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PART I
(Part II begins on page 9813)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

MEMORIAL DAY, 1971—Presidential proclamation ... 9761

CONSUMER AFFAIRS—Presidential Executive order establishing additional deputy director in Office of Consumer Affairs ... 9763

SURPLUS LAND—GSA assignment to Interior Dept. of surplus land for public park and recreation areas; effective 5–28–71 ... 9775

IMPORT LICENSES—USDA proposal for issuance of licenses for importation of certain cheese and chocolate crumb ... 9785

OIL POLLUTION—Fed. Maritime Admin. notice of issuance of various certificates of financial responsibility ... 9797

EGGS—USDA regulations for inspection of eggs and egg products ... 9814

SHELL EGGS—USDA amendment of certain grade tolerances; effective 7–1–71 ... 9765

DANGER ZONE—Army Dept. regulation establishing and governing use and navigation of a danger zone in Pacific Ocean, California ... 9774

(Continued inside)

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1971)

Title 28—Judicial Administration........................ $.75

Title 33—Navigation and Navigable Waters (Part 200–End) 1.75

[*A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1*]

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

AIRWORTHINESS DIRECTIVE—FAA proposed requirement for installation of microswitch in landing gear selector lever assembly on certain BAC airplanes; comments by 6–28–71 9768

PLUTONIUM PLANTS—AEC proposal for preconstruction review of site and design bases 9786

WILDERNESS—USDA notice of Glacier Primitive Area field hearing; hearing on 6–28–71 9788

FOOD ADDITIVE—FDA notice of petition proposing use of sodium polyacrylate as clay filler dispersant in paper and paperboard for containers 9792

DRUGS—FDA notice of certain named animal drugs deemed adulterated 9792

MOTOR VEHICLE SAFETY—DoT interpretation relating to tire identification and recordkeeping .. 9780

MERCHANT MARINE—Commerce Dept. regulations on capital construction fund 9779

COTTON TEXTILES—Interagency Textile Admin. Comm. notice regarding shipments from Spain 9805

VOTING RIGHTS—Proposed Justice Dept. guidelines on Administration of Voting Rights Act 9781

QUARANTINE—USDA quarantine of area in North Carolina because of hog cholera; effective 5–25–71 9768

MORTGAGE INSURANCE—HUD regulations covering housing intended for seasonal occupancy; effective 5–28–71 9768

PAYROLL DEDUCTIONS—Labor Dept. amendment relating to certain public building or public works contractors; effective 5–28–71 9770

OCCUPATIONAL TRAINING—Labor Dept. amendments relating to eligibility of certain prisoners for training and incentive payments; effective 5–28–71 9771

SAFETY AND HEALTH—Labor Dept. longshoring standards respecting containerized cargo and cranes 9771

PATENT CASES—Commerce Dept. amendment of drawing requirements; effective 5–28–71 9774

MOTOR CARRIER SAFETY—DoT amendment of driving and parking rules for trucks carrying hazardous materials 9779

ANTIDUMPING—Drycleaning machinery from West Germany, Customs Bur. initiation of investigation 9788

DISASTER ASSISTANCE—OEP notices of selected counties in Tennessee and areas in Trust Territory of the Pacific Islands eligible for disaster assistance (2 documents) 9806

MEPROBAMATE—Tariff Comm. notice of hearing on importation and sale; hearing on 6–29–71 9794

RESIGNATIONS—CSC amendment on conditions for withdrawal 9765

CALIFORNIA–PEACH SHIPMENTS—USDA Consumer and Marketing Service revises size restrictions for California peaches 9765

EQUAL OPPORTUNITY—CSC amendment regarding Federal agency implementation; effective 5–28–71 9765

Contents

THE PRESIDENT

PROCLAMATION

Prayer for Peace, Memorial Day, 1971 9761

EXECUTIVE ORDER

Amending Executive Order No. 11583, establishing the Office of Consumer Affairs 9763

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined 9768

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service; Forest Service.

Proposed Rule Making

Low-fat cheese and chocolate crumb; import licenses 9785

(*Continued on next page*)

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Proposed Rule Making

Plutonium processing and fuel fabrication plants; preconstruction review of site and design bases ... 9786

Notices

Bushnell Optical Corp.; issuance of byproduct material license ... 9794
Cincinnati Gas & Electric Co., et al.; application for construction permits and facility licenses; time for submission of views on antitrust matter ... 9792
Long Island Lighting Co.; reevaluation of ECCS ... 9793
Pennsylvania Power and Light Co.; application for construction permits and facility licenses; time for submission of views on antitrust matter ... 9793
Virginia Electric and Power Co.; consideration of issuance of facility operating license ... 9793

CIVIL SERVICE COMMISSION

Rules and Regulations

Equal opportunity; implementation of agency program ... 9765
Nondisciplinary separations, demotions, and furloughs; withdrawal of resignation ... 9765

Notices

Medical radiology technician, Cook County, Ill.; establishment of minimum rates and rate ranges ... 9794

COMMERCE DEPARTMENT

See also Maritime Administration, Patent Office.

Notices

Maritime Administration; organization ... 9789

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Eggs and egg products; inspection ... 9814
Fresh peaches grown in California; regulation by grades and sizes ... 9765
Milk handling:
Boston Regional marketing area ... 9766
Eastern Ohio-Western Pennsylvania marketing area ... 9767
Shell eggs; grade tolerances ... 9765

CUSTOMS BUREAU

Notices

Drycleaning machinery from West Germany; antidumping proceeding notice ... 9788

DEFENSE DEPARTMENT

See Engineers Corps.

EMERGENCY PREPAREDNESS OFFICE

Notices

Notices of major disasters and related determinations:
Tennessee ... 9806
Trust Territory of the Pacific Islands ... 9806

ENGINEERS CORPS

Rules and Regulations

Pacific Ocean, Calif.; danger zone regulations ... 9774

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives; certain Continental models ... 9768

Proposed Rule Making

Airworthiness directives; British Aircraft Corp. airplanes ... 9785

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing ... 9794

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Motor carrier safety; driving and parking rules ... 9779

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Mortgage insurance; housing intended for seasonal occupancy ... 9768

FEDERAL MARITIME COMMISSION

Notices

Oil pollution; issuance of certificates of financial responsibility ... 9797

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Belco Petroleum Corp., et al ... 9802
Weinert, Hilda B., et al ... 9801

FEDERAL RESERVE SYSTEM

Notices

First Florida Bancorporation; orders approving acquisition of bank stock by bank holding company (2 documents) ... 9803, 9804
Missouri Bancshares, Inc.; order approving acquisition of bank stock by bank holding company ... 9804

FOOD AND DRUG ADMINISTRATION

Notices

Milchem, Inc.; filing of petition for food additives ... 9792
Philips Roxane, Inc., and E. R. Squibb & Sons, Inc.; notice of certain animal drugs deemed adulterated ... 9792

FOREST SERVICE

Notices

Glacier Primitive Area; notice of hearing ... 9788

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Utilization and disposal of real property; surplus land for public park and recreation areas ... 9775

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING ASSISTANCE ADMINISTRATION

Rules and Regulations

Public housing; prototype cost limits; miscellaneous amendments ... 9769

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration; Housing Assistance Administration.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Cotton textiles produced or manufactured in Spain; entry or withdrawal from warehouse for consumption ... 9805

INTERIOR DEPARTMENT

See Land Management Bureau; Oil Import Administration.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; amortization of pollution control facilities; correction ... 9770

Proposed Rule Making

Appreciated property used to redeem stock; correction ... 9781

INTERSTATE COMMERCE COMMISSION

Notices

Boston & Maine Corp.; notice of reorganization ... 9806
Fourth section application for relief ... 9806
Increased charges for perishable protective service; 1971 ... 9807

JUSTICE DEPARTMENT

Proposed Rule Making

Proposed guidelines for administration of Voting Rights Act ... 9781

LABOR DEPARTMENT

See also Labor Standards Bureau; Wage and Hour Division.

Rules and Regulations

Occupational training of unemployed persons; training eligibility and payments ... 9771

Public building or public works contractors; payroll deductions ... 9770

LABOR STANDARDS BUREAU

Rules and Regulations

Safety and health regulations for longshoring; containerized cargo and cranes ... 9771

LAND MANAGEMENT BUREAU

Notices

Alaska; proposed withdrawal and reservation of lands ... 9788

MARITIME ADMINISTRATION

Rules and Regulations

Capital construction fund ... 9779

Notices

Prudential-Grace Lines, Inc.; notice of application ... 9788

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Tire identification and record keeping; interpretation of manufacturer's designee ... 9780

OIL IMPORT ADMINISTRATION

Proposed Rule Making

Allocations of crude oil and unfinished oils from Puerto Rico; decision not to implement proposed regulation ... 9784

PATENT OFFICE

Rules and Regulations

Rules of practice in patent cases; drawing requirements ... 9774

TARIFF COMMISSION

Notices

Meprobamate; notice of hearing regarding importation and sale ... 9794

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Bureau.

WAGE AND HOUR DIVISION

Rules and Regulations

Puerto Rico; hosiery industry; wage order ... 9771

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

3 CFR

Proclamation 4056 ... 9761

EXECUTIVE ORDERS:

11583 (amended by EO 11595) ... 9763

11595 ... 9763

5 CFR

713 ... 9765

715 ... 9765

7 CFR

56 ... 9765

59 ... 9814

917 ... 9765

1001 ... 9766

1036 ... 9767

PROPOSED RULES:

6 ... 9785

9 CFR

76 ... 9768

10 CFR

PROPOSED RULES:

70 ... 9786

14 CFR

39 ... 9768

PROPOSED RULES:

39 ... 9785

24 CFR

203 ... 9768

Ch. III ... 9769

26 CFR

1 ... 9770

PROPOSED RULES:

1 ... 9781

28 CFR

PROPOSED RULES:

50 ... 9781

29 CFR

3 ... 9770

20 ... 9771

687 ... 9771

1504 ... 9771

32A CFR

Ch. X ... 9784

33 CFR

204 ... 9774

37 CFR

1 ... 9774

41 CFR

101-47 ... 9775

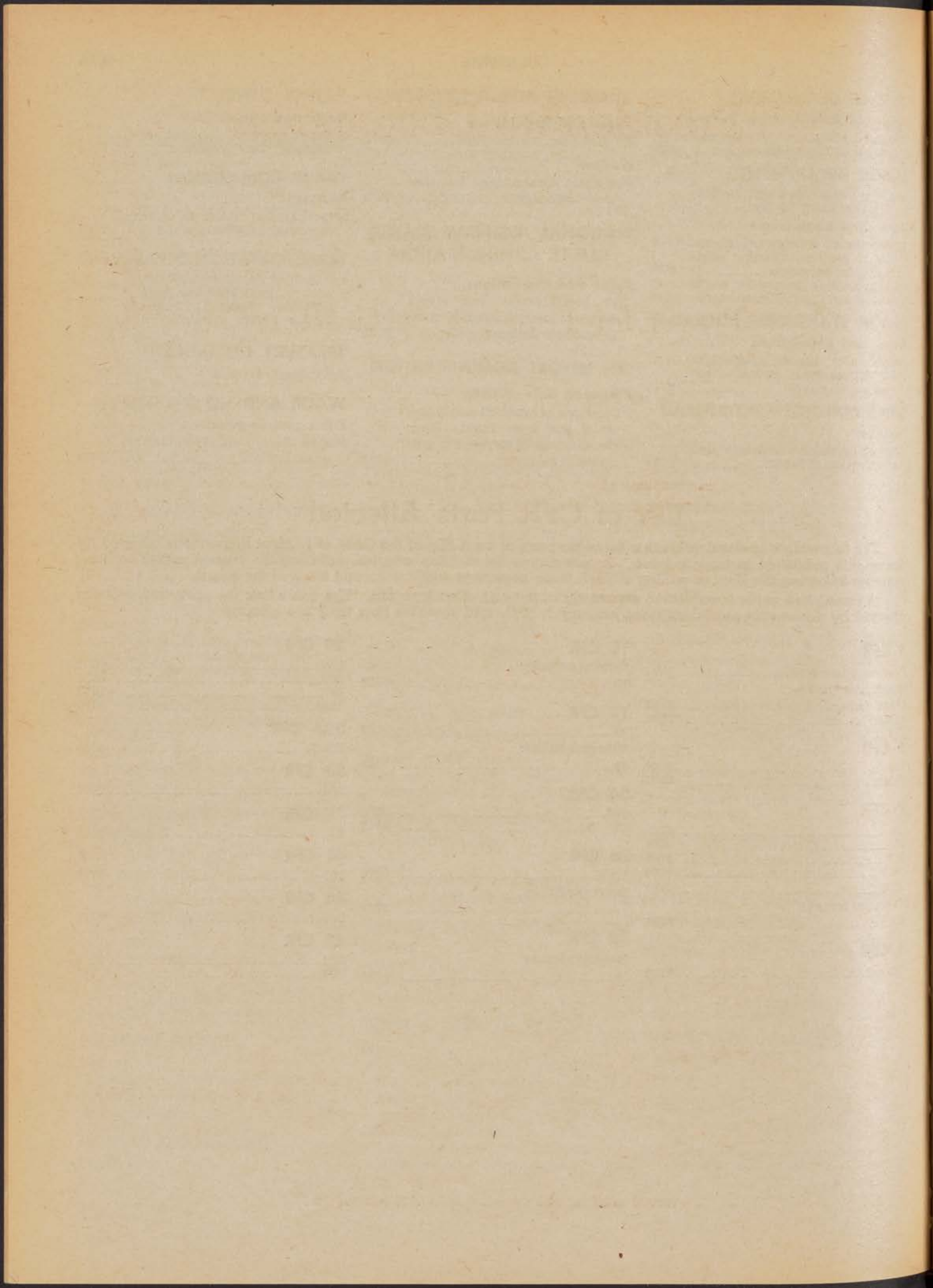
46 CFR

390 ... 9779

49 CFR

397 ... 9779

574 ... 9780



Presidential Documents

Title 3—The President

PROCLAMATION 4056

Prayer for Peace, Memorial Day, 1971

By the President of the United States of America

A Proclamation

It is a tradition of our Nation, as it is a tradition of most nations, to pay homage to those who have fallen in defense of our land, our people, and our principles. These men and women honor America by their sacrifice. It is for America to honor them by its devotion to those purposes for which they perished.

We cannot dismiss with easy platitudes the debt which the deaths of our countrymen lays upon us. And while the declaration of noble sentiments, the placing of flowers and the shedding of tears of remembrance can pay deserved tribute to their sacrifices, these by themselves cannot redeem those sacrifices. So let us bear witness to the plain truth that we can only insure that our soldiers and sailors and marines and airmen have not died in vain by resolving, as citizens of the land for which they died, that we shall not ourselves live in vain.

It is a simple matter to make war, and a difficult matter to make a peace. The history of man confirms this, for it records few periods when men have not somewhere in the world waged war on their fellow men. Confirmed in this truth, we know that our concern in America must be to move hand in hand with men of all nations to make the world safe for humanity. In this manner we can insure that those who died for us did not die in vain, that out of war has come redemption, and out of the search for redemption has come a true and just and lasting peace.

To manifest the concern of the American people for the purposes of peace, Congress by a joint resolution approved May 11, 1950, has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during such day when the people of the United States might unite in such supplication.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday,

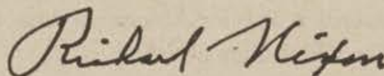
May 31, 1971, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in such prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the customary forenoon period, on all buildings, grounds, and naval vessels of the Federal government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the United States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of May, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.



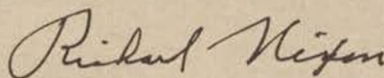
[FR Doc. 71-7607 Filed 5-27-71;11:38 am]

EXECUTIVE ORDER 11595

Amending Executive Order No. 11583, Establishing the Office of Consumer Affairs

By virtue of the authority vested in me as President of the United States, Executive Order No. 11583 [1] of February 24, 1971, is amended by substituting for section 1 thereof the following:

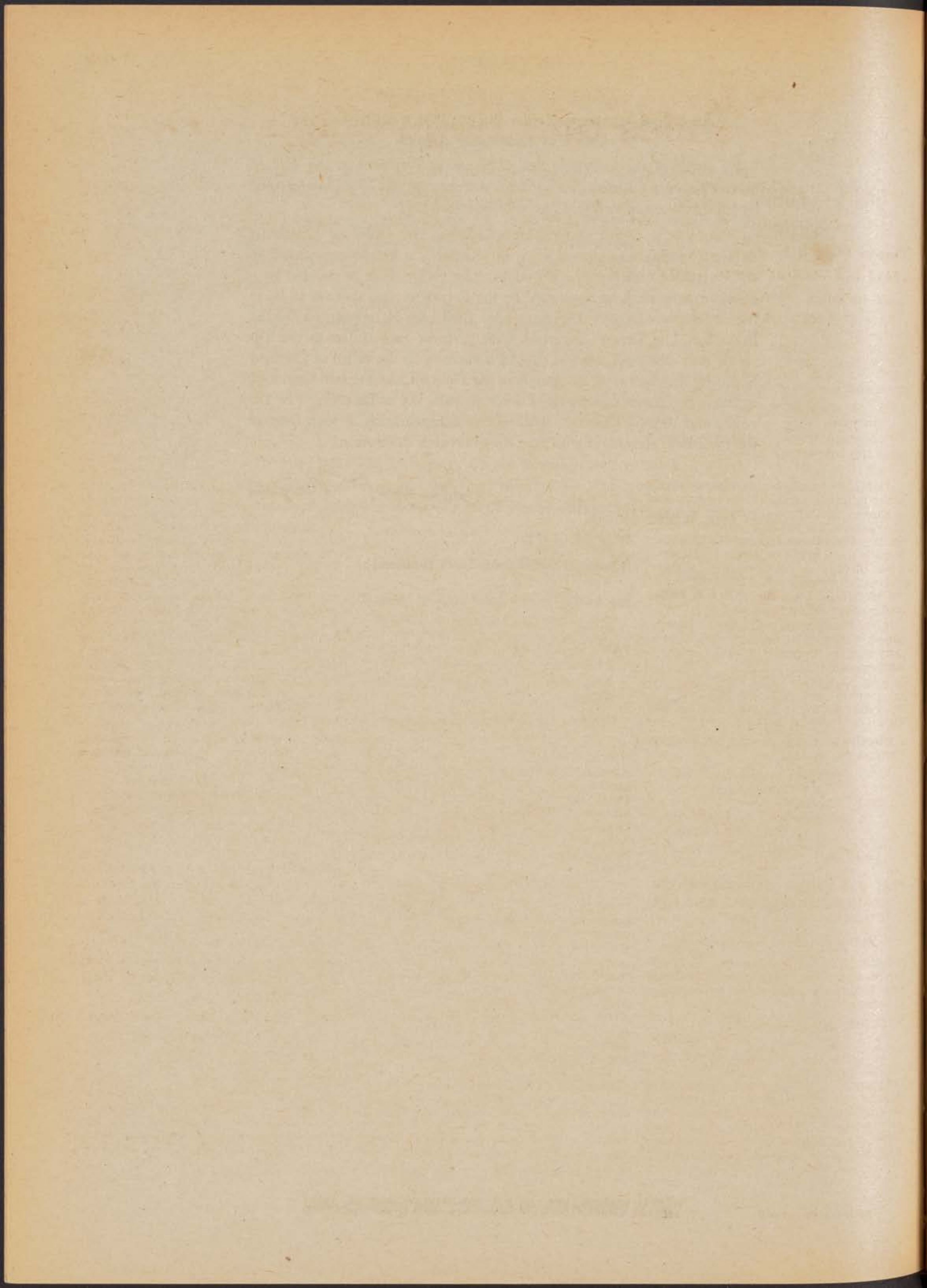
"SECTION 1. *Office of Consumer Affairs.* The Office of Consumer Affairs (hereinafter referred to as the 'Office') is hereby established in the Executive Office of the President. The Office shall be headed by a Director, who shall be appointed by the President, and there shall be in the Office two Deputy Directors who shall also be appointed by the President. The Deputy Directors shall perform such duties as the Director may designate, and in case of a vacancy in the office of Director or during the absence or incapacity of the Director, the Deputy Directors, in the order designated by the President, shall act as Director. The Director and Deputy Directors shall receive compensation at such rates as the President, consonant with law, may hereafter determine."



