent revisions and reissues thereof, enumerated in Note 2 through Note 16 of Appendix A[18] to the extent they apply for or on behalf of the carriers as shown in Note 1 of Appendix A,[18] and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

4. The scope of the investigation instituted by ordering paragraph 3 above shall include as issues whether Agreements CAB 20746–A1 and 21288, embodying the provisions of Rules 30, 32, 52, and 60 of Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 96 are adverse to the public interest or in violation of the Federal Aviation Act of 1938;

5. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order will be served upon the air carriers named in Appendix A[18] which are hereby made parties to this proceeding.[19]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70–9925; Filed, July 30, 1970; 8:50 a.m.]

[17] Provisions of Agreement CAB 20746–A1 concerning present tariff Rule 58(D) were earlier approved by Order 69–10–4.

[18] Appendix A filed as part of the original document.

[19] Persons who have previously communicated with the Board in this proceeding will be served with this order, but are not made parties to this investigation at this time. Any interested person may file documents authorized by Part 302—Rules of Practice in Economic Proceedings. Persons desiring to appear at any hearing and present relevant evidence may participate in accordance with Rule 14 of the Board's rules of practice. Persons desiring to formally intervene as a party in any hearings held pursuant to this investigation must file a petition to intervene and are otherwise governed by Rule 15 (14 CFR 302.14, 302.15).

[Dockets Nos. 21942, 21943; Order 70–7–126]

BRANIFF AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of July 1970.

Application of Braniff Airways, Inc., for amendment of its South American certificate for route 153 to authorize it to carry military standby and stopover passengers on operations between the coterminal points New York, N.Y./Newark, N.J., Washington, D.C., and Miami, Fla., Docket 21942.

Application of Braniff Airways, Inc., for an exemption under section 416(b) authorizing it to carry military standby and stopover passengers on its operations between the coterminal points New York, N.Y./Newark, N.J., Washington, D.C., and Miami, Fla., on its route 153, Docket 21943.

On February 20, 1970, Braniff Airways, Inc. (Braniff), filed an application in Docket 21942 requesting that its certificate for route 153 be amended to authorize the carriage of military standby and stopover passengers on operations between the coterminal points New York/Newark, Washington, D.C., and Miami, Fla.; and a motion requesting that the amendment be authorized by means of show cause procedures. On the same date, in Docket 21943, Braniff applied for a temporary exemption authorizing the same operations pending final decision by the Board on Braniff's application for a certificate amendment.

Answers in opposition to Braniff's request have been filed by Delta, National, Pan American,[1] Northeast, and Eastern. Braniff filed a consolidated reply.

Upon consideration of the various filings and all the other relevant facts, we have tentatively concluded that the modification of Braniff's certificate for route 153 in order to permit the carriage of stop over traffic between U.S. coterminal points is in the public interest.[2] We feel that this minor modification can best be achieved through show cause procedures. Accordingly, we tentatively find and conclude that the public convenience and necessity require the foregoing modification of Braniff's certificate for route 153.

In support of this ultimate finding, we further tentatively find and conclude as follows: The grant of stopover rights will have a negligible impact upon the present pattern of competition between Braniff's domestic coterminals; stopover rights will provide additional traffic support for Braniff's South American operations and aid the carrier in achieving profitable operations in that area, and will put Braniff on an equal competitive footing with the foreign carriers operating between South America and the east coast of the United States.

Accordingly, upon consideration of the foregoing, we tentatively find and conclude that the public convenience and necessity require the amendment of Braniff's certificate for route 153 by the addition of a condition (8) granting Braniff authority to carry stopover traffic between certain coterminals of its certificate for route 153, as set forth in ordering paragraph 1 below.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he should expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

[1] Pan American is opposed only if it is not awarded similar authority.

[2] Braniff's request for authority to carry military standby traffic would place that carrier in direct competition with incumbent carriers for purely local traffic and would result in a greater amount of diversion than will the carriage of stopover traffic. In the circumstances we will not utilize show cause procedures in the case of military standby traffic. Braniff's exemption application is mooted by this order and, accordingly, it will also be dismissed.

During the same 20-day period prescribed above we will expect Braniff to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to § 389.25(a)(2)(i) of the Board's organization regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Braniff's certificate for route 153 by adding the following condition:

(8) The holder may grant stopover privileges at Miami, Fla., or Washington, D.C., to passengers traveling between New York, N.Y./Newark, N.J., or Washington, D.C., on the one hand, and points on Route 153 south of Miami, Fla., on the other hand.

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [3]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. Braniff's application for an exemption in Docket 21943 be and it hereby is dismissed, except insofar as it requests the relief described in footnote 4, below;[4]

6. Except to the extent granted herein, Braniff's motion for an order to show cause be and it hereby is denied; and

7. A copy of this order shall be served on Braniff Airways, Inc., and each carrier which filed an answer in this proceeding.

[3] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[4] Braniff's application also requested that, if the Board extended the Braniff/Pan American interchange in Docket 17367, Braniff be granted exemption authority to carry between coterminal points on the U.S. east coast connecting passengers who travel between Miami and Canal Zone/Panama or a point south thereof on the interchange. The Board has extended the interchange for one year (Order 70-5-86). Braniff's exemption application will be dealt with in a separate order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-9924; Filed, July 30, 1970; 8:50 a.m.]

[Docket No. 22329]

MARTIN'S AIR CHARTER

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on August 11, 1970 at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., July 28, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-9921; Filed, July 30, 1970; 8:49 a.m.]

[Docket No. 22317]

ONTARIO CENTRAL AIRLINES, LTD.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 26, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 24, 1970.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 70-9922; Filed, July 30, 1970; 8:49 a.m.]

[Docket No. 14847]

REOPENED SOUTH PACIFIC-PAN AMERICAN ROUTE TRANSFER CASE

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 August 25, 1970, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on June 22, 1970, 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., July 27, 1970.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 70-9923; Filed, July 30, 1970; 8:49 a.m.]

FARM CREDIT ADMINISTRATION

[Order 736]

PRODUCTION CREDIT SERVICE

Authority and Order of Precedence of Certain Officers To Act as Deputy Governor and Director

JULY 17, 1970.

1. In the event that the Deputy Governor and Director of Production Credit Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Production Credit Service:

(1) Lester L. Arnold, Assistant Director, Production Credit Service.

(2) Julius H. Porter, Assistant Director, Production Credit Service.

(3) Lee R. Brobst, Assistant to the Director, Production Credit Service.

(4) John F. Hudson, Jr., Chief, Fiscal and Operations Division, Production Credit Service.

2. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 722 (33 F.R. 8515).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 70-9909; Filed, July 30, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-673]

CITIES SERVICE GAS CO. AND MOBIL OIL CORP.

Notice of Filing of Settlement Proposal

JULY 28, 1970.

Take notice that on July 28, 1970, Mobil Oil Corp. (Mobil) and Cities Service Gas Co. (Cities) filed a request for approval of a settlement proposal in the above-entitled proceeding. The settlement proposal, if approved, would resolve the issues involved in Docket No. RI68-673 and in the pending litigation between Cities and Mobil in the U.S. District Court for the District of Kansas. In addition, under the settlement proposal, Mobil will file to dismiss with prejudice its petition for judicial review of Opinions Nos. 574 and 574-A and will also withdraw its interventions in Docket No. RP

69–39, et al. and Docket No. CP70–159. Mobil and Cities have also executed contract amendments relating to Mobil's FPC Gas Rate Schedule Nos. 3, 283, and 304 and filed them as part of the settlement proposal.

Copies of the settlement proposal were served on all the parties to the proceeding in Docket No. RI68–673, all of Cities' jurisdictional customers, and all interested State commissions.

Comments with respect to the settlement proposal may be filed with the Commission on or before August 11, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–9963; Filed, July 30, 1970; 8:50 a.m.]

[Project No. 2674]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License for Constructed Project

JULY 23, 1970.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Green Mountain Power Corp. (correspondence to: G. M. McKibben, President, Green Mountain Power Corp., 1 Main Street, Burlington, Vt. 05401) for constructed Project No. 2674, known as the Vergennes Project, located on Otter Creek in Addison County, Vt., in the city of Vergennes, and in the vicinity of the towns of Ferrisburg and Panton, and in the region of Middlebury. The project affects navigable waters of the United States.