THE WHITE HOUSE,
May 26, 1971.

[FR Doc.71-7590 Filed 5-27-71;10:46 am]

[1] 36 F.R. 3509.



Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 713—EQUAL OPPORTUNITY

Implementation of Agency Program

Section 713.204 is amended by adding a new paragraph (f) requiring that agencies make reasonable accommodations to the religious needs of applicants and employees and by redesignating the present paragraph (f) as paragraph (g).

§ 713.204 Implementation of agency program.

To implement the program established under this subpart, an agency shall:

* * * * *

(f) Make reasonable accommodations to the religious needs of applicants and employees, including the needs of those who observe the Sabbath on other than Sunday, when those accommodations can be made (by a grant of leave, a change of a tour of duty, or other means) without undue interference with the business of the agency or with the rights of other applicants or employees; and

(g) Make readily available to its employees a copy of its regulations issued to carry out its program of equal employment opportunity.

(5 U.S.C. 1301, 3301, 3302, 7151-7154, 7301 E.O. 10577; 3 CFR 1954-1958 Comp., p. 218, E.O. 11222; 3 CFR 1964-1965 Comp., p. 306, E.O. 11478; 3 CFR 1969 Comp.)

Effective on publication in the FEDERAL REGISTER (5-28-71).

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

[FR Doc.71-7540 Filed 5-27-71;8:50 am]

PART 715—NONDISCIPLINARY SEPARATIONS, DEMOTIONS, AND FURLOUGHS

Withdrawal of Resignation

Section 715.202(b) is revised to specify the conditions under which an agency may decline a request to withdraw a resignation.

§ 715.202 Resignation.

* * * * *

(b) *Withdrawal of resignation.* Except as provided in this paragraph, a resignation is binding on an employee once he has submitted it. An agency, in its discretion, may permit the employee to withdraw his resignation at any time before it has become effective. An agency may decline a request to withdraw a resignation before it has become effective only when it has a valid reason and explains that reason to the employee. A valid reason includes, but is not limited to, administrative disruption or the hiring or commitment to hire a replacement. Avoidance of adverse action proceedings is not a valid reason.

(5 U.S.C. 1302, 3301, 3302, 7301, E.O. 10577; 3 CFR 1954-58 Comp., p. 218; E.O. 11222; 3 CFR 1964-1965 Comp., p. 306)

Effective on publication in the FEDERAL REGISTER (5-28-71).

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

[FR Doc.71-7539 Filed 5-27-71;8:50 am]

Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

Grading, Standards, and Weight Classes

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), as stated below.

STATEMENT OF CONSIDERATIONS

On April 7, 1971, a rulemaking proposal was issued to change the tolerances permitted in U.S. Grade AA and U.S. Fresh Fancy Quality shell eggs. The proposed changes were concerned with minor shell factors not affecting the interior quality of eggs. Forty-one comments were received by the Hearing Clerk on the proposal, a large majority of which were in favor of the amendments. Most of the adverse comments expressed concern that the proposed changes would lower the quality of U.S. Grade AA and Fresh Fancy Quality grades of eggs. However, after careful consideration of all comments, the Department has concluded that the proposed changes would not adversely affect the quality or consumer acceptance of these grades and has decided to promulgate the amendments as proposed.

The amendments are as follows:

1. In § 56.216, paragraph (b) is amended to read:

§ 56.216 Grades.

* * * * *

(b) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are 85 percent AA quality. The maximum tolerance of 15 percent which may be below AA quality may consist of A or B quality in any combination, with not more than 5 percent C quality or Checks in any combination. No Dirties or Loss are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are 80 percent AA quality. The maximum tolerance of 20 percent which may be below AA quality may consist of A or B quality in any combination with not more than 5 percent C quality or Checks in any combination and not more than 0.5 percent Leakers or Dirties in any combination. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

2. In § 56.217, Table I would be amended by changing the first two lines in the "Quality" column under "Tolerance Permitted" for both U.S. Consumer Grade (origin) and U.S. Consumer Grade (destination) to read: For line 1, A or B and for line 2, C or Check, respectively.

Signed at Washington, D.C., this 25th day of May 1971, to become effective July 1, 1971.

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

[FR Doc.71-7479 Filed 5-27-71;8:46 am]

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

[Peach Reg. 1, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917, 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674),

and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Peach Commodity Committee with respect to this amendment, reflect its appraisal of the California peach crop and the current and prospective market conditions. Shipments of the varieties of California peaches named in this amendment are expected to begin on or about May 28, 1971. The size requirements provided herein are necessary to prevent the handling, on and after May 28, 1971, of peaches of such varieties of smaller sizes than specified herein the particular variety, so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 28, 1971. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until May 19, 1971, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation by shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information and regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the specified varieties of such peaches are expected to begin on or about the effective date hereof; this amendment should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this amendment are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. In § 917.421 (Peach Reg. 1; 36 F.R. 8671) paragraph (a) is hereby amended by deleting subparagraph (2) and inserting in lieu thereof new subparagraph (2), (3), and (4) and paragraph (b) is revised reading as follows:

§ 917.421 Peach Regulation 1.

(a) * * *

(2) Any package or container of any variety of peaches not specifically named in subparagraphs (3) and (4) of this paragraph unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2$\frac{3}{16}$ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(3) Any package or container of Robin, Babcock, Blazing Gold, Cardinal, Dixired, Gold Dust, Merrill Gemfree, Royal May, or Early Coronet variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the lug box or;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box, or a No. 12B standard peach box measure not less than 2¼ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(4) Any package or container of Coronet, Merrill Gem, or Gaiety variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," and "standard pack," and shall have the same meaning as when used in the U.S. Standard for Peaches (7 CFR 51.1210–1223); "No. 22D standard lug box" and "No. 12B standard peach box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

Dated, May 26, 1971, to become effective May 28, 1971.

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

[FR Doc.71-7558 Filed 5-27-71; 8:50am]

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

[Milk Order No. 1]

[Dockets Nos. AO-14-A49, AO-14-A49-R01]

PART 1001—MILK IN THE BOSTON 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 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.* 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 Massachusetts-Rhode Island-New Hampshire marketing area. The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing (sessions held in Concord, N.H., and Boston, Mass.) and the record thereof, it is found that:

(1) The Boston Regional order, which is a redesignation of the Massachusetts-Rhode Island-New Hampshire 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 Boston Regional marketing area, and the minimum prices specified in the Boston Regional 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 Boston Regional 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 Boston Regional 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, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1001.87.

(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 Boston Regional marketing area (Part 1001) 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:

Section 1001.2 is revised to read as follows:

§ 1001.2 Boston Regional marketing area.

"Boston Regional marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the places set forth below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other similar establishment:

MASSACHUSETTS

Counties:
- Barnstable.
- Bristol.
- Dukes.
- Essex.
- Franklin (except the towns of New Salem, Orange, and Warwick).
- Hampden (except the towns of Brimfield, Monson, Palmer, and Wales).
- Hampshire (except the town of Ware).
- Middlesex.
- Norfolk.
- Plymouth.
- Suffolk.
- Worcester (except the towns of Athol, Barre, Douglas, East Brookfield, Hardwick, New Braintree, North Brookfield, Northbridge, Petersham, Phillipston, Royalston, Templeton, Uxbridge, Warren, West Brookfield, and Winchendon).

NEW HAMPSHIRE

Counties:
- Belknap.
- Cheshire.
- Grafton (the towns of Ashland, Bridgewater, Bristol, Holderness, and Plymouth only).
- Hillsborough.
- Merrimack.
- Rockingham.
- Strafford.
- Sullivan (except the town of Plainfield).

RHODE ISLAND

All cities and towns except New Shoreham (Block Island).

VERMONT

Counties:
- Bennington (the towns of Landgrove, Peru, and Winhall only).
- Windham (except Somerset).
- Windsor (the towns of Andover, Baltimore, Cavendish, Chester, Ludlow, Plymouth, Reading, Springfield, Weathersfield, Weston, West Windsor, and Windsor only).

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

Effective date. July 1, 1971.

Signed at Washington, D.C., on May 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-7480 Filed 5-27-71;8:46 am]

[Milk Order No. 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 8524, 8880) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of May through October 1971 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1036.41(c)(6)(iv), "and bulk cream";
2. In § 1036.41(c)(6)(vii), "and bulk cream"; and
3. In § 1036.42(b)(1), "and bulk cream".

STATEMENT OF CONSIDERATION

This suspension will change the amount of allowable Class III shrinkage on bulk cream that is transferred from a pool plant to other plants. Presently, the Class III shrinkage on such cream that is derived from a handler's receipts of producer milk is limited to 0.5 percent of the cream. Under the suspension, such percentage will be 2 percent.

The suspension was requested by Milk, Inc., a cooperative association which handles at its pool balancing plant a substantial portion of the market's reserve supplies of milk. In handling such milk, the cooperative receives producer milk on the basis of farm weights and tests, separates such milk, and transfers the cream to other plants for churning. Such activities of the cooperative usually result in more than 0.5 percent shrinkage on the cream transferred.

It is recognized that in handling cream there is often a greater loss (or shrinkage) of product than when handling fluid milk. The present shrinkage provisions do not make any distinction between cream and fluid milk with respect to the amount of Class III shrinkage allowed. In view of the manner in which surplus cream is being handled in the market, the Class III shrinkage allowance under the order should be modified to reflect the shrinkage experience on cream.

Immediate action is necessary since bulk cream transfers are greatest in the heavy production months of May and June. The suspension should apply initially, therefore, to the handling of milk and cream in the month of May 1971. Continuation of the suspension through October 1971 will provide a reasonable period for considering this issue at a hearing.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the present Class III shrinkage provisions do not reflect the operating experience of handlers in the handling of cream, particularly during the heavy production months of May and June;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May through October 1971.

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

Effective date. Upon publication in the FEDERAL REGISTER (5-28-71).

Signed at Washington, D.C., on May 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-7481 Filed 5-27-71;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-565]

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, in paragraph (e)(4) relating to the State of North Carolina, a new subdivision (v) relating to Lenoir County is added to read:

(4) *North Carolina.* * * *

(v) That portion of Lenoir County bounded by a line beginning at the junction of the Atlantic and East Carolina Railway and Secondary Road 1804; thence, following Secondary Road 1804 in a southwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a northwesterly direction to State Highway 58; thence, following State Highway 58 in a southwesterly direction to Secondary Road 1342; thence, following Secondary Road 1342 in a westerly direction to State Highway 55; thence, following State Highway 55 in a southwesterly direction to the Squirrel Creek; thence, following the east bank of the Squirrel Creek in a northwesterly direction to the Neuse River; thence, following the west bank of the Neuse River in a northeasterly direction to the Falling Creek; thence, following the east bank of the Falling Creek in a northwesterly direction to Secondary Road 1340; thence, following Secondary Road 1340 in a northwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a northeasterly direction to State Highway 58; thence, following State Highway 58 in a northwesterly direction to the Atlantic and East Carolina Railway; thence, following the Atlantic and East Carolina Railway in a generally southeasterly direction to its junction with Secondary Road 1804.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 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. 111-113, 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 Lenoir County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent 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 portion of such county.

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 25th day of May 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-7503 Filed 5-27-71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-2-AD; Amdt. 39-1198]

PART 39—AIRWORTHINESS DIRECTIVES

Continental Models TSIO-360-A, TSIO-520-B, -D, -E and -J Engines

In F.R. Doc. 71-5979 appearing on Pages 8029 and 8030 in the issue of Thursday, April 29, 1971, the applicability statement of the subject Airworthiness Directive should be corrected in the following respects:

1. Add Serial Numbers "165001 through 166099" at the beginning of the TSIO-520-E—New model engine listing.
2. Add the word "through" between Serial Numbers 208126 and 208140 in the TSIO-520-J—New model engine listing.

Issued in Kansas City, Mo. on May 14, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-7472 Filed 5-27-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

[Docket No. R-71-113]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Part 203 is amended to prescribe the terms and conditions under which the Secretary will insure mortgages on homes intended for seasonal (rather than year-round) occupancy, under section 203(m) of the National Housing Act (added by section 318 of the Housing and Urban Development Act of 1968).

Because of the need to have these procedures available to permit construction of homes during the current vacation season, I find that it is impracticable and contrary to the public interest to engage in public rule making procedures and to postpone the effective date. These regulations will be effective on May 28, 1971. However, all interested persons are invited to submit written comments or suggestions with respect to the regulations, which may be later revised in the light of comments received. Three copies of such comments should be filed within 30 days after date of publication of these amendments in the FEDERAL REGISTER, and addressed to the Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411. A copy of each communication will be available for public inspection during business hours in the HUD Information Center at the above address.

1. In Part 203, in the Table of Contents, a new § 203.43b is added as follows:

Sec.
203.43b Eligibility of mortgages covering housing intended for seasonal occupancy.

2. Section 203.18 is amended by adding a new paragraph (f) to read as follows:

§ 203.18 **Maximum mortgage amounts.**

* * * * *

(f) *Seasonal homes.* A mortgage covering a family residence designed for seasonal (rather than year-round) occupancy shall involve a principal obligation not in excess of $18,000, and not in excess of 75 percent of the appraised value of the property.

3. Section 203.19 is amended by adding the following paragraph (c) to read as follows:

§ 203.19 **Mortgagor's minimum investment.**

* * * * *

(c) In a case involving the insurance of a mortgage on a seasonal home, the minimum investment shall be at least 25 percent of the appraised value of the property.

4. Section 203.28 is amended by adding the following paragraph (d) to read as follows:

§ 203.28 **Economic soundness of projects.**

* * * * *

(d) To a mortgage of the character described in § 203.43b.

5. A new § 203.43b is added to read as follows:

§ 203.43b **Eligibility of mortgages covering housing intended for seasonal occupancy.**

(a) A mortgage covering a family residence designed for seasonal (rather than year-round) occupancy shall be eligible for insurance if the following additional requirements are met:

(1) The mortgage shall cover a single-family dwelling, approved for insurance prior to the beginning of construction, which is to be occupied by the mortgagor.

(2) The dwelling shall meet such minimum standards as the Secretary may prescribe for dwellings for seasonal use.

(3) The dwelling shall be located in an area where the Secretary finds it is not practicable to obtain conformity with standards prescribed for mortgage insurance in urban areas.

(4) The mortgage shall be an acceptable risk, giving consideration to the economic potential of the area in which the dwelling is located and the contribution that the housing will make to the area.

(5) The mortgage shall cover a dwelling on property that is being developed in a manner consistent with the conservation of the natural resources of the area in which the property is located.

(b) The Secretary may suspend the issuance of commitments for mortgage insurance under this section for such areas as he may designate if he makes the following determinations:

(1) There is a serious and unusual shortage of mortgage funds for residential construction in the designated area.

(2) Insurance of mortgages on properties intended for seasonal occupancy would materially and adversely affect the availability of mortgage funds for residential construction in the designated area.

(3) Such suspension would not have an adverse effect on the balanced economic development of the designated area.

(Sec. 203(m), 80 Stat. 1266; 82 Stat. 476; 12 U.S.C. 1709) (Secretary's delegation published at 36 F.R. 5006, Mar. 16, 1971, effective Mar. 8, 1971)

Effective date. These amendments shall be effective on May 28, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-7490 Filed 5-27-71;8:48 am]

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

[Docket No. R-71-106]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Miscellaneous Amendments

Certain cost figures and other data appearing in the FEDERAL REGISTER issue for Saturday, May 1, 1971, 36 F.R. 8213-8232, are not correct as they now stand and are hereby corrected as follows:

1. On page 8213, under Region I, Danbury, Conn., detached and semidetached; number of bedrooms 0, the amount should read "9,000" instead of "8,980".

2. On page 8213, under Region I, New Milford, Conn., detached and semidetached; number of bedrooms 0, the amount should read "9,000" instead of "8,980".

3. On page 8213, under Region I, New Haven, Conn., detached and semidetached; number of bedrooms 5, the amount should read "21,300" instead of "12,300".

4. On page 8214, under Region I, Pawtucket, R.I., detached and semidetached; number of bedrooms 6, the amount should read "23,250" instead of "blank".

5. On page 8214, under Region I, row dwellings; number of bedrooms 6, the amount should read "22,100", instead of "blank".

6. On page 8214, under Region I, Pawtucket, R.I., walkup; number of bedrooms 6, the amount should read "19,050" instead of "blank".

7. On page 8215, under Region I, the title should read "Rutland, Vt." instead of "Ruthland, Vt.".

8. On page 8215, under Region II, Ithaca, N.Y., elevator-structure; number of bedrooms 2, the amount should read "19,950" instead of "10,950".

9. On page 8216, under Region II, St. Thomas, V.I., walkup; number of bedrooms 3, the amount should read "16,600" instead of "16,000".

10. On page 8216, under Region II, St. Croix, V.I., detached and semidetached; number of bedrooms 0, the amount should read "10,000" instead of "16,600".

11. On page 8217, under Region III, Bethlehem, Pa., elevator-structure; number of bedrooms 0, the amount should read "13,150" instead of "3,150".

12. On page 8217, under Region III, Altoona, Pa., detached and semidetached; number of bedrooms 1, the amount should read "11,450" instead of "11,540".

12. On page 8217, under Region III, Al-Harrisonburg, Va., detached and semidetached; number of bedrooms 0, the amount should read "8,150" instead of "8,156".

14. On page 8218, under Region III, Eastern Shore, Va., detached and semidetached; number of bedrooms 0, the amount should read "8,150" instead of "8,156".

15. On page 8218, under Region IV, Birmingham, Ala., detached and semidetached; number of bedrooms 1, the amount should read "9,100" instead of "9,200".

16. On page 8218, under Region IV, Florence, Ala., row dwellings; number of bedrooms 1, the amount should read "8,350" instead of "8,305."

17. On page 8218, under Region IV, Florence, Ala., walkup; number of bedrooms 1, the amount should read "7,350" instead of '7,305".

18. On page 8218, under Region IV, Pensacola, Fla., detached and semidetached; number of bedrooms 3, the amount should read "13,250" instead of "13,260".

19. On page 8220, under Region IV, Jackson, Miss., walkup; number of bedrooms 1, the amount should read "7,550" instead of "7,500".

20. On page 8220, under Region IV, Greenwood, Miss., elevator-structure; number of bedrooms 1, the amount should read "12,350" instead of "12,360".

21. On page 8220, under Region IV, the title should read "Southaven, Miss." instead of "Southavon, Miss.".

22. On page 8220, under Region IV, Greenville, S.C., walkup; number of bedrooms 6, the amount should read "14,750" instead of "17,750".

23. On page 8221, under Region IV, Orangeburg, S.C., detached and semidetached; number of bedrooms 3, the amount should read "12,450" instead of "12,550".

24. On page 8221, under Region IV, Oak Ridge, Tenn., walkup; number of bedrooms 0, the amount should read "6,350" instead of "635".

25. On page 8222, under Region V, Saginaw, Mich., detached and semidetached; number of bedrooms 6, the amount should read "24,600" instead of "23,600".

26. On page 8222, under Region V, Benton Harbor, Mich., row dwellings; number of bedrooms 6, the amount should read "23,800" instead of "23,850".