The existing run-of-river project consists of: (1) A gravity-type overflow dam 231 feet long, in three sections, spanning two midstream islands, normal full pond elevation being 134.3 feet (U.S.G.S. datum); (2) two headworks structures; (3) two powerhouses with a total generating capacity of 2,400 kw. operating under 35 feet of head; (4) a park and playground area; and (5) all other facilities and interests appurtenant to operation of the project.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–9869; Filed, July 30, 1970; 8:45 a.m.]

[Project No. 503]

IDAHO POWER CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 26, 1969, Idaho Power Co., licensee for Swan Falls Project No. 503 located in the vicinity of Ada and Owyhee Counties, Idaho, on Logan River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 19, 1970.

The license for Project No. 503 was issued effective January 1, 1928, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Idaho Power Co. for continued operation and maintenance of Project No. 503.

Take notice that an annual license is issued to Idaho Power Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Swan Falls Project No. 503, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–9870; Filed, July 30, 1970; 8:45 a.m.]

[Project No. 1855]

NEW ENGLAND POWER CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 23, 1969, New England Power Co., licensee for Bellows Falls Project No. 1855 located in Windham and Windsor Counties, Vt., and Cheshire and Sullivan Counties, N.H., on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1855 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Co. for continued operation and maintenance of Project No. 1855.

Take notice that an annual license is issued to New England Power Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bellows Falls Project No. 1855, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–9871; Filed, July 30, 1970; 8:45 a.m.]

[Project No. 1881]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 27, 1969, Pennsylvania Power & Light Co., licensee for Holtwood Project No. 1881 located in York and Lancaster Counties, Pa., on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1881 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pennsylvania Power & Light Co. for continued operation and maintenance of Project No. 1881.

Take notice that an annual license is issued to Pennsylvania Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Holtwood Project No. 1881, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–9872; Filed, July 30, 1970; 8:45 a.m.]

[Project No. 372]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 16, 1969, Southern California Edison Co., licensee for Tule Project No. 372 located in the vicinity of Tulare County, Calif., on the Tule River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 372 was issued effective December 31, 1941, for a period ending June 15, 1970. In order to authorize the continued operation of the

project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 372.

Take notice that an annual license is issued to Southern California Edison Co. (licensee) under section 15 of the Federal Power Act for the period June 15, 1970, to June 15, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tule Project No. 372, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9873; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 472]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 6, 1969, Utah Power & Light Co., licensee for Oneida Project No. 472 located in the vicinity of Franklin County, Idaho, on Bear River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 472 was issued effective June 1, 1927, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 472.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Oneida Project No. 472, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9874; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 597]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 26, 1969, Utah Power & Light Co., licensee for Stairs Project No. 597 located in the vicinity of Salt Lake County, Utah, on Big Cottonwood Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 597 was issued effective June 1, 1927, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 597.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stairs Project No. 597, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9875; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 696]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 23, 1969, Utah Power & Light Co., licensee for Upper and Lower American Project No. 696 located in the vicinity of Utah County, Utah, on American Fork Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 696 was issued effective June 1, 1927, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 696.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Upper and Lower American Project No. 696, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9876; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 703]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 24, 1969, Utah Power & Light Co., licensee for Paris Project No. 703 located in the vicinity of Bear Lake County, Utah, on Paris Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 703 was issued effective June 1, 1927, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 703.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Paris Project No. 703, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9877; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 1744]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 24, 1969, Utah Power & Light Co., licensee for Weber Project No. 1744 located in the vicinity of David, Morgan, and Weber Counties, Utah, on Weber River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 1744 was issued effective June 1, 1927, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Co. for continued operation and maintenance of Project No. 1744.

Take notice that an annual license is issued to Utah Power & Light Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for

the project, whichever comes first, for the continued operation and maintenance of the Weber Project No. 1744, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9878; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 400]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On January 28, 1969, The Western Colorado Power Co., licensee for Tacoma and Ames Project No. 400 located in the vicinity of La Plata, San Juan, San Miguel, and Ouray Counties, Colo., on the Animas and South Fork San Miguel Rivers filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 3, 1970.

The license for Project No. 400 was issued effective July 1, 1935, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Co. for continued operation and maintenance of Project No. 400.