27. On page 8222, under Region V, Benton Harbor, Mich., walkup; number of bedrooms 5, the amount should read "18,600" instead of "18,611".

28. On page 8224, under Region VI, Houma, La., walkup; number of bedrooms 1, the amount should read "7,700" instead of "7,680".

29. On page 8224, under Region VI, Lafayette, La., walkup; number of bedrooms 1, the amount should read "7,700" instead of "7,680".

30. On page 8225, under Region VI, Oklahoma City, Okla., detached and semidetached; number of bedrooms 6, the amount should read "19,650" instead of "91,650".

31. On page 8225, under Region VI, Stillwater, Okla., detached and semidetached; number of bedrooms 6, the amount should read "20,550" instead of "20,900".

32. On page 8226, under Region VI, Lubbock, Tex., detached and semidetached; number of bedrooms 2, the amount should read "11,050" instead of "11,500".

33. On page 8226, under Region VI, Midland, Tex., walkup; number of bedrooms 6, the amount should read "15,100" instead of "15,010".

34. On page 8226, under Region VII, Springfield, Mo., walkup; number of bedrooms 4, the amount should read "14,600" instead of "14,000".

35. On page 8227, under Region VII, Cedar Rapids, Iowa, walkup; number of bedrooms 3, the amount should read "13,550" instead of "13,500".

36. On page 8227, under Region VII, Scottsbluff, Nebr., row dwellings; number of bedrooms 4, the amount should read "17,300" instead of "17,200".

37. On page 8228, under Region VIII, Havre, Mont., row dwellings; number of bedrooms 3, the amount should read "13,100" instead of "12,100".

38. On page 8228, under Region VIII, Fargo, N. Dak., detached and semidetached; number of bedrooms 0, the amount should read "7,900" instead of "7,890".

39. On page 8228, under Region VIII, Fargo, N. Dak., row dwellings; number of bedrooms 4, the amount should read "15,950" instead of "19,950".

40. On page 8228, under Region VIII, Fargo, N. Dak., walkup; number of bedrooms 5, the amount should read "15,250" instead of "15,290".

41. On page 8229, under Region VIII, Salt Lake City, Utah, walkup; number of bedrooms 0, the amount should read "6,700" instead of "6,900".

42. On page 8229, under Region VIII, Vernal, Utah, detached and semidetached; number of bedrooms 0, the amount should read "8,500" instead of "8,590".

43. On page 8229, under Region VIII, the title should read "Powell, Wyo." instead of "Dowell, Wyo.".

44. On page 8229, under Region IX, the title should read "Safford, Ariz." instead of "Stafford, Ariz.".

45. On page 8229, under Region IX, Los Angeles, Calif., elevator-structure; number of bedrooms 1, the amount should read "14,350" instead of "41,350".

46. On page 8230, under Region IX, Ojai, Calif., elevator-structure; number of bedrooms 0, the amount should read "11,800" instead of "17,800"

47 On page 8230, under Region IX, Piru, Calif, elevator-structure; number of bedrooms 0, the amount should read "11,800" instead of "17,800".

48. On page 8230, under Region IX, the title should read "Santa Maria, Calif." instead of "Santa Mario, Calif.".

49. On page 8230, under Region IX, Ventura, Calif., detached and semidetached; number of bedrooms 6, the amount should read "20,800" instead of "10,800".

50. On page 8230, under Region IX, Santa Ana, Calif., detached and semidetached; number of bedrooms 6, the amount should read "21,400" instead of "21,405".

51. On page 8230, under Region IX, Santa Ana, Calif., row dwellings; number of bedrooms 3, the amount should read "14,550" instead of "14,505".

52. On page 8230, under Region IX, Santa Ana, Calif., row dwellings; number of bedrooms 6, the amount should read "20,350" instead of "20,3".

53. On page 8231, under Region IX, Barstow, Calif., detached and semidetached; number of bedrooms 6, the amount should read "22,000" instead of "12,000".

54. On page 8231, under Region IX, Big Bear, Calif., elevator-structure; number of bedrooms 0, the amount should read "13,500" instead of "13,300".

55. On page 8231, under Region IX, Honolulu, Hawaii, detached and semidetached; number of bedrooms 5, the amount should read "24,500" instead of "25,400".

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-7491 Filed 5-27-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7116]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Amortization of Pollution Control Facilities

Correction

In F.R. Doc. 71-6918 appearing at page 9010 in the issue of Tuesday, May 18, 1971, the following changes should be made:

1. In § 1.169-1(b) the word "authorization" in the 20th line of example 1 should read "amortization".

2. In the first column of page 9013 a section heading should be inserted above the paragraph (a) designation reading as follows:

§ 1.169-2 Definitions.

3. In § 1.169-2(b)(2)(iii) the figure "§ 148-2" appearing in the third from last line in the introductory text should read "§ 1.48-2".

4. In § 1.169-3(e) the figure "$280,000" appearing in (2) of example 2 should read "$288,000".

5. In § 1.169-4(a)(3) the phrase "[such date]" appearing in the 12th and 15th lines should be changed to insert the date "May 18, 1971".

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING OR PUBLIC WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

Payroll Deductions

Pursuant to authority contained in section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c), popularly known as the Copeland Act, and Secretary of Labor's Orders 19-70 and 20-70 (36 F.R. 304 and 305), I hereby amend Part 3 of Title 29, Code of Federal Regulations by adding a new paragraph (k) to § 3.5 and by revising paragraph (b) of § 3.7 to read as set forth below.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because this part relates exclusively to public contracts. I do not believe that such procedures will serve a useful purpose here. Accordingly, this amendment shall be effective upon publication in the FEDERAL REGISTER (5-28-71).

1. In § 3.5, a new paragraph (k) is added to read as follows:

§ 3.5 Payroll deductions permissible without application to or approval of the Secretary of Labor.

Deductions made under the circumstances or in the situations described in the paragraphs of this section may be made without application to and approval of the Secretary of Labor:

* * * * *

(k) And deduction for the cost of safety equipment of nominal value purchased by the employee as his own property for his personal protection in his work, such as safety shoes, safety glasses, safety gloves, and hard hats, if such equipment is not required by law to be furnished by the employer, if such deduction is not violative of the Fair Labor Standards Act or prohibited by other law, if the cost on which the deduction is based does not exceed the actual cost to the employer where the equipment is purchased from him and does not include any direct or indirect monetary return to the employer where the equipment is purchased from a third person, and if the deduction is either (1) voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of employment or its continuance; or (2) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees.

2. In § 3.7, paragraph (b) is revised to read as follows:

§ 3.7 Applications for the approval of the Secretary of Labor.

Any application for the making of payroll deductions under § 3.6 shall comply with the requirements prescribed in the following paragraphs of this section:

* * * * *

(b) The application need not identify the contract or contracts under which the work in question is to be performed. Permission will be given for deductions on all current and future contracts of the applicant for a period of 1 year. A renewal of permission to make such payroll deduction will be granted upon the submission of an application which makes reference to the original application, recites the date of the Secretary of Labor's approval of such deductions, states affirmatively that there is continued compliance with the standards set forth in the provisions of § 3.6, and specifies any conditions which have changed in regard to the payroll deductions.

(Sec. 2, 48 Stat. 948; 40 U.S.C. 276c)

Signed at Washington, D.C., this 21st day of May 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

[FR Doc.71-7498 Filed 5-27-71;8:41 am]

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Training Eligibility and Payments

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2587) and Secretary's Order 7-71, I hereby amend Part 20 of Subtitle A of Title 29 of the Code of Federal Regulations as set forth below. These amendments designate certain persons confined in correctional institutions as eligible for training and allow incentive and dependent payments to them under certain conditions.

The provisions of 5 U.S.C. 553, which require notice of proposed rulemaking, opportunity for public participation and delay in effective date, are not applicable here because these amendments relate only to public benefits. Moreover, I do not believe such procedure would serve a useful purpose. Accordingly, the following amendments shall become effective upon their publication in the FEDERAL REGISTER (5-28-71):

1. In § 20.12, paragraphs (a) and (f) are amended to read as follows:

§ 20.12 Selection and referral of trainees.

(a) Persons, including youth, who are otherwise eligible for training and are permanent residents of the United States, shall be selected for training programs which are commensurate with their training needs, if at the time of their selection and referral they are:

(1) Unemployed or underemployed and cannot reasonably be expected to secure appropriate full-time employment without training;

(2) Registered at the appropriate local public employment service office or such other agency as may be designated by the Secretary, or confined in a jail, penitentiary, or other correctional institution and determined to be eligible for training by the appropriate State employment service agency and authorized by the prison authorities to participate in training; and

(3) Available for counseling or other personal interviews and for aptitude, proficiency, or other occupational tests which may be required.

* * * * *

(f) For purposes of this section, a person is unemployed if he is able to work and available for full-time employment and has no job, or if he is a farmworker in a farm family which has less than $1,200 annual net farm family income, or if he is unavailable for work because he is confined to a jail, penitentiary, or other correctional institution, but there is a reasonable expectation that he will be released within a reasonable time following the completion of training.

2. In § 20.35, a new paragraph (g) is added to read as follows:

§ 20.35 Amount of training allowance.

* * * * *

(g) *Prisoner incentive payments.* A prisoner being trained while confined in a jail, penitentiary, or other correctional institution, may receive an incentive payment up to $20 per week. In addition to incentive payments, $5 per week for each dependent of the inmate trainee may be paid up to a maximum of six dependents. The determination of whether incentive and dependent payments shall be paid to prisoners in training programs and the amount thereof, subject to the maximum amounts specified in this paragraph, shall be made by the Regional Manpower Administrator upon the recommendation of the Employment Service of the State in which the correctional institution is located and after the Employment Service has consulted fully with the head of the institution.

(Sec. 207, 76 Stat. 29, 42 U.S.C. 2587)

Signed at Washington, D.C., this 24th day of May 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71-7499 Filed 5-27-71;8:48 am]

Chapter V—Wage and Hour Divisions, Department of Labor

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 99-B for the Hosiery Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 99-B are hereby published, to be effective June 12, 1971, in this order amending § 687.2 of Title 29, Code of Federal Regulations.

In § 687.2, subdivision (i) of subparagraph (1) and subdivision (i) of subparagraph (2) of paragraph (a) are amended to read as follows:

§ 687.2 Wage rates.

* * * * *

(a) * * *

(1) *Women's hosiery classification.* (i) The minimum wage rate for this classification is $1.39 an hour.

* * * * *

(2) *All other hosiery classifications.* (i) The minimum wage rate for this classification is $1.30 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 21st of May, 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-7500 Filed 5-27-71;8:49 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Containerized Cargo; Cranes

On March 23, 1971, notice of proposed rulemaking regarding Part 1504 of Title 29, Code of Federal Regulations, was published in the FEDERAL REGISTER (36 F.R. 5436). The proposal was a substantial revision of that to amend Part 1504 published in the FEDERAL REGISTER on June 24, 1970 (35 F.R. 10455). Interested persons were given 20 days in which to submit comments, suggestions, or objections on the modified proposal.

The comments which were received have been considered. The proposal is hereby adopted as set forth below.

Extensive delays in effective date are provided for the changes in §§ 1504.74 (a)(9), 1504.85, and 1504.105. Section 1504.74(a)(9) shall be effective 1 year after publication in the FEDERAL REGISTER or at the time of the next regular certification survey subsequent to that date. Section 1504.85 shall be effective as follows: Paragraphs (a) and (b) shall be effective on May 27, 1972, 1 year after publication in the FEDERAL REGISTER. Paragraphs (c), (d), and (e) thereof shall be effective upon publication in the FEDERAL REGISTER (5-28-71), as paragraphs (d) and (e) are substantially unchanged and paragraph (c), except for the reference therein to paragraph (a)(3), which goes into effect in not less than 1 year, requires minimum safety precautions which are needed immediately. The change in § 1504.105 is effective 60 days following publication in the FEDERAL REGISTER. The remaining amendments are editorial, and effective upon publication in the FEDERAL REGISTER (5-28-71).

The amendments of Part 1504 are as follows:

1. Section 1504.6 is revised to read as follows:

§ 1504.6 Standards incorporated by reference.

(a) The standards listed below are hereby incorporated by reference in this part:

(1) American National Standard (USAS) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.105(a).

(2) American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, §1504.105(a).

(b) Standards which are legally incorporated by reference in this part have the same force and effect as other standards in this part. The locations where these standards may be examined are as follows:

(1) Offices of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Bureau of Labor Standards which are listed in the U.S. Government Organizational Manual.

(c) Any changes in the standards which are incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (b) of this section. All questions as to the applicability of such changes should also be referred to these offices.

(d) Copies of the standards incorporated by reference in paragraph (a) of this section may be obtained from the American National Standards Institute at the address indicated therein.

2. In § 1504.74, subparagraph (9) of paragraph (a) is revised to read as follows, effective 1 year from the date of publication in the FEDERAL REGISTER, or at the time of the next regular certification under this part subsequent to that date as detailed in § 1504.74(a)(9)(ix):

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) * * *

(9) Unless exempted by the provisions of subdivision (viii) of this subparagraph, every crane used to load or discharge cargo into or out of a vessel shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model of any load indicating device which is used may be such as to provide (*a*) a direct indication in the cab of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or (*b*) an automatic weight-moment device or computer providing indications in the cab according to the radius and load at the moment; or alternatively (*c*) a device may be used which shall prevent an overloaded condition.

(ii) Accuracy of the load indicating device, weight-moment device, or overload protection device shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than 95 percent of the actual true total load (5 percent overload) to 110 percent of the actual true total load (10 percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine before making any lift that the indicating or substitute system is operative. In the alternative, if the device is not so mounted or attached and does not include such means of checking, it shall be certified by the manufacturer to remain operable within the limits stated in subdivision (ii) of this subparagraph for a specific period of time. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see § 1504.13) and at such additional times as may be recommended by the manufacturer.

(iv) When the load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed giving (*a*) units of measure in pounds or both pounds and kilograms, (*b*) capacity of the indicating system, (*c*) accuracy of the indicating system, and (*d*) operating instructions and precautions. Data providing (*a*) the means of measurement, (*b*) capacity of the system, (*c*) accuracy of the system; and (*d*) operating instructions and precautions shall similarly be provided in the case of systems utilizing indications other than actual weights. If the system used provides no readout, but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 lbs., at full capacity of a machine with 100,000 lbs., maximum rating, but would also allow a reading between zero and 20,000 lbs., at that outreach (radius) at which the rating would be 10,000 lbs., capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-lb. load but becomes a figure between 9,000 and 11,000 lbs., a much different and acceptable condition, at the 10,000-lb. load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than 110 percent of the actual radius to a figure which is no less than 97 percent of the actual (true) radius. When radius is presented in degrees, and feet or meters are required for necessary determinations, a conversion chart shall be provided.

(viii) The load indicating device requirements of this subparagraph do not apply to a crane (*a*) of trolley equipped bridge type while handling containers known to be and identified as empty, or loaded, and in either case in compliance with the provisions of § 1504.85(b) of this part; or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose and in all cases within the crane rating; (*b*) while handling bulk commodities or cargoes by means of clamshell bucket or magnet; (*c*) while used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or (*d*) while the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds 11,200 lbs.,

and when 11,200 lbs., is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) *Effective date of subparagraph (9)*. The provisions of this subparagraph (9) shall become effective on May 27, 1972, or at the time of the next regular certification survey subsequent to that date.

* * * * *

3. Section 1504.85 is revised to read as follows:

§ 1504.85 Containerized cargo.

(a) On every cargo container there shall be permanently marked in pounds (1) the weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights.

(b) No container shall be loaded aboard or discharged from any vessel by means of hoisting by ship's cargo handling gear or by shore crane or derrick unless the following conditions have been met:

(1) In the case of an empty container, it shall be ascertained from the carrier that such is the case and the container shall be identified before loading or discharge either by marking, in cargo stowage plans, by both means, or otherwise in such manner that every supervisor and foreman on the site and in charge of loading or discharging, and/or every crane or other hoisting equipment operator, and signalman, if any, shall be enabled to know that such container is empty.

(2) In the case of a loaded container, either the actual gross weight shall be plainly marked so as to be visible to the crane or other hoisting equipment operator or signalman, if any, and/or to every supervisor and foreman on the site and in charge of loading or discharging; or the cargo stowage plan or equivalent permanently recorded display serving the same purpose shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of loading or discharging, and contain the actual gross weight, the exact stowage position, and the serial number or other positive identification of that specific container.

(3) Every outbound loaded container received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight, either at the terminal or elsewhere before loading aboard a vessel. The open type vehicle carrying container and those built specifically and used solely for the carriage of compressed gases are excepted from this subparagraph and from subparagraphs (4) and (5) of this paragraph.

(4) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual gross weight before loading aboard a vessel.

(5) When there are no container weighing scales located at a marine terminal at which outbound containers are loaded with cargo, or where container loads are completed or consolidated there or elsewhere, and no weighing facility is available and located in a reasonably accessible location, the actual gross weight may be calculated, providing that accurate weights of all contents are known and a list of same, including the empty container weight, is totaled and posted on the container in a conspicuous place with identification of the source and date of calculation. Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless actual gross weights have been obtained by weighing. This procedure shall be continued until the Bureau is satisfied by reasonable experience thereunder that correct weights will be furnished.

(6) In the case of loaded inbound containers from foreign ports, they shall, if they have not been weighed, have the calculated weight posted in the manner prescribed by subparagraph (5) of this paragraph. All loaded inbound containers from foreign ports shall be subject to random sample weight checks at a time satisfactory to the Bureau, which may be at any time up to unloading the contents of the container at the terminal or until the container is delivered unopened to the land carrier. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of subparagraph (7) of this paragraph are not met, such suitable means as are acceptable to the Bureau to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the Bureau is satisfied by experience thereunder that correct weights will be furnished.

(7) The identification and documentation provisions of subparagraphs (1) and (2) of this paragraph shall apply to containers originating from foreign ports.

(8) Any scale used within the United States to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(c) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in paragraph (a)(3) of this section, or if it exceeds the capacity of the crane or other hoisting device intended for use, under the conditions in which said crane or other hoisting device is used. All hoisting of containers shall be by means which will safely do so without probable damage to the container, and using the lifting fittings provided.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is practicable, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded unless the defect is first corrected. Any inbound container found to have such a defect shall either be discharged by such special means as to insure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The term, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

(f) *Effective date*. The provisions of paragraphs (a) and (b) of this section shall become effective on May 27, 1972, and those of the remainder of this section upon publication in the FEDERAL REGISTER.

4. In § 1504.101, paragraph (a) is revised to read as follows:

§ 1504.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American National Standard (ANSI) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968).

* * * * *

5. In § 1504.105, paragraph (a) is revised to read as follows effective 60 days after publication in the FEDERAL REGISTER.

§ 1504.105 Head protection.

(a) Employees shall be protected by protective hats meeting the specifications contained in the American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969).

* * * * *

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 24th day of May 1971.

J. D. Hodgson,
Secretary of Labor.

[FR Doc.71-7497 Filed 5-27-71;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, California

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.202a is hereby prescribed establishing and governing the use and navigation of an additional danger zone in the Pacific Ocean between Point Arguello and Point Conception, Calif., effective 30 days after publication in the Federal Register, as follows:

§ 204.202a Pacific Ocean, Space and Missile Test Center (SAMTEC) Vandenberg AFB, Calif.; danger zone.