Take notice that an annual license is issued to The Western Colorado Power Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tacoma and Ames Project No. 400, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-9879; Filed, July 30, 1970; 8:46 a.m.]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Annual License

JULY 23, 1970.

On June 26, 1969, Wisconsin Michigan Power Co., licensee for Twin Falls, Peavy Falls and Way Project No. 1759 located in Iron and Dickinson Counties, Mich., and Florence County, Wis., on the Michigamme and Menominee Rivers filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1759 was issued effective January 1, 1938, for a period ending June 30, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Co. for continued operation and maintenance of Project No. 1759.

Take notice that an annual license is issued to Wisconsin Michigan Power Co. (licensee) under section 15 of the Federal Power Act for the period June 30, 1970, to June 30, 1971, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Twin Falls, Peavy Falls and Way Project No. 1759, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. -70-9880; Filed, July 30, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 782]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Douglas County, Minn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from tornado occuring on July 18, 1970.

OFFICE

Small Business Administration District Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1971.

Dated: July 22, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-9882; Filed, July 30, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 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. 42008—*Grain and grain products from and to points in Illinois.* Filed by Illinois Freight Association, agent (No. 359), for interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, in carloads, as described in the application, from various points in Illinois, to Chicago, Ill.

Grounds for relief—Motor-truck competition.

FSA No. 42009—*Newsprint paper to Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2981), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Cap-de-la-Madeleine and Trois Rivieres, Quebec, Canada, to Chicago, Ill.

Grounds for relief—Water competition.

Tariff—Supplement 85 to Canadian Pacific Railway Co. tariff ICC E. 2631.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-9919; Filed, July 30, 1970; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 28, 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. 42010—*Coke and related articles to Keokuk, Iowa.* Filed by Illinois Freight Association, agent (No. 356), for interested rail carriers. Rates on coke, coke breeze, coke dust, and coke screenings, in carloads, as described in the application, from Burns Harbor and Gary, Ind., to Keokuk, Iowa.

Grounds for relief—Market competition.

Tariffs—Supplement 164 to Illinois Freight Association, agent, tariff ICC

767, and supplement 78 to Penn Central Transportation Co. tariff ICC 2159.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-9920; Filed, July 30, 1970; 8:49 a.m.]

[Notice 122]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 27, 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 28060 (Sub-No. 18 TA), filed July 21, 1970. Applicant: WILLERS INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: Clifford F. Willers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and materials, used and distributed by meat packers;* (A) from the plantsite and storage facilities of John Morrell & Co. at or near Sioux Falls, S. Dak.; Worthington, Minn.; and Estherville, Iowa; to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin; (B) between plantsites and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., and Worthington, Minn., on the one hand, and, on the other, plantsites and storage facilities of John Morrell & Co. at or near Estherville and Ottumwa, Iowa, for 150 days. Supporting shipper: John Morrell & Co., 1400 North Weber, 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 51146 (Sub-No. 167 TA), filed July 21, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, ZIP 54306, Green Bay, Wis. 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, knocked down flat, from Elk Grove Village, Ill., to Milwaukee, Wis., for 180 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. (Lewis G. Hallett, Western Traffic Manager). Send protests to: District Supervisor Lyle L. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82079 (Sub-No. 22 TA), filed July 21, 1970. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Hillsdale, Mich., to Richmond, Ind., for 180 days. NOTE: Applicant states no tacking nor interlining intended. Supporting shipper: DCA Food Industries, Inc., F. W. Stock & Sons Division, 101 East Bacon Street, Hillsdale, Mich. 49242. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 85465 (Sub-No. 26 TA), filed July 21, 1970. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, 709 Mill Drive, Scottsbluff, Nebr. 69361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, except commodities in bulk, in tank vehicles as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Atlanta, Tucker, and Albany, Ga.; Charlotte, N.C.; Birmingham, Mobile, and Montgomery, Ala., for 150 days. Supporting shipper: Hormel Fine Food Products, Post Office Box 800, Austin, Minn. 55912. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 111401 (Sub-No. 307 TA), filed July 21, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Vic Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, in bulk, from Fort Worth, Tex., to Los Angeles, Calif., with a stop to partially unload at Henderson, Nev., for 180 days. Supporting shipper: Southwestern Petroleum Corp., Fort Worth, Tex. 76101; Howard D. Moore, Traffic Manager. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office and Courthouse Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 114273 (Sub-No. 70 TA), filed July 21, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., 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: *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 Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Armour & Co. at or near Des Moines, Iowa, to points in Pennsylvania for 180 days. Supporting shipper: Armour & Co., 111 East Wacker Drive, Chicago, Ill., Attention: V. P. Adrian, Fresh Meats Division. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 114890 (Sub-No. 47 TA), filed July 21, 1970. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, A.A. Highway, Carterville, Mo. 64835, Joplin, Mo. 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from the plantsite of Kimball Chemical Co. at or near Sand Springs, Okla., to points in Arkansas, Kansas, and Missouri within 150 miles of origin, for 150 days. Supporting shipper: Kimball Chemical Co., Inc., Post Office Box 880, Sand Springs, Okla. 74063. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125821 (Sub-No. 4 TA), filed July 21, 1970. Applicant: WACO C. ARANT, doing business as ARANT TRUCKING COMPANY, Route 4, Box 744, Paducah, Ky. 42001. Applicant's representative: Waco H. S. Melton, Jr., Box 1284, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionary products, advertising supplies, and display materials related thereto*, from Paducah, Ky., to Phoenix, Ariz., Los Angeles, San Francisco, Berkley, and San Leandro, Calif., for 180 days. Supported by: Gilliam Candy Co., Inc., 2401 Powell Street, Paducah, Ky. 42001 (W. A. Underwood, General Manager). Send protests to: District Supervisor Floyd A.

Johnson, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 134460 (Sub-No. 2 TA), filed July 21, 1970. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, Calif. 94061. Applicant's representative: E. H. Griffiths, 433 Turk Street, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled equipment, from Wilmington, Calif., to points in California, Utah, Colorado, New Mexico, Arizona, Idaho, Oregon, Washington, and Montana, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, N.Y. 10001. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-9916; Filed, July 30, 1970; 8:49 a.m.]

[Notice 123]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 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 78228 (Sub-No. 28 TA) (Correction), filed June 24, 1970, published in the FEDERAL REGISTER issue of July 3, 1970, and republished in part corrected, this issue. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. NOTE: The purpose of this partial republication is to show the corrected No. MC 78228 (Sub-No. 28) in lieu of MC 78288 (Sub-No. 28). The rest of the application remains as previously published.

No. MC 94901 (Sub-No. 3 TA) (Amendment) filed June 17, 1970, published in the FEDERAL REGISTER issue of July 3, 1970, and republished as correct amended, this issue. Applicant: EDDY MOVING & STORAGE CO., INC., 150-148 Pearl Street, Port Chester, N.Y. 10573. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, printed matter, data, records, and supplies*, requiring messenger delivery service, in parcels not exceeding 50 pounds each and in shipments not exceeding 1,000 pounds; (a) between New York, N.Y., and Nyack, N.Y.; (b) between Nyack, N.Y., and points in Westchester County, N.Y.; (c) between Fairfield County, Conn., and Nyack, N.Y.; and (d) between Bergen County, N.J., and Nyack, N.Y., for 150 days. NOTE: The of this republication to redescribed the commodity description and the territory sought. Supporting shipper: International Business Machines Corp., Armonk, N.Y. 10504. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 213 TA), filed July 17, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films, and materials and supplies used in connection with commercial and television motion pictures); (A) between Parsons, Kans., on the one hand, and, on the other, points in Missouri; (B) between Topeka, Kans., on the one hand, and, on the other, points in Nebraska and Missouri, for 180 days. Supporting shippers: Dwayne's Photo Service, Post Office Box 274, Parsons, Kans. 67357; Zercher Photo, Inc., Post Office Box 59, Topeka, Kans. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115295 (Sub-No. 12 TA), filed July 17, 1970. Applicant: BOB UTGARD, doing business as UTGARD TRUCKING, Rural Route 3, New Richmond, Wis. 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and the manufactured feed ingredients, including concentrates, supplements and minerals;* from (1) New Richmond, Wis., to points in Winona County, Minn., north of U.S. Highway 14 and Allamakee, Clayton, Dubuque, Delaware, Jackson, Jones, Linn, Clinton, Tama, Marshall, Story, Grundy, Hardin, Hamilton, Wright, and Hancock Counties, Iowa; (2) from Ames, Iowa, and Albert Lea, Minn., to New Richmond, Wis., for 180 days. Supporting shipper: Doughboy Industries, Inc., New Richmond, Wis. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 117644 (Sub-No. 19 TA), filed July 13, 1970. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, New Brighton, Minn. 55112. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract 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 and *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or storage facilities utilized by Armour & Co. at or near Worthington, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Illinois, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Armour & Co., Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119880 (Sub-No. 39 TA), filed July 17, 1970. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (1) from port of entry between United States and Canada located at or near Blaine, Wash, to Minneapolis, Minn.; Boston, Mass; and Detroit, Mich.; (2) between port of entry between United States and Canada located at or near Blaine, Wash., on the one hand and Bardstown, Louisville, and Owensboro, Ky., on the other, for 180 days. Supporting shipper: Potter Distilleries Ltd., Langley, British Columbia, Canada. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126514 (Sub-No. 27 TA), filed July 17, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAFFER, 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Frozen daiquiri mix* (except in bulk) and *frozen whiskey sour mix* (except in bulk), from Los Angeles, Calif., to Albany and New York, N.Y.; Baltimore and Landover, Md.; Boston and Springfield, Mass.; Peoria and Chicago, Ill.; Cleveland, Columbus, Cincinnati, and Youngstown, Ohio; Detroit and Grand Rapids, Mich.; Fort Wayne, Ind.; Hartford, Conn.; Milwaukee, Wis.; Philadelphia, Sharon, and Scranton, Pa.; Washington, D.C.; and points in New Jersey north of New Jersey Highway 70, for 180 days. Supporting shipper: Wilbur Ellis Co., 800 Second Avenue, New York, N.Y. 10017. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 126514 (Sub-No. 28 TA), filed July 17, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER (a partnership) 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, from New York, N.Y., to Knoxville, Tenn.; from Knoxville, Tenn., to Portland, Oreg.; Detroit, Mich.; Indianapolis, Ind.; Minneapolis, Minn.; St. Louis, and Kansas City, Mo.; Dallas, Tex.; Seattle, Wash.; Los Angeles, San Francisco, Pasadena, and Livermore, Calif. Restricted to shipments which originate at New York, N.Y., and are stopped for partial unloading and completion of loading at Knoxville, Tenn., for 150 days. Supporting shipper: Business Envelope Manufacturing Co., Inc., 2350 Lafayette Avenue, Bronx, N.Y. 10473. Send protests to: Andrew V. Baylor, District Supervisor, Interstat Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 127453 (Sub-No. 2 TA), filed July 20, 1970. Applicant: BANKS RAY, JR., doing business as NASHVILLE TRUCKING COMPANY, Post Office Box 69, Nashville, Ark. 71852. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes, and wooden baskets, and wooden basket covers*, from the plantsite of Nashville Basket Co., at Nashville, Ark., to points in Hale, Deaf Smith, and Parmer Counties, Tex., for 180 days. NOTE: Applicant intends to tack the authority applied for to its MC 127453 Sub 1. Supporting shipper: Nashville Basket Co., Post Office Box 129, Nashville, Ark. 71852. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 133064 (Sub-No. 1 TA) (Amendment), filed May 22, 1970, published in the FEDERAL REGISTER issue of June 3, 1970, and republished as correct amended, this issue. Applicant: BATEY MOVING & STORAGE COMPANY, INC., 421 Allied Drive, Nashville, Tenn. 37211. Applicant's representative: W. N. Batey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restaurant equipment and supplies*, between points in Nashville, Tenn., and all points in the United States, except Alaska and Hawaii, and Tennessee, with *rejected or returned shipments* only on return, for 180 days. NOTE: The purpose of this amendment is to exclude Tennessee from the territory to be served. Supporting shipper: Eddy Arnold's Tennessee Fried Chicken, Inc., 536 Expressway Park Drive, Nashville, Tenn. 37210. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 134766 (Sub-No. 1 TA), filed July 16, 1970. Applicant: HAROLD E. LOWMAN & FAYE STANLEY, a partnership, doing business as H and F TRUCKING, Ellijay, Ga. 30540. 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: *Plastic bags, plastic tubing and sheeting, and new burlap* in compressed rolls, from plantsite of Packaging Products & Design Corp., Newark, N.J. to points in Alabama, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Washington, D.C., for 180 days. Supporting shipper: Packaging Products & Design Corp., 574 Ferry Street, Newark, N.J. 07105. Send protests to: District Supervisor William L. Scroggs, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-9917; Filed, July 30, 1970; 8:49 a.m.]