(a) *The area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline, a distance of about 3 nautical miles and basically outlined as follows:

Station	Latitude	Longitude
	° ′ ″	° ′ ″
Jalama	34 30 40	120 30 10
1	34 30 40	120 37 29
2	34 24 18	120 30 00
3	34 23 34	120 27 05
4	34 24 21	120 24 40
5	34 27 20	120 24 40
Jalama	34 30 40	120 30 10

(2) The danger area described in subparagraph (1) of this paragraph will be divided into three zones in order that certain firing test and operations whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) *Zone 9.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°30′40″, longitude 120°30′10″; then due west to latitude 34°30′40″, longitude 120°37′29″; thence to latitude 34°26′56″, longitude 120°33′06″; thence due east to the shoreline at latitude 34°26′56″, longitude 120°28′10″.

(ii) *Zone 10.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26′56″, longitude 120°28′10″; thence due west to latitude 34°26′56″, longitude 120°33′06″; thence to latitude 34°24′18″, longitude 120°30′00″; thence to latitude 34°23′34″, longitude 120°27′05″; thence shoreward to latitude 34°26′56″, longitude 120°28′10″.

(iii) *Zone 11.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26′56″, longitude 120°28′10″; thence seaward to latitude 34°23′34″, longitude 120°27′05″; thence to latitude 34°24′21″, longitude 120°24′40″; thence due north to the shoreline at latitude 34°27′20″, longitude 120°24′40″.

(b) *The regulations.* (1) Except as prescribed in this section or in other regulations, danger zones 9, 10, and 11 will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The impacting of missile debris from Space and Missile Test Center (SAMTEC) launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, SAMTEC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners". For the benefit of fishermen, small craft operators and drilling platforms, announcements will also be made on radiofrequency 2638 kc. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura Marina, Channel Islands Harbor, Port Hueneme, and any established harbor of refuge between Santa Barbara and Morro Bay.

(3) All fishing boats, other small craft, drilling platforms and shipping vessels with radio are requested to monitor radiofrequency 2182 kc., 2638 kc., or 5080 kc. while in these zones for daily announcements of zone closures.

(4) When a scheduled launch operations is about to begin, radio broadcast notifications will be made periodically on radiofrequency 2182 kc., 2638 kc., and 5080 kc. starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified all vessels shall leave the specified zone or zones immediately by the shortest route.

(5) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(6) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operation and evacuate personnel from such platforms for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate and personnel evacuation shall be accomplished in accordance with procedures as established between the Commander, SAMTEC, and the oil industry in the adjacent waters of the Outer Continental Shelf.

(7) No seaplanes, other than those approved by the Commander, SAMTEC, may enter the danger zones during launch closure periods.

(8) The regulations in this section shall be enforced by personnel attached to SAMTEC and by such other agencies as may be designated by the Commander, Space and Missile Test Center, Vandenberg AFB, Calif.

(9) The regulations in this section shall be in effect for a period of 3 years from the date they are established unless terminated by the Secretary of the Army at an earlier date.

[Regs.; April 28, 1971] (Sec. 7, 40 Stat. 266, Ch. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

For the Adjutant General.

R. B. Belnap,
Special Advisor to TAG.

[FR Doc.71-7209 Filed 5-27-71;8:45 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Drawing Requirements

These rule changes are intended to facilitate the handling and filing of patent application drawings in the Patent Office. Changing the drawing size to 8½ by 14 inches will permit filing of the original drawings in the application file wrapper in the Patent Office. The new size will also permit the use of standard storage equipment, mailing envelopes, and copying equipment.

The revised rules will prohibit the use of names within the "sight" of the drawing, thereby making additional space available for illustration and reducing the number of formal objections and corrections required.

Permanently mounted color photographs in plant patent applications will be accepted. This should result in substantial savings to applicant.

Since no names or other identification will be permitted within the "sight" of the drawing, applicants are expected to use the space above and between the hole locations to identify each sheet of drawings (note §1.84(1)). This identification may consist of the attorney's name and docket number or the inventor's name and case number and may include the sheet number and the total number of sheets filed (for example, "sheet 2 of 4").

Notice of proposed rule making regarding revision of §§ 1.59, 1.84, 1.85, 1.123, and 1.165 and revocation of §§ 1.82 and 1.87 of Title 37, Code of Federal Regulations, relating to drawing requirements, was published in the Federal Register of January 15, 1971 (36 F.R. 610). Interested persons were given an opportunity to participate in the rule making process through submission of comments in writing and at an oral hearing held on March 23, 1971.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER. However, until January 1, 1972, drawings complying with the unrevised rules will also be accepted.

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Title 37 of the Code of Federal Regulations is hereby amended as follows:

1. Section 1.59 is revised to read as follows:

§ 1.59 Papers of complete application not to be returned.

Papers in a complete application, including the drawings, will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost.

§ 1.82 [Revoked]

2. Section 1.82 is revoked.

3. In § 1.84 the introductory text preceding paragraph (a) and paragraph (h) are revoked and paragraphs (a), (b), (c), (j), and (l) are revised to read as follows:

§ 1.84 Standards for drawings.

(a) *Paper and ink.* Drawings must be made upon pure white paper of a thickness corresponding to two-ply or three-ply bristol-board. The surface of the paper must be calendered and smooth and of a quality which will permit erasure and correction with India ink. India ink, or its equivalent in quality, must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

(b) *Size of sheet and margins.* The size of a sheet on which a drawing is made must be exactly 8½ by 14 inches. One of the shorter sides of the sheet is regarded as its top. The drawing must include a top margin of 2 inches and bottom and side margins of one-quarter inch from the edges, thereby leaving a "sight" precisely 8 by 11¾ inches. Margin border lines are not permitted. All work must be included within the "sight". The sheets may be provided with two ¼-inch-diameter holes having their centerlines spaced eleven-sixteenths inch below the top edge and 2¾ inches apart, said holes being equally spaced from the respective side edges.

(c) *Character of lines.* All drawings must be made with drafting instruments or by a process which will give them satisfactory reproduction characteristics. Every line and letter must be absolutely black and permanent; the weight of all lines and letters must be heavy enough to permit adequate reproduction. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and fine or crowded lines should be avoided. Solid black should not be used for sectional or surface shading. Freehand work should be avoided wherever it is possible to do so.

* * * * *

(h) [Revoked]

* * * * *

(j) *Arrangement of views.* All views on the same sheet must stand in the same direction and should, if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the two-inch margin is on the right-hand side. One figure must not be placed upon another or within the outline of another.

* * * * *

(l) *Extraneous matter.* An inventor's, agent's, or attorney's name, signature, stamp, or address, or other extraneous matter, will not be permitted upon the face of a drawing, within or without the margin, except that identifying indicia (attorney's docket number, inventor's name, number of sheets, etc.) should be placed within three-fourths inch of the top edge and between the hole locations defined in paragraph (b) of this section. Authorized security markings may be placed on the drawings provided they be outside the illustrations and are removed when the material is declassified.

* * * * *

4. Section 1.85 is revised to read as follows:

§ 1.85 Informal drawings.

The requirements of § 1.84 relating to drawings will be strictly enforced. A drawing not executed in conformity thereto, if suitable for reproduction, may be admitted but in such case the drawing must be corrected or a new one furnished, as required. The necessary corrections or mounting will be made by the Office upon applicant's request or permission and at his expense. (See §§ 1.21 and 1.165.)

§ 1.87 [Revoked]

5. Section 1.87 is revoked.

6. In § 1.123, paragraph (a) is revised to read as follows:

§ 1.123 Amendments to the drawing.

(a) No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by the Office. A sketch in permanent ink showing proposed changes, to become part of the record, must be filed. The paper requesting amendments to the drawing should be separate from other papers.

* * * * *

7. In § 1.165, paragraph (b) is revised to read as follows:

§ 1.165 Drawings.

* * * * *

(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight and quality to the paper required for other drawings. See § 1.84. Nonpermanently mounted copies will be correctly mounted at applicant's expense, § 1.21(l).

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved: May 25, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71-7504 Filed 5-27-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Surplus Land for Public Park and Recreation Areas

Public Law 91-485, dated October 22, 1970, deletes public park and public recreational areas from the scope of section 13(h) of the Surplus Property Act of 1944. Public Law 91-485 provides that surplus federally owned real property may, in the discretion of the Administrator of General Services, be assigned to the Secretary of the Interior at his recommendation for sale or lease for public park or recreation use to any State, political subdivision, instrumentality, or municipality. Subparts 101-47.2, 101-47.3, and 101-47.49 are amended to implement this Act.

The table of contents for Part 101-47 is amended as follows:

Sec.
101-47.308-3 Property for historic monument sites.
101-47.308-7 Property for use as public park or recreation areas.
101-47.4912 [Deleted.]

Subpart 101-47.2—Utilization of Excess Real Property

Section 101-47.203-5 (b) and (c) is revised as follows:

§ 101-47.203-5 Screening of excess real property.

* * * * *

(b) Notices of availability for information of the Secretary of Health, Education, and Welfare in connection with the exercise of the authority vested in him under the provisions of section 203 (k)(1) of the Act and for information of the Secretary of the Interior in connection with the exercise of the authority vested in him under the provisions of section 203(k)(2) of the Act or a possible determination under the provisions

of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), will be sent to the offices designated by the Secretaries to serve the areas in which the properties are located. A similar notice of availability for the information of the Secretary of Housing and Urban Development in connection with a possible transfer (assignment) and disposal under section 414 of the Housing and Urban Development Act of 1969, as amended (40 U.S.C. 484b), will be sent to the central office of the Department of Housing and Urban Development.

(c) The Departments of Health, Education, and Welfare (HEW), Interior, and Housing and Urban Development (HUD) shall not attempt to interest a local applicant in the property until the property is determined to be surplus except with the prior consent of the General Services Administration (GSA) on a case-by-case basis. When such consent is obtained, the local applicant shall be informed that consideration of his application is conditional upon the property being determined surplus to Federal requirements and available for the purposes of the application. However, these Departments are encouraged to advise the appropriate GSA regional office of those excess properties which are suitable for their programs.

* * * * *

Subpart 101–47.3—Surplus Real Property Disposal

1. Section 101–47.303–2 (d), (e), and (f) is revised as follows:

§ 101–47.303–2 Disposals to public agencies.

* * * * *

(d) A copy of each transmittal letter and notice given pursuant to paragraph (b) of this section shall be furnished to the proper regional or field office of (1) the Bureau of Outdoor Recreation (BOR) and the Fish and Wildlife Service of the Department of Interior and (2) the Federal Aviation Administration and the Federal Highway Administration of the Department of Transportation concerned with the disposals of property to public agencies under the statutes in the notice.

(e) In the case of property which may be made available for assignment to the Secretary of Health, Education, and Welfare or the Secretary of the Interior for disposal under sections 203(k)(1) or (k)(2) of the Act:

(1) The disposal agency shall inform the proper regional office of HEW or the field office of BOR 3 workdays in advance of the date the notice will be given to public agencies to permit similar notice to be given simultaneously by HEW or BOR to additional interested public bodies. HEW shall furnish notice to eligible nonprofit institutions.

(2) The disposal agency shall furnish the Departments with a copy of the postdated transmittal letter addressed to each public agency, copies (not to exceed 25) of the postdated notice, and a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(3) As of the date of the transmittal letter and notice to public agencies, the Departments may proceed with their screening functions for any potential applicants and thereafter may make their determinations of need and receive applications.

(f) If the disposal agency is not informed, within the 20-calendar-day period provided in the notice, of the desire of a public agency to acquire the property under the provisions of the statutes listed in § 101–47.4905, or is not notified by HEW of a potential educational or public health requirement, or is not notified by the Department of the Interior of a potential public park or recreation requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

* * * * *

2. Section 101–47.304–9(a)(5)(iii) is revised as follows:

§ 101–47.304–9 Negotiated disposals.

(a) * * *

(5) * * *

(iii) Disposals for historic monument sites (see § 101–47.308–3).

* * * * *

3. Section 101–47.308–3 is amended as follows:

§ 101–47.308–3 Property for historic monument sites.

(a) Pursuant and subject to the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949, land, including improvements and equipment thereon, which is determined by the Secretary of the Interior to be suitable and desirable for use as a historic monument for the benefit of the public, may be conveyed or disposed of to a State, political subdivision, instrumentalities thereof, or municipality.

(b) The disposal agency shall notify established State and regional or metropolitan clearinghouses and eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a historic monument under the Act of 1944 has been determined to be surplus. There shall be transmitted with the copy of each such notice when sent to the proper field office of the Bureau of Outdoor Recreation, as provided in § 101–47.303–2(d), a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) An application form to acquire property for permanent use as a historic monument and instructions for the preparation of the application shall be furnished by the disposal agency to an eligible public agency upon request.

(d) Whenever an eligible public agency has submitted an application to acquire property for use as a historic monument, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit a copy of the application to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240, and shall send a copy of the application to the appropriate field office of the Bureau of Outdoor Recreation. The Director will promptly inform the disposal agency in writing as to the date the determination of the Secretary of the Interior, required by the provisions of the Act of 1944, will be available.

(e) Upon receipt of such determination, the disposal agency may, with the approval of the head of the disposal agency, or his designee, convey property determined by the Secretary of the Interior to be suitable and desirable for use as a historic monument, for the benefit of the public to an eligible public agency, subject to the provisions of the Act of 1944.

(f) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of disposals, the reformation, correction, or amendment of any disposal instrument, the granting of releases, and taking any necessary action for recapturing such property in accordance with the provisions of section 203(k)(3) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency.

(g) The Department of the Interior shall notify GSA immediately by letter when title to such property is to be revested in the United States for noncompliance with the terms and conditions of disposal or for other cause. The notification shall cite the legal and administrative actions that the Department must take to obtain full title and possession of the property. In addition, it shall include an adequate description of the property, including any improvements constructed thereon since the original conveyance to the grantee. Upon receipt of advice from the Department that title to the property has revested, GSA will assume custody and accountability of the property.

* * * * *

4. Section 101–47.308–7 is added as follows:

§ 101–47.308–7 Property for use as public park or recreation areas.

(a) The head of the disposal agency or his designee is authorized, in his discretion, to assign to the Secretary of the Interior for disposal under section 203(k)(2) of the Act for public park or recreation purposes, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for use as a public park or recreation area for disposal by the Secretary to a State, political subdivision, instrumentalities thereof, or municipality.

(b) The disposal agency shall notify established State and regional or metropolitan clearinghouses and eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a public park or recreation area has been

determined to be surplus. There shall be transmitted with the copy of each such notice, when sent to the proper field office of the Bureau of Outdoor Recreation, a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) An application form to acquire property for permanent use as a public park or recreation area and instructions for the preparation of the application shall be furnished by the Department of the Interior upon request.

(d) The Department of the Interior shall notify the disposal agency within 2C calendar days after the date of the notice of determination of surplus if it has an eligible applicant interested in acquiring the property under section 203(k)(2) of the act.

(e) Holding agencies shall cooperate to the fullest extent possible with representatives of the Department of the Interior in their inspection of such property and in furnishing information relating thereto.

(f) The Department of the Interior shall advise the disposal agency and request assignment of the property for disposition under section 203(k)(2) of the Act, as amended, within 25 calendar days after the expiration of the 20-calendar-day period specified in paragraph (d) of this section.

(g) Any recommendation submitted by the Department of the Interior pursuant to paragraph (f) of this section shall set forth complete information concerning the plans for use of the property as a public park or recreation area, including (1) identification of the property, (2) the name of the applicant, (3) the specific use planned, and (4) the intended public benefit allowance. A copy of the application together with any other pertinent documentation shall be submitted with the recommendation.

(h) In the absence of a notice under paragraph (d) of this section or a request under paragraph (f) of this section, the disposal agency shall proceed with the appropriate disposal action.

(i) If, after considering other uses for the property, the disposal agency approves the recommendation, it shall assign the property by letter or other document to the Secretary of the Interior for disposal and shall inform the Secretary that there will be no objection to the proposed transfer. If the recommendation is disapproved, the disposal agency shall so notify the Secretary. Such assignment or notice shall be given within 30 calendar days after the Department of the Interior has submitted the recommendation. The disposal agency shall furnish to the holding agency a copy of the assignment or notice, unless the holding agency is also the disposal agency.

(j) The disposal agency may, where appropriate, make the assignment subject to the Department of the Interior requiring the applicant to bear the cost of any out-of-pocket expenses necessary to accomplish the assignment of the property, such as surveys, fencing, security, etc., of the remaining property or otherwise.

(k) The Department of the Interior shall place the applicant in possession of the property as soon as practicable and not to exceed 30 calendar days after the date of assignment of the property to the Department of the Interior in order to minimize the Government's expense of protection and maintenance of the property. As of the date of assumption of possession of the property, or the date of conveyance, whichever occurs first, the applicant shall assume responsibility for care and handling and all risks of loss or damage to the property, and shall have all obligations anc liabilities of ownership.

(l) The Department of the Interior shall prepare the transfer document and take all other actions necessary to accomplish the transfer of the property within 60 calendar days after the date of the assignment of the property to the Secretary of the Interior.

(m) The deed of conveyance of any surplus real property transferred under the provisions of section 203(k)(2) of the Act shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interest of the United States.

(n) The Department of the Interior shall furnish the disposal agency two conformed copies of deeds, leases, or other instruments conveying property under section 203(k)(2) of the Act and related documents containing reservations, restrictions, or conditions regulating the future use, maintenance, or transfer of the property.

(o) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of transfer, the reformation, correction, or amendment of any transfer instrument, the granting of releases, and the taking of any necessary actions for recapturing such property in accordance with the provisions of section 203(k)(3) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by the Secretary of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

(p) The Department of the Interior shall notify GSA immediately by letter when title to property transferred for use as a public park or recreation area is to be revested in the United States for noncompliance with the terms and conditions of disposal, or for other cause. The notification shall cite the legal and administrative actions that the Department must take to obtain full title and possession of the property. In addition, it shall include an adequate description of the property, including any improvements constructed thereon since the original conveyance to the grantee. Upon receipt of advice from the Department that title to the property has revested, GSA will assume custody and accountability of the property.

Subpart 101–47.49—Illustrations

1. Section 101–47.4905 is revised as follows:

§ 101–47.4905 Extract of statutes authorizing disposal of surplus real property to public agencies.

Statute	Type of property [1]	Eligible public agency
50 U.S.C. App. (1622(h)). Disposals for historic monuments.	Any surplus real property including improvements and equipment located thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface; (2) improvements without land; (3) military chapels subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101–47.308-5; and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. This statute, as amended, does not authorize the disposal, for historic monument use, of property if its historical significance relates to a period of time within the 50 years immediately preceding the determination of suitability and and desirability for such use.	Any State, political subdivision, and instrumentalities thereof, or municipality; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(1)(A). Disposals for school, classroom, or other educational purposes.	Any surplus real property including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	States and their political subdivisions and instrumentalities, and tax-supported, educational institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(1)(B). Disposals for public health purposes including research.	Any surplus real property, including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	States and their political subdivisions and instrumentalities, and tax-supported medical institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.

See footnote at end of table.

Statute	Type of property [1]	Eligible public agency
50 U.S.C. App. 1622(g). Disposals for public airport purposes.	Any surplus real or personal property, exclusive of (1) military chapels subject to disposal as a shrine, memorial or for religious purposes under the provisions of § 101-47.308-5; (2) property subject to disposal as a historic monument site under the provisions of § 101-47.308-3; (3) property the highest and the best use of which is determined by the disposal agency to be industrial and which shall be so classified for disposal, and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	Any State, political subdivision, municipality, or tax-supported institution; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(2). Disposals for public park or recreation area.	Any surplus real property, including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface; (2) improvements without land; (3) military chapels subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101-47.308-5; and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	Any State, political subdivision and instrumentalities thereof, or municipality; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.
16 U.S.C. 667 b-d. Disposals for wildlife conservation purposes.	Any surplus real property (with or without improvements) that can be utilized for wildlife conservation purposes other than migratory birds, exclusive of (1) oil, gas, and mineral rights, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	The agency of the State exercising the administration of the wildlife resources of the State.
23 U.S.C. 107 and 317. Disposals for Federal aid and other highways.	Any real property or interests therein determined by the Secretary of Transportation to be reasonably necessary for the right-of-way of a Federal aid or other highway (including control of access thereto from adjoining lands) or as a source of material for the construction or maintenance of any such highway adjacent to such real property or interest therein exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	State wherein the property is situated (or such political subdivision of the State as its law may provide), including the District of Columbia and Commonwealth of Puerto Rico.
40 U.S.C. 345c. Disposals for authorized widening of public highways, streets, or alleys.	Such interest in surplus real property as the head of the disposal agency determines will not be adverse to the interests of the United States, exclusive of (1) minerals having a commercial value separate and apart from the surface, (2) property subject to disposal for Federal aid and other highways under the provisions of 23 U.S.C. 107 and 317, and (3) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	State or political subdivision of a State.
50 U.S.C. App. 1622(d). Disposals of power transmission lines needful for or adaptable to the requirements of a public power project.	Any surplus power transmission line and the right-of-way acquired for its construction.	Any State or political subdivision thereof or any State agency or instrumentality.
40 U.S.C. 484(e)(3)(H). Disposals by negotiations.	Any surplus real property including related personal property.	Any State, political subdivision thereof, or tax-supported agency therein; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 122. Transfer to the District of Columbia of jurisdiction over properties within the District for administration and maintenance under conditions to be agreed upon.	Any surplus real property, except property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	District of Columbia.

[1] The Commissioner, Property Management and Disposal Service, General Services Administration, Washington, DC 20405, in appropriate instances, may waive any exclusions listed in this column, except for those exclusion required by law.

2. Section 101-47.4906 is revised to read as follows:

§ 101-47.4906 Sample notice to public agencies of surplus determination.

NOTICE OF SURPLUS DETERMINATION—GOVERNMENT PROPERTY

____
(Date)

____
(Name of property)

____
(Location)

Notice is hereby given that the ________ ________________, ____________, has been
(Name of property) (Location)
determined to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.988-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government determines that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations: [1]

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

Statute	*Type of disposal*
50 U.S.C. App. 1622 (h)	Historic monument.
40 U.S.C. 484(k)(1) (A)	Schools, classroom, or other educational purposes.
40 U.S.C. 484(k)(1) (B)	Protection of public health, including research.
50 U.S.C. App. 1622 (g)	Public airport.
23 U.S.C. 107 and 317	Federal aid and certain other highways.
40 U.S.C. 484(e)(3) (H)	Negotiated sales to public bodies for use for public purposes generally.[2]
40 U.S.C. 484(k)(2)	Public park or recreation area.

If any public agency desires to acquire the property under cited statutes, notice thereof in writing must be filed with____________
(Name of disposal agency)
__________, ____________, before __________,
(Address) (Hour)
Local Time, __________, ____________.[3] Such
(Day) (Date)
notice shall:

1. Disclose the contemplated use of the property;
2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;
3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;
4. State the length of time required to develop and submit a formal application for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and
5. Give the reason for the time required to develop and submit a formal application.

Any planning for an educational or public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare__________________
(Address of proper regional office)
______________. An application form to acquire property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office.[4]

Any planning for a public park or recreation area of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of the Interior______________________________. An
(Address of proper regional office)
application form to acquire property for a public park or recreation area requirement, and instructions for the preparation and submission of an application, may be obtained from that office.[5]

Application forms or instructions to acquire property for all other public use requirements may be obtained from__________
(Name of disposal agency)
______________, ____________________.
(Address)

Upon receipt of such written notice, the public agency shall be promptly informed concerning the period of time that will be

[2] List only for properties having an estimated fair market value of $10,000 or more.

[3] This date shall be 20 calendar days after the date of the notice.

[4] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

[5] Delete this paragraph whenever property is not available for transfer for a public park or recreation area.

allowed for submission of a formal application.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

If any public agency considers that the proposed disposal of the property is incompatible with its development plans and programs, notice of such incompatibility must be forwarded to ______________________, (Name of disposal agency) ______________________, within the same (Address) time frame prescribed above.

§ 101–47.4912 [Deleted]

3. Section 101–47.4912 is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5–28–71).

Dated: May 20, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–7425 Filed 5–27–71;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91–469

[General Order 109, Rev., Amdt. 1]

PART 390—CAPITAL CONSTRUCTION FUND

Deposits for Taxable Year 1970

The following regulations relate to the application of section 607 of the Merchant Marine Act of 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of Commerce and the Secretary of the Treasury and also appear under 26 CFR Part 3.

In order to extend the time within which deposits may be made in capital construction funds with respect to income reported on the taxpayer's 1970 return, § 390.1 is amended to read as follows:

§ 390.1 **Deposits for taxable year 1970.**

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1971, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

(a) A capital construction fund agreement executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years will be deemed to be effective on the date of the execution of such agreement or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(b) Notwithstanding the provisions of paragraph (a) of this section, a capital construction fund agreement executed and entered into by a taxpayer after the due date for the filing of his Federal income tax return for such taxable year or years, but prior to January 1, 1972 (or, if earlier, 60 days after the publication of final joint regulations under section 607 of the Merchant Marine Act, 1936, as amended) will be deemed to be effective as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates.

(c) Deposits made in a capital construction fund pursuant to such an agreement within 60 days after the date of execution of the agreement, or on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1971.

(Sec. 204(b), 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 91–469, 84 Stat. 1018; sec. 21(a), 84 Stat. 1026)

Dated: May 24, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.71–7514 Filed 5–27–71;8:50 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–16; Notice No. 71–9]

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

Miscellaneous Amendments

The Munitions Carriers Conference of the American Trucking Associations has filed a petition for reconsideration of the major revision of Part 397 of the Motor Carrier Safety Regulations which the Director, Bureau of Motor Carrier Safety, issued on March 5, 1971 (36 F.R. 4874). Specifically, the petition asks the Director to revoke §§ 397.9(b) and 397.19(a)(2) of the new rules or, in the alternative, to postpone the effective date of those two provisions.

Section 397.9(b) requires a motor carrier who is transporting Class A or Class B explosives in a motor vehicle to prepare a written route plan for the vehicle's driver before he is dispatched. Petitioner says that this requirement serves no useful purpose and cannot be practicably followed by an irregular route carrier whose drivers are frequently dispatched from a location other than the carrier's terminal.

The Bureau's investigations have disclosed numerous incidents involving vehicles transporting explosives that have been driven into very heavily populated areas because the drivers had not planned their routes or because they were unfamiliar with the areas they traversed. It is clear that the public interest requires carriers to pay closer attention to the necessity for preplanning routes of vehicles carrying Class A or Class B explosives and for drivers to follow those plans. Hence, the request for revocation of § 397.9(b) is denied.

The Director is, however, taking action to modify the rule to eliminate the element of impracticability noted in the petition. In a case where a driver is not dispatched from a carrier's facility, the amended rule will permit the driver to prepare the written route plan as agent for the carrier. This change will allow irregular route carriers to continue operating on a parity with other carriers, so far as this particular requirement is concerned.

Section 397.19(a)(2), the other provision to which the petition is addressed, requires a motor carrier transporting Class A or Class B explosives to supply his drivers with a summary of the laws, ordinances, and regulations pertaining to transportation of explosives in every jurisdiction through which they will operate. The purpose of the rule, as the Director made clear when he issued it, is to "enable each driver readily to understand what is expected of him" when he is engaged in transporting Class A or Class B explosives (36 F.R. at 4876). Even though it carries this gloss, the rule is inherently ambiguous, the petitioner says, in that it "leaves a wide range for interpretation by both B.M.C.S. field men, trucking management officials and drivers." The Director has concluded that it should be possible to write a summary of the laws and regulations of a State in language that will be understandable by drivers. In this connection, it should be noted that the summary need deal with only those laws and regulations which impose a more stringent obligation or restraint than operative Federal rules. This is the case because less restrictive State rules are preempted by the Federal regulations.

The Director has been convinced that the task of assembling the applicable State laws and regulations and of preparing summaries of them will be more onerous and time consuming than had been originally thought. Consequently, he is making two changes in the rule in an effort to facilitate development of adequate summaries. First, the effective date of § 397.19(a)(2) is being extended from June 1, 1971 to November 1, 1971. Second, the reference to "ordinances" is being deleted, so that the summaries can be confined to laws and regulations of statewide application.

In addition, the Director is amending section 397.5 in order to clarify the rules with respect to parking vehicles containing Class A or Class B explosives in so-called "safe havens". Safe havens are areas specifically designed for the parking of such vehicles, and are so designated by governmental authorities. Under the amended rule, an explosives-laden vehicle may be parked and left unattended in a safe haven, even though the area is not the property of a carrier, a shipper, or the consignee of its cargo.

Section 397.7 is being amended to correct a typographical error.

In consideration of the foregoing, the effective date of § 397.19(a)(2) in Part 397 of the Motor Carrier Safety Regulations (Subpart B of Chapter III in title 49, CFR) is extended to November 1, 1971, and §§ 397.5, 397.7, 397.9, and 397.19 are amended as set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, 18 U.S.C. 834, section 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48, 389.4, and 389.37)

Issued on May 25, 1971.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

I. Paragraphs (b) and (d) of § 397.5 of the Motor Carrier Safety Regulations are amended to read as follows:

§ 397.5 Attendance and surveillance of motor vehicles.

* * * * *

(b) The rules in paragraph (a) of this section do not apply to a motor vehicle which contains Class A or Class B explosives if all of the following conditions exist—

(1) The vehicle is located on the property of a motor carrier, on the property of a shipper or consignee of the explosives, in a safe haven, or, in the case of a vehicle containing 50 pounds or less of either Class A or Class B explosives, on a construction or survey site; and

(2) The lawful bailee of the explosives is aware of the nature of the explosives the vehicle contains and has been instructed in the procedures he must follow in emergencies; and

(3) The vehicle is within the bailee's unobstructed field of view or is located in a safe haven.

(c) * * *

(d) For purposes of this section—

(1) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within 100 feet of the vehicle and has it within his unobstructed field of view.

(2) A qualified representative of a motor carrier is a person who—

(i) Has been designated by the carrier to attend the vehicle;

(ii) Is aware of the nature of the hazardous materials contained in the vehicle he attends;

(iii) Has been instructed in the procedures he must follow in emergencies; and

(iv) Is authorized to move the vehicle and has the means and ability to do so.

(3) A safe haven is an area specifically approved in writing by local, State, or Federal governmental authorities for the parking of unattended vehicles containing Class A or Class B explosives.

* * * * *

II. § 397.7(a)(3) of the Motor Carrier Safety Regulations is amended to read as follows:

§ 397.7 Parking.

(a) A motor vehicle which contains Class A or Class B explosives must not be parked—

(1) * * *

(2) * * *

(3) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

* * * * *

III. Section 397.9(b) of the Motor Carrier Safety Regulations is amended to read as follows:

§ 397.9 Routes.

(a) * * *

(b) Before a motor carrier requires or permits a motor vehicle containing Class A or Class B explosives to be operated, he must prepare a written plan of a route that complies with the rules in paragraph (a) of this section for that vehicle and must furnish a copy of the written plan to the driver. However, the driver may prepare the written plan as agent for the motor carrier when the driver begins his trip at a location other than the carrier's terminal.

IV. § 397.19(a)(2) of the Motor Carrier Safety Regulations is amended by deleting the word "ordinances". As so amended, § 397.19(a)(2) reads as follows:

§ 397.19 Instructions and documents.

(a) A motor carrier that transports Class A or Class B explosives must furnish the driver of each motor vehicle in which the explosives are transported with the following documents:

(1) * * *

(2) A document containnig summary information about the laws and regulations pertaining to transportation of explosives of each State (including the District of Columbia) in which the vehicle will be operated; and

* * * * *

[FR Doc.71-7493 Filed 5-27-71;8:48 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-12; Notice No. 10]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Interpretation of Manufacturer's Designee

A request for an interpretation has been received from the Rubber Manufacturers Association asking that it be made clear that, under the Tire Identification and Recordkeeping Regulation (Part 574), particularly §§ 574.7 and 574.8, only the tire manufacturer, brand name owner, or retreader may designate a third party to provide the necessary recording forms or to maintain the records required by the regulation.

Another person has requested an interpretation concerning the questions whether: (1) a tire manufacturer, brand name owner or retreader may designate one or more persons to be its designee for the purpose of maintaining the information, (2) an independent distributor or dealer may select a designee for the retention of the manufacturer's records, provided the manufacturer approves the designation, and (3) the independent distributor or dealer may seek administrative relief in the event he believes the information retained by the manufacturer is being used to his detriment.

Under section 113(f) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402(f)) and Part 574, it is the tire manufacturer who has the ultimate responsibility for maintaining the records of first purchasers. Therefore, it is the tire manufacturer or his designee who must maintain these records. The term "designee", as used in the regulation, was not intended to preclude multiple designees; if the tire manufacturer desires, he may designate more than one person to maintain the required information. Furthermore, neither the Act nor the regulation prohibits the distributor or dealer from being the manufacturer's designee nor do they prohibit a distributor or dealer from selecting someone to be the manufacturer's designee provided the manufacturer approves of the selection.

With respect to the possibility of manufacturers using the maintained information to the detriment of a distributor or dealer, the NHTSA will of course investigate claims by distributors or dealers of alleged misconduct and, if the maintained information is being misused, take appropriate action.

Issued under the authority of sections 103, 113, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1402, and 1407, and the delegation of authority at 49 CFR 1.51.

Issued on May 21, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-7511 Filed 5-27-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

APPRECIATED PROPERTY USED TO REDEEM STOCK

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-7050 appearing at page 9138 in the issue of Thursday, May 20, 1971, in the fourth line of § 1.311-1(a) insert the word "is" between the words "loss" and "recognized".

DEPARTMENT OF JUSTICE

[28 CFR Part 50]

ADMINISTRATION OF VOTING RIGHTS ACT OF 1965

Notice of Proposed Rule Making

The Attorney General is considering a proposal to add a new section to Part 50 of Title 28 of the Code of Federal Regulations. The purpose of this proposal is to set forth procedural guidelines regarding administration of section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c (Supp. V), as amended, 84 Stat. 314 (1970).

It is proposed to make such guidelines effective upon republication.

Interested persons may participate in the consideration of the proposed guidelines by submitting such written data, views, or comments as they may desire. Communications should be submitted in triplicate to the Acting Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

This statement of procedural guidelines is proposed under 5 U.S.C. 301 and section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c (Supp. V), as amended, 84 Stat. 314 (1970).

Amendment of Part 50 of Title 28 is proposed by addition of new §§ 50.7—50.7-29 as follows:

§ 50.7 Procedures for the administration of section 5 of the Voting Rights Act of 1965.

GENERAL PROVISIONS

§ 50.7-1 Purpose.

Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c (Supp. V), as amended, 84 Stat. 315 (1970) prohibits the enforcement in any jurisdiction covered by section 4(a) of the Act, 42 U.S.C. 1973b (Supp. V), as amended, 84 Stat. 315, of any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until the authority proposing enforcement either (a) obtains from the U.S. District Court for the District of Columbia a declaratory judgment that the plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or (b) the plan has been submitted to the Attorney General and he has interposed no objection within the 60-day period following submission. In order to carry out his responsibilities under this section of the Voting Rights Act and to make clear his interpretation of the responsibilities imposed on other individuals and entities thereunder, the Attorney General has delineated the following procedures regarding section 5.

§ 50.7-2 Definitions.

(a) The terms "vote" and "voting" are used herein as defined in the Voting Rights Act of 1965, to include all action necessary to make a vote effective in any primary, special, or general election, including but not limited to, registration, listing pursuant to the Voting Rights Act of 1965, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(b) The term "change affecting voting," as used herein, shall mean any voting qualification, prerequisite to voting, standard, practice, or procedure different from that in force or effect on the date used to determine coverage by section 4(a) (November 1, 1964 or November 1, 1968, as the case may be) and shall include, but not be limited to, the examples given in § 50.7-4(c).

(c) The term "submission" as used herein shall mean presentation to the Attorney General by an appropriate official of any change affecting voting and an explanation of the difference between the change and the existing law or practice and such appropriate supporting materials as are included to demonstrate that the voting qualification, prerequisite to voting, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

(d) "Attorney General" shall mean the Attorney General of the United States or his delegate.

§ 50.7-3 Computation of time.

(a) The Attorney General shall have 60 days in which to interpose an objection to a submitted change affecting voting.

(b) The 60-day period shall commence upon receipt by the Department of Justice of a submission from an appropriate official which submission satisfies the requirements of § 50.7-10(a). Procedures for requesting additional material and for the computation of time when a submission is inadequate are described in § 50.7-19.

(c) The 60-day priod shall mean 60 calendar days, provided that if the final day of the period should fall on a Saturday or national holiday the Attorney General shall have until the close of the next full business day in which to interpose an objection. The date of the Attorney General's response shall be the date on which it is mailed to the submitting authority.

(d) When the Attorney General objects to a submitted change affecting voting, and the party seeking reconsideration of the objection brings additional information to the attention of the Attorney General, the Attorney General shall decide within 60 days of receipt of a request for reconsideration (provided that he shall have at least 15 days following a conference held at the submitting authority's request), whether to withdraw or to continue his objection.

§ 50.7-4 Requirement of action for declaratory judgment or submission to Attorney General.

Section 5 requires that, prior to enforcement of any change affecting voting, the State or political subdivision responsible for the change affecting voting must obtain either a judicial or an executive determination that denial or abridgment of the right to vote on account of race or color is not the purpose and will not be the effect of the change. Enforcement without complying with section 5 does not alter the obligation to obtain such judicial or executive determination.

(a) All changes affecting voting, even though the change appears to be minor or indirect, to expand voting rights or to remove the elements which caused objection by the Attorney General to a prior submission, must either be submitted to the Attorney General or be made the subject of an action for declaratory judgment in the District Court for the District of Columbia.

(b) A submission to the Attorney General does not affect the right of the submitting authority to bring a suit in the U.S. District Court for the District of Columbia at any time, seeking a declaratory judgment that the change affecting voting does not have a racially discriminatory purpose or effect.

(c) Legislation and administrative actions constituting changes affecting voting covered by section 5 include, but

are not limited to the following examples:

(1) Any change in qualifications or eligibility for voting;

(2) Any change in procedures concerning registration, balloting or informing or assisting citizens to register and vote;

(3) Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation or reapportionment), the location of a polling place, change to at-large elections from district elections or to district elections from at-large elections;

(4) Any alteration affecting the eligibility of persons to become or remain candidates or obtain a position on the ballot in primary or general elections or to become or remain officeholders or affecting the necessity of or methods for offering issues and propositions for approval by voting in an election;

(5) Any change in the eligibility and qualification procedures for independent candidates;

(6) Any action extending or shortening the term of an official;

(7) Any alteration in methods of counting votes.

PROCEDURES FOR SUBMISSION TO THE ATTORNEY GENERAL

§ 50.7-5 Form of submissions.

Submissions may be made in letter or any other written form, as long as the change affecting voting that is being submitted is clearly set forth in compliance with § 50.7-10(a) and the name and title of the individual and the body which he represents are disclosed.

§ 50.7-6 Premature submissions returned.

The Attorney General will return without decision on the merits any proposal for a change affecting voting which has been submitted prior to final enactment or final administrative decision, provided that regarding a change as to which approval by referendum is required (e.g., an amendment to a state constitution), the Attorney General may consider and issue a decision concerning the change prior to the referendum if all other action necessary for adoption has been taken.

§ 50.7-8 Party responsible for submitting.