[Notice 565]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 27, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 26246. By order of July 23, 1970, the Motor Carrier Board approved the transfer to Parker Boat Line, Inc., Put-in-Bay, Ohio, of the operating rights in water carrier certificate No. W-859 (Sub-No. 2) issued April 6, 1948, to The Erie Isles Ferry Co., Middle Bass, Ohio, authorizing the operation as a common carrier by self-propelled vessels, in interstate or foreign commerce, in the transportation of commodities generally between Port Clinton, Middle Bass Island, and Put-in-Bay, Ohio. Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604, attorney for transferee.

No. MC-FC-72252. By order of July 15, 1970, the Motor Carrier Board approved the transfer to Industrial Cartage, Inc., Sun Valley, Calif., of the operating rights in certificate of registration No. MC-120822 (Sub-No. 1) issued March 19, 1964, to Irish Truck Lines, Inc., Montebello, Calif., evidencing a right to engage in transportation in interstate commerce as described in certificate of public convenience and necessity granted in Decision No. 62669, dated October 10, 1961, issued by the Public Service Commission of California. Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057, attorney for applicants.

No. MC-FC-72256. By order of July 23, 1970, the Motor Carrier Board approved the transfer to Carl Wayne Prins, doing business as Carl Prins Trucking, Hudsonville, Mich., of a portion of the operating rights in No. MC-107323 and the entire operating rights in No. MC-107323 (Sub-No. 43), issued May 11, 1959, and January 17, 1968, respectively, to Gillil & Transfer Co., Fremont, Mich., collectively, authorizing the transportation of dried beans, garden and vegetable seeds, insecticides, fungicides, and insecticide and fungicide sprayers, from Middleport, N.Y., to points in Michigan on and north of U.S. Highway 16. James R. Sebastian, Jr., 540 Old Kent Building, Grand Rapids, Mich. 49502, attorney for transferee.

No. MC-FC-72257. By order of July 23, 1970, the Motor Carrier Board approved the transfer to Carroll C. Bilbrough and Barbara W. Bilbrough, a partnership, doing business as Bilbrough's Bus Service, 406 Main Street, Clayton, Del. 19703, of the operating rights in certificate No. MC-84438 issued May 12, 1949, to Carroll Thompson, 1210 Forest Avenue, Dover, Del. 19901, authorizing the transportation of passengers and their baggage, in charter operations, between points in Kent County, Del., and points in Pennslyvania and Maryland, within 100 miles of Kent County, Del.

No. MC-FC-72261. By order of July 23, 1970, the Motor Carrier Board approved the transfer to Boyce Bruce, Louisville, Miss., of the operating rights in permit No. MC-127739 issued September 25, 1967, in the name of Amos Larry Quinn, doing business as Larry Quinn, Louisville, Miss., authorizing the transportation of specified commodities from specified points in Mississippi to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. Harold D. Miller, Jr., 700 Petroleum Building, Post Office

Box 22567, Jackson, Miss. 39209, attorney for applicants.

No. MC–FC–72264. By order of July 21, 1970, the Motor Carrier Board approved the transfer to Richard Payne Trucking Co., a corporation, Hinsdale, Ill., of the operating rights in certificate No. MC–83403, issued March 14, 1956, to Oscar Melm, doing business as Oscar Melm Transfer, Sorento, Ill., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Sorento, Ill., and St. Louis, Mo., serving specified intermediate and off-route points, over U.S. Highway 66, and return. Frank J. Belline, 33 North Dearborn Street, Chicago, Ill. 60602, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–9918; Filed, July 30, 1970; 8:49 a.m.]

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