Changes affecting voting shall be submitted by the chief legal officer or other appropriate official of the State or political subdivision in which the change will take effect. When one or more counties within a State will be affected, the State may submit a change affecting voting on behalf of the covered county or counties. When voting in more than one political subdivision is affected by a change (e.g., an annexation), each affected subdivision must submit the change.

§ 50.7-9 Address for submissions.

Changes affecting voting shall be delivered or mailed to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and first page of any submission shall be clearly marked: Submission under section 5, Voting Rights Act.

§ 50.7-10 Contents of submissions.

(a) Each submission shall include:

(1) A copy of any legislative or administrative enactment or order embodying a change affecting voting, certified by an appropriate officer of the submitting authority to be a true copy;

(2) The date of final adoption of the change affecting voting;

(3) Identification of the authority responsible for the change and the mode of decision (e.g., act of State legislature, ordinance of city council, redistricting by election officials);

(4) An explanation of the difference between the submitted change affecting voting and the existing law or practice or explanatory materials adequate to disclose to the Attorney General the fundamental difference between the existing and proposed situation with respect to voting.

(5) A statement certifying that the change affecting voting has not yet been enforced or administered or an explanation of why such a statement cannot be made.

(6) With respect to redistricting, annexation and other complex changes, other information which the Attorney General determines is required to enable him to evaluate the purpose or effect of the change. Such other information may include items listed under paragraph (b) of this section. When such other information is required, the Attorney General shall notify the submitting authority in the manner provided in § 50.7-19(a).

(b) In addition to the requirements listed above, each submission may include appropriate supporting materials to assist the Attorney General in his consideration. The Attorney General strongly urges the submitting authority to include the following information insofar as it is available and relevant to the specific change submitted for consideration:

(1) A statement of the reasons for the change affecting voting.

(2) A statement of the anticipated effect of the change affecting voting.

(3) A statement identifying any past or pending litigation concerning the change affecting voting or related prior voting practices.

(4) A copy of any other changes in law or administration relating to the subject matter of the submitted change affecting voting which have been put into effect since the time when coverage under section 4 of the Voting Rights Act began and the reasons for such prior changes. If such changes have already been submitted the submitting authority may refer to the date of prior submission and identify the previously submitted changes.

(5) Where any change is made that revises the constituency which elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or changes the location of a polling place or place of registration, a map of the area to be affected showing the following:

(i) The existing boundaries of the voting unit or units sought to be changed.

(ii) The boundaries of the voting unit or units sought by the change.

(iii) Any other changes in the voting unit boundaries or in the geographical makeup of the constituency since the time that coverage under section 4 began. If such changes have already been submitted the submitting authority may refer to the date of the prior submission and identify the previously submitted changes.

(iv) Racial composition of the existing units.

(v) Racial composition of the proposed units.

(vi) Any natural boundaries or geographical features which influenced the selection of boundaries of any unit defined or proposed for the new voting units.

(vii) Location of polling places.

(6) Population information:

(i) Population before and after the change, by race, of the area or areas to be affected by the change, unless such information is contained in the publications of the U.S. Bureau of the Census.

(ii) Voting-age population and the number of registered voters before and after the change, by race, for the area to be affected by the change, unless such information is contained in the publications of the U.S. Bureau of the Census.

(iii) Copies of any population estimates, by race, made in connection with adoption of the proposed change, preparation of the submission or in support thereof and the basis for such estimates, unless such information is contained in the publications of the U.S. Bureau of the Census.

(iv) Where a particular officer or particular offices are involved, a history of the number of candidates, by race, who have run for such office in the last two elections.

(7) Evidence of public notice or opportunity for the public to be heard—in considering submissions, substantial weight will be given to evidence of public notice or, where appropriate, opportunity for interested parties to participate in the decision to adopt or implement the proposed change and to indications that such participation in fact took place or to evidence of notice to the public that a submission has been made soliciting comment to the Department of Justice. Examples of materials demonstrating public notice or participation include:

(i) Copies of newspaper articles discussing the proposed change.

(ii) Copies of public notices (and statements regarding where they appeared, e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups) which describe the proposed change and invite public comment or participation in hearings or

which announce submission to the Attorney General and invite comments for his consideration.

(iii) Minutes or accounts of public hearings concerning the submitted changes.

(iv) Statements, speeches, and other public communications concerning the submitted changes.

(v) Copies of comments from the general public. Such comments will be particularly persuasive if they come from a racial cross-section of the affected population.

(vi) Excerpts from legislative journals, or other materials revealing legislative purpose, containing discussion of a submitted enactment.

(8) Where information requested herein is relevant but not known and not believed to be available, submissions should so state.

(9) Where information furnished reflects an estimation by an official qualified to make such estimation, submissions should identify the individual and state his qualifications to make the estimate.

(10) Submissions should identify in general the source of any information they supply.

(11) When a submitting authority desires the Attorney General to consider any information which has been supplied in connection with an earlier submission, incorporation by reference may be accomplished by stating the date and subject matter of the earlier submission and identifying the relevant information therein.

§ 50.7–11 Request for notification concerning voting litigation.

When a State or political subdivision subject to section 5 becomes involved in any litigation concerning voting, the Attorney General requests that prompt notification be sent to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. Such notification will not be considered to be a submission under section 5.

Communications From Interested Individuals or Groups

§ 50.7–12 Communications concerning voting changes.

Any individual or group may submit to the Attorney General information concerning a change affecting voting in an area to which section 5 of the Voting Rights Act applies.

(a) Communication may be in the form of a letter stating the name and address of the individual or group, describing the alleged change affecting voting and setting forth evidence regarding whether the change has or does not have a discriminatory purpose or effect or simply stating a desire that the change be called to the attention of the Attorney General. Such a letter should be directed to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and the first page of each communication shall be marked: Comment, Section 5, Voting Rights Act.

(b) Correspondence by individuals or groups concerning any change affecting voting may be submitted at any time; however, the Attorney General urges that they be submitted as soon as possible after the change affecting voting is brought to the attention of the individual or group.

(c) The Attorney General shall comply with the request of an individual that his identity be undisclosed to any person outside the Department of Justice. In addition, whenever it appears to the Attorney General that disclosure of the identity of an individual who provided information regarding a change affecting voting could jeopardize the personal safety, employment, or economic standing of the individual, the identity of the individual shall not be disclosed to any person outside the Department of Justice.

(d) When an individual or group desires the Attorney General to consider information which has been supplied in connection with an earlier submission, incorporation by reference may be accomplished by identifying the earlier submission by date and subject matter and identifying the relevant information or related communication.

§ 50.7–13 Establishment and maintenance of registry of interested individuals and groups.

The Attorney General shall establish and maintain a Registry of Interested Individuals and Groups. Such registry shall contain the name, address, and telephone number of any individual or group that requests inclusion therein for purposes of receiving notice of section 5 submissions. Each registrant shall specify the area or areas with respect to which notification is requested.

§ 50.7–14 Communications concerning voting suits.

Individuals and groups are also urged to notify the Assistant Attorney General, Civil Rights Division, of litigation concerning voting in areas subject to section 5.

§ 50.7–15 Action on communications from individuals or groups.

(a) If the entity responsible for submitting the change affecting voting has submitted the change to the Attorney General, any evidence from individuals or groups shall be considered along with the materials submitted and materials resulting from any further investigation.

(b) If no formal submission (as defined in § 50.7–2(c)) has been made regarding the change the Civil Rights Division of the Department of Justice shall advise the entity responsible for the alleged change of the duty to seek a declaratory judgment or to make a submission to the Attorney General before enforcement.

(c) Where no submission has been made and no declaratory judgment has been sought and a change affecting voting is enforced in a covered jurisdiction, the Attorney General may bring suit to enforce compliance with section 5, pursuant to section 12(d) of the Voting Rights Act, 42 U.S.C. 1973j(d) (Supp. V).

Processing of Submissions

§ 50.7–16 Publication of notice of submission in Federal Register.

When the Attorney General receives a section 5 submission, prompt notice thereof shall be published in the Federal Register.

§ 50.7–17 Notice to registrants concerning submission.

When the Attorney General receives a section 5 submission, prompt notice thereof shall be given to the individuals and groups who have registered for this purpose in accordance with § 50.7–13. Such notice shall be sent to each such registrant who has requested notification concerning the area or areas affected by the submitted change.

§ 50.7–18 Return of inappropriate submissions.

The only changes authorized by section 5 to be submitted to and passed upon by the Attorney General are those affecting voting rights. The Attorney General shall therefore examine and make a response on the merits to only those submissions affecting voting. All others shall be returned to the submitting party without comment on their merits.

§ 50.7–19 Investigation regarding submissions.

(a) If the submission does not satisfy the requirements of § 50.7–10(a), the Attorney General shall request such further information as is necessary to do so from the submitting authority and advise the submitting authority that the 60-day period will not commence until such information is received by the Department of Justice. The request shall be made as promptly as possible after receipt of the original inadequate submission.

(b) After receipt of a submission which satisfies the requirements of § 50.7–10(a), the Attorney General may at any time during the 60-day period:

(1) Request additional information from the submitting authority,

(2) Request information from other local authorities or interested individuals or groups,

(3) Conduct such further investigation or inquiry as he deems appropriate.

(c) If the submission does not contain adequate evidence of notice to the public, and the Attorney General believes that racial purpose or effect is possible, he may give public notice sufficient to invite interested citizens to provide evidence as to the presence or absence of racially discriminatory purpose or effect. The authority responsible for the submission shall be advised when such public notice of a submission is requested by the Attorney General.

§ 50.7–20 Standard for decision concerning submissions.

Section 5, in providing for submission to the Attorney General as an alternative to submission to the District Court for the District of Columbia, imposes on the Attorney General what is essentially a judicial function. Therefore, the burden of proof on the submitting authority

is the same in submitting changes to the Attorney General as it would be in submitting changes to the District Court for the District of Columbia. The Attorney General shall base his decision on a review of material presented by the submitting authority, relevant information provided by individuals or groups, and the results of any investigation carried on by the Department of Justice. If the Attorney General is satisfied that the submitted change does not have a racially discriminatory purpose or effect, he will approve the change and will so notify the submitting authority. If the Attorney General determines that the submitted change has a racially discriminatory purpose or effect, he will enter an objection and will so notify the submitting authority. If the evidence as to the purpose or effect of the change is conflicting, and the Attorney General is unable to resolve the conflict within the 60-day period, he shall, consistent with the above described burden of proof applicable in the District Court, enter an objection and so notify the submitting authority.

§ 50.7–21 Notification of decision not to object.

(a) If the Attorney General decides to interpose no objection to a submitted change affecting voting, the submitting authority shall be notified to that effect within the 60-day period allowed.

(b) The notification shall state that the failure of the Attorney General to object does not bar subsequent litigation involving the same issues.

(c) A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon. Notice of the decision shall be published in the FEDERAL REGISTER.

§ 50.7–22 Notification of decision to object.

(a) When the Attorney General decides to interpose an objection, the submitting authority shall be notified within the 60-day period allowed. The reasons for the decision shall be stated.

(b) The submitting authority shall be advised that the Attorney General will reconsider his objection upon request and presentation of further substantiating or explanatory information which was not previously available to the submitting authority. The Attorney General may request that local public notice of the request for reconsideration be given in appropriate cases.

(c) The submitting authority shall be advised further that it may request a conference with a representative of the Department of Justice.

(d) A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon. Notice of the decision shall be published in the FEDERAL REGISTER.

§ 50.7–23 Expedited consideration.

When a submitting authority demonstrates good cause for special expedited consideration to permit enforcement of a change affecting voting within the 60-day period following submission (good cause will, in general, only be found to exist with respect to changes made necessary by circumstances beyond the control of the enacting or submitting authorities), the Attorney General may consider the submission on an expedited basis. Immediate notice of the request for expedited consideration will be given in the FEDERAL REGISTER and to interested parties registered in accordance with § 50.7–13.

§ 50.7–24 Conference regarding reconsideration.

(a) If the submitting authority requests a conference regarding reconsideration of an objection by the Attorney General, a meeting shall be held at a location determined by the Attorney General.

(b) When the submitting authority requests that a conference be held concerning a change affecting voting to which the Attorney General has objected, individuals or groups that commented on the change prior to the Attorney General's objection or that seek to participate in response to any public or other notice of a request for reconsideration shall be notified and given the opportunity also to confer.

(c) Such a conference shall be conducted by the Assistant Attorney General, Civil Rights Division, or his designee in an informal manner. Those present will be permitted to present facts in support of their positions.

(d) The Assistant Attorney General or the person he has designated to conduct the conference may, in his discretion, choose to hold separate meetings to confer with the submitting authority and interested groups or individuals.

§ 50.7–25 Decision after reconsideration.

An objection shall be withdrawn if the submitting authority can produce information not previously available to it which demonstrates that the decision to object was erroneous. The Attorney General shall notify the submitting authority within 60 days of the request for reconsideration (provided that the Attorney General shall have at least 15 days following any conference that is held in which to decide) of his decision to continue or withdraw an objection, giving the reasons for his decision. A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon. Notice of the result shall be published in the FEDERAL REGISTER.

§ 50.7–26 Records concerning submissions.

(a) The Attorney General shall maintain a section 5 file for each submission, containing the submission, related written materials, correspondence, notations concerning conferences with the submitting authority or any interested individual or group and a copy of any letters from the Attorney General concerning his decision whether or not to object to a submission. Investigative reports, internal memoranda and communications from individuals who have requested confidentiality shall not be included in the section 5 file. The contents of the section 5 file will be available for inspection and copying by the public at the Civil Rights Division, Department of Justice, Washington, D.C.

(b) The Attorney General may, at his discretion, call to the attention of the submitting authority or an interested individual or group information or comments related to a submission.

PETITION TO CHANGE PROCEDURES

§ 50.7–27 Petitioning party.

Any interested individual or group may petition to have this statement amended by new provisions.

§ 50.7–28 Form of petition.

A petition under this section may be made by informal letter and shall state the name and address of the petitioner, the change requested and the reasons for requesting the change.

§ 50.7–29 Disposition of petition.

The Attorney General will consider a petition under this section and make a disposition thereof. If the petition is denied in whole or in part, prompt notice shall be given to the petitioner, accompanied by a simple statement of the reasons.

Dated: May 25, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71–7492 Filed 5–27–71;8:48 am]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

SHIPMENTS OF NO. 2 FUEL OIL FROM PUERTO RICO; DISTRICT 1

Notice of Decision Not To Implement Proposed Rule Making

On February 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 1909) a notice of proposed rule making which proposed the addition to paragraph (b) of section 15 (Allocations of crude oil and unfinished oils—Puerto Rico) of Oil Import Regulation 1 (Revision 5), as amended, of three new sentences, reading as follows: "However, such a person's allocation for the period beginning April 1, 1972, shall not be reduced by reason of the shipment of No. 2 fuel oil, or the sale of No. 2 fuel oil which was shipped, to a recipient in District 1 during calendar year 1971, if that recipient holds an allocation of imports of No. 2 fuel oil into District 1 and relinquishes to the Administrator a quantity of imports under such allocation equal to the quantity of No. 2 fuel oil which was

shipped or which was sold and so shipped. As used in this paragraph, the term 'No. 2 fuel oil' means only No. 2 fuel oil which was derived from crude oil produced in the Western Hemisphere (North America, Central America, South America, and the West Indies)."

Timely comments with respect to the proposed rule making were received. The Government of Puerto Rico, among others, submitted adverse comments. Analysis of the proposed rule making in light of comments received from the public indicates that it would be inadvisable to put the proposed rule making into effect at the present time. Accordingly, it has been determined, with the concurrence of the Director, Office of Emergency Preparedness, that the foregoing notice of proposed rule making will not be implemented.

RALPH W. SNYDER, Jr.,
Acting Administrator
Oil Import Administration.

MAY, 21, 1971.

[FR Doc.71-7471 Filed 5-27-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 6]

LICENSES FOR LOW-FAT CHEESE AND CHOCOLATE CRUMB

Import Quotas and Fees

Notice is hereby given that it is proposed to amend Import Regulation 1, Revision 5, as amended (7 CFR Part 6), to provide for the issuance of licenses for the importation of articles subject to import quotas provided for in TSUS items 950.10E ("other" cheese containing 0.5 percent or less by weight of butterfat) and 950.16 (milk chocolate crumb containing 5.5 percent or less by weight of butterfat). Licenses are required by Presidential Proclamation 4026, dated December 31, 1970, for the importation of such articles beginning July 1, 1971.

The proposed amendment of Import Regulation 1, Revision 5, is set forth below. Interested persons may submit written comments with respect to the proposed amendment to the Administrator, Foreign Agricultural Service, Washington, D.C. 20250, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 6.26(a) is amended by adding the following to the table:

Article	TSUS Item No.	Quantity (pounds)
* * *	* * *	* * *
"Other" low-fat cheese	950.10E	20,000

2. Appendix 1 to Import Regulation 1, Revision 5, as amended, is amended by adding a new entry in Group V and adding a new Group VIII. As amended the new entries read as follows:

APPENDIX 1—ARTICLES SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR

Articles by TSUS item numbers	Base period	Annual import quota (pounds)	Non-historical set aside (pounds)
* * *	* * *	* * *	* * *
Group V:			
* * *	* * *	* * *	* * *
Cheese, and substitutes for cheese containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (Item 950.10E).	July 1, 1969, to June 30, 1970		
Denmark		6,680,000	668,000
United Kingdom		791,000	79,100
Ireland		756,500	75,650
West Germany		100,000	10,000
Poland		385,600	38,560
Australia		123,600	12,360
Iceland		64,300	6,430
Other		None	None
* * *	* * *	* * *	* * *
Group VIII: [3]			
Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, schedule 1, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection) (Item 950.16).	July 1, 1969, to June 30, 1970		
United Kingdom		930,000	None
Ireland		3,750,000	None
Other		None	None

(Sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 21st day of May 1971.

HOWARD L. WORTHINGTON,
Acting Administrator,
Foreign Agricultural Service.

[FR Doc.71-7477 Filed 5-27-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11089]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes. Investigations of nose landing gear collapses on these airplanes disclose that the gear locked-down indicator may indicate the gear is locked-down when the gear selector level is not fully engaged in the down gate. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of a new microswitch in the selector lever assembly to provide a visual indication to the crew when the landing gear selector lever is not in a fully gated position.

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, DC 20590. All communications received on or before June 28, 1971, 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 section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 series airplanes.

Compliance is required within the next 2,000 hours' time in service after the effective date of this AD, unless already accomplished.

To insure that the pilot is warned when the landing gear selector lever is not fully

engaged in the down gate, modify the selector lever assembly by incorporating a microswitch wired into the existing landing gear indication circuit in accordance with British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 32-PM 4538 dated July 6, 1970, or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 32-A-PM 4538, dated August 18, 1970, covers this same subject.)

Issued in Washington, D.C., on May 20, 1971.

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

[FR Doc.71-7474 Filed 5-27-71;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Plutonium Processing and Fuel Fabrication Plants

The Atomic Energy Commission is considering amending its regulation 10 CFR Part 70, "Special Nuclear Material", to provide for Commission review of the site and design bases for plutonium processing and fuel fabrication plants for which a license is sought, prior to the beginning of plant construction. The additional requirements would be applicable to plants for the manufacture of plutonium reactor fuel and plants for the conduct of plutonium fuel research and development activities. These plants typically process kilogram quantities of plutonium.

Under the proposed amendments, an application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant would have to be filed at least 6 months before the beginning of plant construction. Such an application would be required to contain, in addition to other required information, a description of the plant site, a description and safety assessment of the design bases of the principal plant structures, systems and components and a description of the quality assurance program to be applied to the design, fabrication, construction, testing and operation of structures, systems and components of the plant. Applicants for such licenses should select sites which are at reasonable distances from densely populated areas.

The purpose of the Commission's preconstruction review would be to determine whether the applicant's design bases for the principal structures, systems and components, and its quality assurance program provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents. The Commission would approve construction of the principal structures, systems and components of a plutonium processing and fuel fabrication plant when it had made a favorable safety determination. Failure to obtain Commission approval prior to beginning of construction could be grounds for denial of a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant.

The Commission is developing appropriate siting and general design criteria for plutonium processing and fabrication plants which will include consideration of protection against adverse natural phenomena as well as inplant accidents. In the interim, the siting principles of 10 CFR Part 100, the General Design Criteria for nuclear power reactors in 10 CFR Part 50 and the criteria used by the Commission to evaluate the adequacy of the design of irradiated fuel reprocessing plants would be used to the extent pertinent. The criteria set forth in Appendix B of 10 CFR 50, "Quality Assurance Criteria for Nuclear Power Plants," would be used in determining the adequacy of the quality assurance programs.

Existing plutonium processing and fabrication plants will be examined with the objective of improving to the extent practicable their ability to withstand adverse natural phenomena without loss of capability to protect the public and their capability for coping with inplant accidents.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. A new paragraph (r) is added to § 70.4 to read as follows:

§ 70.4 Definitions.

* * * * *

(r) "Plutonium processing and fuel fabrication plant" means a plant in which the following operations or activities are conducted: (1) Operations for manufacture of reactor fuel containing plutonium including any of the following: (i) Preparation of fuel material, (ii) formation of fuel material into desired shapes, (iii) application of protective cladding, (iv) recovery of scrap material, and (v) storage associated with such operations, or (2) research and development activities involving any of the operations described in subparagraph (1) of this paragraph, except for research and development activities utilizing unsubstantial amounts of plutonium.

2. A new paragraph (f) is added to § 70.21 to read as follows:

§ 70.21 Filing.

* * * * *

(f) An application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall be filed at least six (6) months prior to beginning construction of the plant. The application shall be filed as specified in paragraph (a) of this section, except that 25 copies of the application shall be submitted.

3. A new paragraph (f) is added to § 70.22 to read as follows:

§ 70.22 Contents of applications.

* * * * *

(f) Each application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall contain, in addition to the other information required by this section, a description of the plantsite, a description and safety assessment of the design bases of the principal structures, systems, and components of the plant, including provisions for protection against natural phenomena, and a description of the quality assurance program to be applied to the design, fabrication, construction, testing and operation of the structures, systems, and components of the plant.[1]

4. Section 70.23 is amended by designating the introductory language as paragraph (a); paragraphs (a)-(e) are redesignated as subparagraphs (1)-(5); paragraph (g) is redesignated as subparagraph (6); a new subparagraph (a)(7) is added; and a new paragraph (b) is added to read as follows:

§ 70.23 Requirements for the approval of applications.

(a) An application for a license, other than a license for export, will be approved if the Commission determines that:

(1) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the act, in activities licensed by the Commission under section 103 or 104 of the act, or for such other uses as the Commission determines to be appropriate to carry out the purposes of the act;

(2) The applicant is qualified by reason of training and experience to use the material for the purpose requested in accordance with the regulations in this chapter;

(3) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property;

(4) The applicant's proposed procedures to protect health and to minimize danger to life or property are adequate;

(5) Where the nature of the proposed activities is such as to require consideration by the Commission, that the applicant appears to be financially qualified to

[1] The description of the quality assurance program should include a discussion of how the criteria in Appendix B of Part 50 of this chapter will be met.

engage in the proposed activities in accordance with the regulations in this part;

(6) Where the applicant is required to submit a summary description of the fundamental material controls provided in his procedures for the control of and accounting for special nuclear material pursuant to § 70.22(b)(2), the applicant's proposed controls are adequate; and

(7) Where the proposed activity is the operation of a plutonium processing and fuel fabrication plant, construction of the principal structures, systems, and components approved pursuant to paragraph (b) of this section has been completed in accordance with the application.

(b) The Commission will approve construction of the principal structures, systems, and components of a plutonium processing and fuel fabrication plant on the basis of information filed pursuant to § 70.22(f) when the Commission has determined that the design bases of the principal structures, systems, and components, and the quality assurance program provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents.[2] Failure to obtain Commission approval prior to beginning of such construction may be grounds for denial of a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-7467 Filed 5-27-71;8:45 am]

[2] The criteria in Appendix B of Part 50 of this chapter will be used by the Commission in determining the adequacy of the quality assurance program.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DRYCLEANING MACHINERY FROM WEST GERMANY

Antidumping Proceeding Notice

On March 12, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that drycleaning machinery from West Germany is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-7509 Filed 5-27-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 21, 1971.

The Department of the Army has filed an application, serial No. A-060160, for the withdrawal of the lands described herein from all forms of appropriation, including the mining and mineral leasing laws. The Army requests the land for use as the site of a power substation in connection with the Snettisham Power Project. The Army and the Alaska Power Administration state that the land is urgently needed for the project because of the critical need for electric power in the Juneau area. The applicant states that the withdrawal will be needed for an indefinite period.

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, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c): *Provides*, 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 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:

JUNEAU, ALASKA

A parcel of land, being a portion of U.S. Survey No. 1762 (Juneau Townsite Elimination from the Tongass National Forest) located on the northeasterly side of Gastineau Channel, approximately 5 miles southeast of Juneau, Alaska; being within the Harris Mining District of the Juneau Recording District, First Judicial District, State of Alaska; said portion being described as follows:

Commencing at Corner No. 3 of the Mexico Mill Site (Mineral Survey No. 71-B); thence on the northwest boundary line thereof, south 45°42'27" W., a distance of 135.25 feet to Corner No. 4 of the Jumbo Mill Site (Mineral Survey No. 260); thence on the northeasterly boundary line thereof, north 35°32'33" W., a distance of 608.91 feet; thence leaving said boundary line, south 56°30'58" E., a distance of 503.18 feet; thence north 45°57'27" E., a distance of 244.20 feet; thence south 44°02'33" E., a distance of 570.00 feet; thence south 45°57'27" W., a distance of 305.63 feet to a point on the northeasterly boundary line of said Mexico Mill Site, said point being north 44°17'33" W., a distance of 6.99 feet (as measured on said boundary line) from Corner No. 4 of said Mexico Mill Site; thence on said boundary line north 44°17'33" W., a distance of 459.67 feet to said point of beginning.

The above bearings are based on the U.T.M. Grid System with Corner No. 3 of said Mexico Mill Site having Grid Coordinates of N.21,187,391.49 and E.1,770,617.38.

The parcel of land described above contains 5.24 acres, more or less.

BURTON W. SILCOCK,
State Director.

[FR Doc.71-7470 Filed 5-27-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GLACIER PRIMITIVE AREA PROPOSAL

Notice of Public Hearing

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on Monday, June 28, 1971, in Eagle's Hall, 404 East Fremont Avenue, Riverton, WY, on proposed management alternatives for the Glacier Primitive Area relative to recommendations by the President of the United States to the Congress concerning a Glacier Wilderness.

The Glacier Primitive Area is located within the Shoshone National Forest, in Fremont and Sublette Counties, State of Wyoming.

A brochure containing a map and information about the area and the management alternatives under consideration may be obtained from the Forest Supervisor, Shoshone National Forest, 1731 Sheridan Avenue, Cody, WY 82414, or the Regional Forester, Building 85, Denver Federal Center, Denver, Colo. 80225.

Individuals or organizations may express their views by appearing at the hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by July 29, 1971.

E. W. SCHULTZ,
Acting Chief, Forest Service.

[FR Doc.71-7482 Filed 5-27-71;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-263]

PRUDENTIAL-GRACE LINES, INC.

Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc., has applied for permission to modify its Line D (Trade

Route No. 10) Freight Service between U.S. North Atlantic ports and the Mediterranean area so as to include calls at U.S. South Atlantic ports (North Carolina to and including Key West, Fla.).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on June 14, 1971, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 25, 1971.

By Order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board, Maritime Administration.

[FR Doc.71-7513 Filed 5-27-71;8:48 am]

Office of the Secretary

[Dept. Organization Order 25-2]

MARITIME ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce on May 12, 1971. This material supersedes the material appearing at 35 F.R. 13145 of August 18, 1970; 35 F.R. 17797 of November 19, 1970; and 36 F.R. 5921 of March 31, 1971.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8.

SEC. 2. *Organization structure.* The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Assistant Secretary for Maritime Affairs.* .01 The Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

.03 The Deputy Administrator for Program Implementation shall also assist the Assistant Secretary in carrying out his responsibilities and shall perform such duties as the Assistant Secretary shall prescribe in providing executive direction and coordination of activities related to: (a) Implementation of the program created under the Merchant Marine Act of 1970; (b) international maritime affairs of significant interest to the Maritime Administration; (c) equal employment opportunity programs administered by the Maritime Administration with respect to ship construction, boat building and water transportation industries that are Government contractors; and (d) such other areas as the Assistant Secretary shall determine.

.04 The Executive Staffs shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Martime Subsidy Board, the hearing examiners, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

SEC. 4. *Maritime Subsidy Board.* The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and sections 301 (except investigations, hearing and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a), and 805 (f) of the Merchant Marine Act, 1936, as amended (the Act), (2) making readjustments in determinations as to operating cost differentials under section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act;

c. The functions with respect to investigating and determining (1) the relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

d. So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the productions of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

SEC. 5. *Office of Policy and Plans.* The Office of Policy and Plans shall develop and recommend long-range marine affairs policies and plans, including plans for the revitalization of the U.S. Merchant Marine; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national emergency; plan, conduct or coordinate the Administration's participation in intergovernmental and international activities concerned with shipping matters; conduct economic studies and operations research activities in support of the planning functions and recommend solutions to problems affecting shipping; develop and maintain the Planning-Programing-Budgeting System; formulate, recommend, and interpret budgetary policies and procedures; collaborate with operating officials in the development of fiscal plans and budget estimates; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; review status of funds and program performance in relation to fiscal plans; and review and evaluate operating programs to determine their effectiveness in accomplishing established goals and objectives.

SEC. 6. *Office of the General Counsel.* The Office of the General Counsel shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order

10-6, serve as the law office of the Administration; review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; render legal opinions as to the interpretation of such documents and the statutes; prepare drafts of proposed legislation, executive orders, and legislative reports to Congressional committees and the Office of Management and Budget; negotiate and settle, or recommend settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government, and in State and Federal courts; and handle court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration.

SEC. 7. *Office of Public Affairs.* The Office of Public Affairs shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned.

SEC. 8. *Office of Civil Rights.* The Office of Civil Rights shall formulate and conduct programs to assure compliance by Federal contractors and subcontractors with Executive Orders 11246 and 11375 and related regulations, and applicants for and recipients of Federal financial assistance and their contractors and subcontractors with Title VI of the Civil Rights Act of 1964 and related regulations; plan and direct special programs to assure equal opportunity in employment in the ship and boat building and repair industries, water transportation industry, and related industries as assigned; provide assistance in communicating to minority communities the career opportunities available in the Merchant Marine; assist in the recruitment of qualified minority cadet candidates for the U.S. Merchant Marine Academy and assure equal opportunity for the Academy cadets; conduct compliance reviews of the civil rights and equal employment opportunity programs relating to Maritime Administration employees, and make recommendations for improvement.

SEC. 9. *Office of the Assistant Administrator for Administration.* The Assistant Administrator for Administration shall be the principal assistant and adviser to the Assistant Secretary on administrative services, personnel, management and organization matters. He shall direct the activities of the following organizational units:

.01 The Office of Administrative Services shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Maritime Administration, provide or obtain travel and office services, including space, communications, correspondence control, central files, and administrative property management services.

.02 The Office of Management and Organization shall conduct manpower surveys to determine staffing requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; coordinate the management improvement program; and prepare special progress and administrative reports to the Office of the Secretary and others, as required.

.03 The Office of Personnel shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. This office shall also plan and administer the equal opportunity program for employment in the Maritime Administration.

SEC. 10. *Office of the Assistant Administrator for Finance.* The Assistant Administrator for Finance shall be the principal assistant and adviser to the Assistant Secretary on financial management, automatic data processing, and management information systems matters. He shall direct the activities of the following organization units:

.01 The Office of Management Information Systems shall plan and develop data processing and management information systems; develop systems and programs for the application of computer techniques; operate the electronic data processing facility, including auxiliary equipment; and plan, coordinate, and operate the Administration's management data and information center.

.02 The Office of Finance shall render financial advice and opinions; develop and maintain financial systems of the Administration; perform accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintain control records of statutory and contractual reserve funds; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; take necessary action to effect collection of amounts due; administer the marine and marine war risk insurance programs; and negotiate, settle, or recommend settlement of, marine and war risk insurance claims.

SEC. 11. *Office of the Assistant Administrator for Research and Development.* The Assistant Administrator for Research and Development shall be the principal assistant and adviser to the Assistant Secretary on research and development programs. Within his office are personnel responsible for liaison with the Navy on the surface effect ship program. He shall direct the activities of the following organizational units:

.01 The Office of Maritime Technology shall develop, coordinate and manage programs to establish a scientific and technological base for achieving a more productive and competitive U.S. Merchant Marine; initiate, solicit, develop and recommend specific projects, such as research in hydrodynamics, structures, and oceanographic subjects which have a bearing on improvements in the merchant marine, and institutional and university research in marine science and technology appropriate to maritime affairs; and negotiate and administer technical aspects of contracts in above areas.

.02 The Office of Advanced Ship Development shall develop, organize, coordinate and manage programs for the application of scientific and technological developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the U.S. Merchant Marine; initiate, solicit, develop, and recommend specific projects; and negotiate and administer technical aspects of contracts in these areas.

.03 The Office of Advanced Ship Operations shall develop, organize, coordinate, and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the U.S. Merchant Marine; develop, coordinate, and implement programs for the application of nuclear power to merchant ships; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling and other operational aspects

of the ship; and negotiate and administer technical aspects of contracts in above areas.

SEC. 12. *Office of the Assistant Administrator for Operations.* The Assistant Administrator for Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, ship operation, port development, and intermodal transportation systems activities. Within his office are personnel responsible for the conduct of trial, acceptance, and guarantee surveys of ships. He shall direct the activities of the following organizational units:

.01 The Office of Ship Construction shall collect and analyze data on relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; develop preliminary designs establishing the basic characteristics of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and development projects in ship design and construction; develop or approve contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; review, obtain approval and certification of national defense features by the Department of the Navy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; administer ship construction contracts; provide naval architectural and engineering services in connection with construction of small special purpose ships for other Government agencies; approve designs, supervise construction and undertake final acceptance of fishing vessels constructed under Public Law 86-516, as amended; maintain current records of commercial shipyard ways in the United States; and develop requirements for mobilization ship construction programs. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Small Ships, and Division of Production.

.02 The Office of Ship Operations shall give national program direction for the operation, maintenance, and repair of Maritime Administration-owned or acquired merchant ships, conduct of ship condition surveys and ship inventories, operation of warehouses, and maintenance of the national defense reserve fleet, including the ship preservation programs, and other ship operations activities; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, registry or flag; determine program requirements for Government-owned ocean-going merchant shipping; recommend the reactivation, purchase, chartering or requisition of merchant ships for Government use, and administer activities relating to the charter of such ships; recommend terms of and administer General Agency, Charter and Berth Agency agreements, and related orders; recommend terms of, execute, and administer, contracts for ship repairs for the account of the Maritime Administration; develop plans for the allocation and operation of merchant ships in time of war or national emergency; conduct sales of ships, and supervise compliance with ship sales agreements and mortgages; and administer the ship exchange program. The Office of Ship Operations has the following divisions: Division of Ship Management and Division of Reserve Fleet.

.03 The Office of Ports and Intermodal Systems shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development, and utilization of ports and port facilities; conduct activities relating to the promotion and development of the domestic waterborne commerce of the United States; provide technical advice to other Government agencies, private industry and State and municipal governments in the above fields; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions. The Office of Ports and Intermodal Systems has the following divisions: Division of Ports and Division of Intermodal Transport.

SEC. 13. *Office of the Assistant Administrator for Maritime Aids.* The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Assistant Secretary on subsidy administration, Title XI mortgage insurance, and other Government aids programs, maritime manpower, and trade promotion activities. He shall direct the activities of the following organizational units:

.01 The Office of Subsidy Administration shall process applications for construction-differential subsidy, operating-differential subsidy, Federal Ship Mortgage and/or Loan Insurance, trade-in allowances, and other forms of Government aid to shipping; conduct negotiations with applicants, obtain comments of other offices and within delegated authority, approve or recommend approval or disapproval, and take other actions in relation to the award and the administration of aid contracts; administer Construction Reserve Funds; approve with the concurrence of the Chief, Office of Finance, actions relating to the administration of Special and Capital Reserve Funds of subsidized operators; collect, analyze and evaluate costs of operating ships under United States and foreign registry; calculate and recommend operating-differential subsidy rates; analyze and recommend trade route structure and service requirements of the ocean-borne commerce of the United States, and extent of foreign flag competition on essential trade routes; and collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the ocean-borne commerce of the United States, composition of world's merchant fleets, and utilization of U.S.-flag ships. Within this office are personnel responsible for the collection of Maritime cost data and other technical maritime activities in foreign countries. The Office of Subsidy Administration has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Subsidy Rates, Division of Trade Studies, and Division of Statistics.

.02 The Office of Maritime Manpower shall analyze and advise the Administration regarding labor management relations and problems as they apply to seamen, longshoremen and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide reserve maritime manpower for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government and the public concerning maritime employment, wages, hours, manning, working conditions, and manpower requirements; process nominations for appointment of cadets to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards. The Office of Maritime Manpower has the following divisions: Division of Labor Studies, Division of Manpower Development, and Division of Maritime Academies.

.03 The Office of Market Development shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; regulate, review and report on the administration of cargo preference activities under Public Law 664, 83d Congress, Public Resolution 17, 73d Congress, and other statutes, in accordance with section 901 of the Merchant Marine Act, 1936, as amended; and calculate and recommend guideline rates, terms, and conditions for transportation of Government-financed cargoes.

SEC. 14. *Field Organization.* .01a. There shall be three field organizations called Regions, each headed by a Region Director, as specified below:

Region	*Headquarters location*
Eastern Region	New York, N.Y.
Central Region	New Orleans, La.
Western Region	San Francisco, Calif.

b. The regions shall have geographic areas of responsibility as shown in Exhibit 2. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

c. The Region Directors shall be responsible for all field operations and programs of the Maritime Administration within their respective regions, except ship construction and the U.S. Merchant Marine Academy, subject to

national policies, determinations, procedures and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleet; operation, repair, and maintenance of ships; marine inspections; training for marine personnel in radar, loran, etc.; accounting and external auditing; contract compliance activities, and activities to assure equal opportunity in employment in water transportation industries, as assigned; trade promotion; development of ports and intermodal transportation systems; operation of warehouses; procurement and disposal of property and supplies; facilities management; and administrative support activities.

.02 The U.S. Merchant Marine Academy, Kings Point, N.Y., shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. Merchant Marine.

Effective date: May 12, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-7475 Filed 5-27-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PHILIPS ROXANE, INC., AND E. R. SQUIBB & SONS, INC.

Certain Neomycin Containing Drugs; Notice of Drugs Deemed Adulterated

In the FEDERAL REGISTER of May 2, 1970 (35 F.R. 7032), May 7, 1970 (35 F.R. 7195), and July 1, 1970 (35 F.R. 10699 DESI 0137NV) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations:

1. Pinkeye Powder with Neomycin, (NAS 12-10 and NAS 12-11); Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502, which was evaluated as probably not effective for topical treatment of ocular infections;

2. Gland-O-Las Scours Boluses (NAS 0139); E. R. Squibb & Sons, Inc., Agriculture Research Center, Three Bridges, N.J. 08887, which was evaluated as probably not effective for enteric infections for foals and calves; and

3. Neo-Ade, For Use in Poultry Drinking Water (NAS 0137); E. R. Squibb & Sons, Inc., which was evaluated as probably not effective for use in poultry drinking water for prevention and treatment of bacterial enteritis in chickens and turkeys commonly associated with chronic respiratory diseases and blue comb.

Said announcements provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

E. R. Squibb & Sons, Inc., did not submit new animal drug applications for the above listed drugs. However, they responded to said announcements by advising the Commissioner that said drugs have been deleted from their product line and requested withdrawal of their drugs.

Philips Roxane, Inc., responded by advising the Commissioner that Pinkeye Powder with Neomycin was deleted from their product line and that they do not plan to submit a new animal drug application for this product.

Based on the foregoing and the information before him, the Commissioner concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Philips Roxane, Inc., E. R. Squibb & Sons, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated May 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7487 Filed 5-27-71;8:47 am]

MILCHEM INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2679) has been filed by Milchem Inc., Post Office Box 33387, Houston, Texas 77033, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of sodium polyacrylate as a dispersant of clay fillers of paper and paperboard used for food containers.

Dated: May 24, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-7488 Filed 5-27-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

The Cincinnati Gas & Electric Co. (Cincinnati), Fourth and Main Streets, Cincinnati, OH 45202; Columbus & Southern Ohio Electric Co. (Columbus), 215 North Front Street, Columbus, OH 43215; and The Dayton Power & Light Co. (Dayton), 25 North Main Street, Dayton, OH 45401, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application dated April 6, 1970, for construction permits and facility licenses to authorize construction and operation of two single cycle, forced circulation, boiling water nuclear reactors on a site on the east shore of the Ohio River, just north of Moscow and about 24 miles southeast of Cincinnati, in Washington Township, Clermont County, Ohio. In a subsequent amendment to the application, dated December 15, 1970, the applicants amended the application to reflect a single unit.

The proposed reactor, designated by the applicants as the Wm. H. Zimmer Nuclear Power Station Unit 1 (Zimmer Station), is designed for initial operation at approximately 2,436 megawatts (thermal), with a net electrical output of approximately 807 megawatts.

Cincinnati, Columbus, and Dayton will share undivided ownership of the proposed Zimmer Station as tenants in common, and will share in the engineering and construction costs in proportion to their ownership interests as set forth in the application. Cincinnati, acting for itself and as agent for Columbus and Dayton, will have responsibility for the design, construction, and operation of Zimmer Station.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 21, 1971.

A copy of the application, including amendments, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Clermont County Library, Third and Broadway, Batavia, OH.

Dated at Bethesda, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-7039 Filed 5-20-71;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Pennsylvania Power and Light Co., 901 Hamilton Street, Allentown, PA 18101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated March 23, 1971, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Salem Township, Luzerne County, Pa. The proposed site consists of 1,522 acres and is located on the west bank of the Susquehanna River, approximately 15 miles southwest of Wilkes-Barre, Pa.

Each unit of the proposed nuclear facility, designated by the applicant as the Susquehanna Steam Electric Station, Units 1 and 2, is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 7, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA.

Dated at Bethesda, Md., this 30th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6319 Filed 5-6-71;8:45 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC AND POWER CO.

Notice of AEC Consideration of Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to the Virginia Electric and Power Co. (VEPCO) which would authorize VEPCO to possess, use, and operate the Surry Power Station Unit 1 (the facility) at steady state power levels not to exceed 2,441 megawatts (thermal) in accordance with the provisions of the license and appended technical specifications. The facility is a pressurized water reactor, and is located in Surry County, Va. Construction of this facility was authorized by Provisional Construction Permit No. CPPR-43 issued by the Commission on June 25, 1968.

No such operating license will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation for the facility by the AEC Division of Reactor Licensing, and findings by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1.

Prior to issuance of an operating license the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-43, as appropriate. The license for the facility will not be issued until the Commission has made the findings, reflecting its review of that application, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of any license, VEPCO will be required to execute an indemnity agreement, as appropriate, as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction of Unit 1 has not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial loading and low power testing for that facility prior to the issuance of the full power license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, VEPCO may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Prior to issuance of an operating license for Unit 1, the Commission will issue a detailed environmental statement for the facility. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to matters under consideration see (1) the VEPCO application for the facility licenses dated March 20, 1967, as amended, and as they become available, (2) the report of the Advisory Committee on Reactor Safeguards on the application for this facility, (3) the proposed facility operating license, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating license, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (3) and (5) may be obtained when available upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-7483 Filed 5-27-71;8:47 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Order Regarding Filing Findings of Fact etc.

By motion filed in these proceedings dated May 18, 1971, the AEC Regulatory Staff requested the Board to hold open the record for the limited purpose of receiving further information to be derived by the Staff from a reevaluation of the Emergency Core Cooling System (ECCS) of the proposed Shoreham Nuclear Power Station. Statement of the request for holding the record open for this limited purpose and concerning such a reevaluation had been made by Staff counsel during the proceedings and appears in the record of the hearing of May 17, 1971, together with answers by the other parties. Additional answers by the parties on this matter appear in the record of the hearing on May 19, 1971.

The Staff stated it expects that this review will be completed within a few weeks and it will inform the Board at a later date when it anticipates the completion of this reevaluation.

The Staff stated that in its view affirmative action by the Board on this motion need not delay the scheduling of dates for parties to this proceeding to file proposed findings of fact and conclusions of law. The Staff requested that the results of their reevaluation of the ECCS, when available, be dealt with by the Board and the parties as a separable matter in this proceeding.

On May 19, 1971, the Board ruled that the proceeding as of that date was in recess and that it would issue an order concerning further procedures.

In light of the above request and after reviewing the answers of the parties concerning it made at the hearing on May 17 and 19, 1971, the Board now makes the following rulings:

1. The record of this proceeding will be held open for the limited purpose of receiving information concerning the results of the AEC Regulatory Staff's reevaluation of the effectiveness of the emergency core cooling system (ECCS)

for the Shoreham Nuclear Power Station, and the record on all other matters in this proceeding was completed on May 19, 1971;

2. The applicant shall submit by June 8, 1971, proposed findings of fact and conclusions of law on all matters in the record as completed on May 19, 1971, in the form of an initial decision;

3. Because of the size of the record the Board is granting additional time to the other parties to submit their filings. All other parties shall file by July 8, 1971, their proposed findings of fact and conclusions of law on all matters in the record as completed on May 19, 1971, in the form of an initial decision;

4. Applicant may reply by July 16, 1971, to any filings under (3) above;

5. Each proposed finding of fact shall have exact citation to the transcript of the record and exhibits in its support;

6. All parties shall submit by June 14, 1971, their transcript corrections; and

7. There remain no additional questions of law that require briefs.

Dated at Washington, D.C., this 24th day of May 1971.

ATOMIC SAFETY AND LICENSING BOARD,
JAMES R. YORE,
Chairman.

[FR Doc.71-7468 Filed 5-27-71;8:45 am]

[License No. 04-13846-01E]

BUSHNELL OPTICAL CORP.

Notice of Issuance of Byproduct Material License

Please take notice the Atomic Energy Commission has, pursuant to section 32.22 of 10 CFR Part 32, issued License No. 04-13846-01E to Bushnell Optical Corp., 2828 East Foothill Boulevard, Pasadena, CA 91107, which authorizes the distribution of telescopic sight illuminators to persons exempt from the requirements for a license pursuant to § 30.19 of 10 CFR Part 30.

1. The telescopic sight illuminator is designed for attachment to a telescopic sight for the purpose of illuminating the sight reticule ("cross-hairs") to improve sighting effectiveness under low-light level conditions.

2. Each illuminator contains a maximum of one-fourth curie of tritium gas sealed in a borosilicate glass tube. The glass tube is cemented inside an acrylic housing which is closed by cementing an acrylic cover in place. This assembly is, in turn, secured inside an aluminum housing by a continuous internal circumferential crimp. The aluminum housing has internal threads which mate with the threads on the telescopic sight.

3. Each illuminator will bear a label identifying the distributor (Bushnell Optical Corp.) and the contained byproduct material (tritium).

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545.

Dated at Bethesda, Md., May 19, 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-7469 Filed 5-27-71;8:45 am]

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIAN, COOK COUNTY, ILL.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-647 MEDICAL RADIOLOGY TECHNICIAN SERIES

Geographic coverage: Cook County, Ill. (including the city of Chicago).

Effective date: First day of the first pay period beginning on or after June 13, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$7,237	$7,444	$7,651	$7,858	$8,065	$8,272	$8,479	$8,686	$8,893	$9,100
GS-5	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479	9,710
GS-6	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

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

[FR Doc.71-7541 Filed 5-27-71;8:50 am]

TARIFF COMMISSION

[337-27]

MEPROBAMATE

Notice of Hearing

Notice is hereby given that on June 29, 1971, the U.S. Tariff Commission will hold a public hearing in connection with Investigation No. 337-27, regarding alleged unfair methods of competition and unfair acts in the importation and sale of meprobamate which is embraced within the claims of U.S. Patent No. 2,724,720 owned by the complainant, Carter-Wallace, Inc., of New York, N.Y. Notice of institution of the investigation was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 8010).

The hearing will be held on June 29, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: May 25, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-7489 Filed 5-27-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 545]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 24, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

6382–C2–P–(6)–71—Tel-Car, Inc. (KUA224), C.P. to add frequency 454.125 MHz base and 459.175 MHz repeater at location No. 1: Shafer Butte, 12 miles northeast of Boise, Idaho; add frequencies 454.075 and 454.175 MHz repeater at location No. 2: 0.5 mile east of Meridian, Idaho; add 454.025 MHz base and 459.075 MHz repeater at location No. 3: 9.5 miles north-northeast of Emmett, Idaho, and establish 10 dispatch stations pursuant to section 21.519(a) of the rules.

6383–C2–P–71—Mahaffey Message Relay (KDT223), C.P. for additional facilities to operate on 152.18 MHz at a new site described as location No. 3: 505 South Perkins Street, Memphis, TN.

6409–C2–P–71—Beep Communication Systems, Inc. (New), C.P. for a new 2-way station to be located at Video Lane, Trumbull, CT, to operate on frequency 454.025 MHz.

6415–C2–P–71—Mid-Missouri Mobilfone (New), C.P. for a new 2-way station to be located at 2.5 miles northwest of Rolla, Mo., to operate on frequency 152.15 MHz.

6429–C2–MP–71—George E. Kitchen & Associates (KSV891), Modification of C.P. to change the antenna system operating on 158.70 MHz located at 552½ West Columbia Avenue, Battle Creek, MI.

6430–C2–P–71—John W. Bennett (KOP326), C.P. for additional facilities to operate on frequency 152.06 MHz at station located at the Hurley Hospital, Begole and Sixth Avenue, Flint, MI.

6443–C2–AL–71—Hudson Valley Mobilphone Service. Consent to assignment of license from Donald H. Wilson, Ann Page and H. Gregorius Petersen, doing business as Hudson Valley Mobilphone Service, Assignor, to Poughkeepsie Radio, Inc., Assignee. Station: KLF561, Beacon, N.Y.

6444–C2–AP–71—Cleveland Mobile Telephone & Answering Service. Consent to assignment of license from Walter L. Peden, Jo Ann Wolfe Peden and J. E. Wolfe, doing business as Cleveland Mobile Telephone & Answering Service, Assignor, to Alco Telephone Answering Service of Greenville, Miss., Inc., Assignee. Station: KRM992, Cleveland, Miss.

6445–C2–AL–(2)–71—Sarasota's Telephone Answering Service, Inc. Consent to assignment of license from Sarasota's Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. Stations: KIJ358, Sarasota, Fla., KIQ511, Venice, Fla.

6477–C2–P–(4)–71—General Telephone Co. of Alabama (New), C.P. for a new 2-way station to be located at 205 West Troy Street, Dothan, AL, to operate on frequencies 152.63 and 152.66 MHz and 454.375 and 454.425 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6480–C2–P–71—Kalama Telephone Co. (KRH646), C.P. to change the antenna system operating on 152.84 MHz and relocate facilities to 7 miles east of city on Taylor Road, Kalama, Wash.

6481–C2–P–71—Tel-Page Corp. (KRH643), C.P. for additional facilities to operate on frequency 152.06 MHz at a new site described as location No. 2: 821 Brighton Avenue East, Jamesville, NY.

6482–C2–P–71—Tel-Page Corp. (KRH631), C.P. for additional facilities to operate on frequency 158.70 MHz at a new site described as location No. 2: 821 Brighton Avenue East, Jamesville, NY.

6483–C2–P–71—Airsignal International of Pittsburgh, Pa., Inc. (KGA805), C.P. for additional facilities to operate on 35.220 MHz at a new site described as location No. 4: 4101 Grizella Street, Pittsburgh, PA.

6484–C2–AL–(2) 71—Paging Montgomery, Inc. Consent to assignment of license from Paging Montgomery, Inc., Assignor, to: Paresco, Inc., Assignee. Stations: KIY757, Montgomery, Ala.; KQZ743, Montgomery, Ala. (1-way).

6522–C2–P–71—General Telephone Co. of Wisconsin (New), C.P. for a new 1-way station to be located at 201 South Cedar Avenue, Marshfield, WI, to operate on frequency 152.840 MHz.

6523–C2–P–71—Pacific Union (KOP256), C.P. for additional facilities to operate on frequencies 454.025, 454.125, and 454.225 MHz at station located at 3533 Southwest Blackstone, Portland, OR.

6524–C2–P–71—Airsignal International, Inc. (KIF653), C.P. for additional facilities to operate on frequency 35.22 MHz at a new site described as location No. 2: 505 South Perkins, Memphis, TN.

6531–C2–P–71—General Telephone Co. of Alabama (New), C.P. for a new 1-way station to be located at 205 West Troy Street, Dothan, AL, to operate on frequency 152.84 MHz.

6532–C2–P–71—ComEx, Inc. (KCI295), C.P. for additional facilities to operate on frequency 43.22 MHz at a new site described as location No. 4: Steele Hill, Sanbornton, N.H.

6533–C2–MP–(2) 71—Jack Loperena (KMA267), Modification of C.P. to change the control frequency to 2134.5 MHz and change the antenna system at location No. 2: 238 North Fresno Street, Fresno, CA; change the repeater frequency to 2184.5 MHz, replace the transmitter and change the antenna system at location No. 3: 3 miles east of Auberry, Calif.

6537–C2–MP–71—Airsignal International of Pittsburgh, Pa., Inc. (KGA805), Modification of C.P. to change frequency to 35.220 MHz and relocate facilities at location No. 3 to: 121 South Highland Avenue, Pittsburgh, PA.

6538–C2–P–71—Douglas Radio (KRM967), C.P. to change the antenna system operating on 152.09 MHz located at 304 North Letitia Avenue, Douglas, GA.

2306–C2–R–71—Mountain States Telephone & Telegraph Co. (KAR68), Renewal of license (Developmental) expiring June 1, 1971. Terms: June 1, 1971, to June 1, 1972.

Major Amendment

6112–C2–P–71—Mobilfone Corp. (New), Amend to change base frequency to 454.325 MHz. All other particulars same as reported on Public Notice dated May 10, 1971, Report No. 543. 543.

Corrections

2601–C2–P–(3)–71—Intrastate Radio Telephone Inc., of San Francisco (New), Correct to read: (KMA833) C.P. to add frequencies 152.12, 454.150, and 454.175 MHz at location No. 5: Roundtop Peak, Oakland, Calif. See Public Notice dated Nov. 23, 1970.

2720–C2–P–71—Radio Telephone Co. (KFL922), Correct to read: C.P. to change the antenna system and relocate 152.15 MHz facilities to location No. 1: State Highway No. 346, 4.5 miles east-southeast of Archer, Fla. See Public Notice dated Nov. 30, 1970.

1883–C2–P–(3)–71—Tracy Mobilphone (KMM630), Correct to read: Major amendment to 1186–C2–P–(4)–71, to add frequency 152.12 MHz base and 72.14 MHz repeater at a new site described as location No. 3: On Bear Mountain Ridge, 4.5 miles southwest of Angels Camp, Calif., and add 75.66 MHz control at location No. 2: 2171 Ralph Avenue, Stockton, CA. As reported on Public Notice dated Oct. 12, 1970. Report No. 513.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

IOWA

Manpower Inc. of Cedar Rapids (New), 3413–C2–P–70.
Answer Iowa, Inc. (New), 4724–C2–P–70.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

IOWA

Answer Iowa, Inc. (New), 1577–C2–P–71.
Gerald Parker, doing business as Page I (New), 2954–C2–P–71.

See Report No. 539, dated Apr. 12, 1971.

RURAL RADIO SERVICE

6509–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at approximately 12.1 miles southeast of Pilottown, Port Eads, La., to operate on frequency 459.40 MHz communicating with Station KPP66, Venice, La.

6519–C1–P–71—Illinois Bell Telephone Co. (KSN44), C.P. to change the frequencies to 157.77, 157.83, 157.92, and 158.01 MHz; replace transmitters; change the antenna system and relocate facilities to 210 East Jefferson Street, Morris, IL.

6445–C1/C2–AL–(3)–71—Sarasota's Telephone Answering Service, Inc. (KJA96), Consent to assignment of license from Sarasota's Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. (Rural subscriber—Temporary fixed station.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

6416–C1–P–71—Michigan Bell Telephone Co. (KQK33), C.P. to add frequency 3890 MHz toward Langston, Mich. Station location: 4.2 miles southeast of Saranac, Mich.

6417–C1–P–71—Michigan Bell Telephone Co. (KQK34), C.P. to add frequencies 3930 MHz toward Rogers Dam, Mich., and 3990 MHz toward Saranac, Mich. Station location: 1.3 miles southeast of Langston, Mich.

6418–C1–P–71—Michigan Bell Telephone Co. (KQK35), C.P. to add frequencies 3890 MHz toward Evart, Mich., and 3950 MHz toward Langston, Mich. Station location: 4.5 miles northeast of Stanwood, Mich. (Rogers Dam).

6419–C1–P–71—Michigan Bell Telephone Co. (KQK36), C.P. to add frequencies 3990 MHz toward Rogers Dam, Mich., and 3930 MHz toward Cadillac, Mich. Station location: 5.5 miles northwest of Evart, Mich.

6420–C1–P–71—Michigan Bell Telephone Co. (KQK37), C.P. to add frequencies 3950 MHz toward Evart, Mich., and 3890 MHz toward Traverse City, Mich. Station location: 9 miles northwest of Cadillac, Mich.

6421–C1–P–71—Michigan Bell Telephone Co. (KQE82), C.P. to add frequency 3990 MHz toward Cadillac, Mich. Station location: 2.8 miles west of Traverse City, Mich.

6422–C1–P–71—American Telephone & Telegraph Co. (KGN87), C.P. to add frequencies 6004.5 and 6063.8 MHz toward Pomonkey, Md. Station location: 0.5 mile southwest of Faulkner, Md.

6423–C1–P–71—American Telephone & Telegraph Co. (KGP49), C.P. to add frequencies 6256.5 and 6315.9 MHz toward Faulkner, Md., and toward Washington, D.C. Station location: 1.5 miles north-northeast of Pomonkey, Md.

6424–C1–P–71—American Telephone & Telegraph Co. (KGP48), C.P. to add frequencies 6004.5 and 6063.8 MHz toward Pomonkey, Md. Station location: South Capital and E Streets SW., Washington, DC.

6425–C1–P–71—American Telephone & Telegraph Co. (KEA88), C.P. to add frequency 4130 MHz toward Georgetown, N.Y. Station location: 5.8 miles southwest of New Berlin, N.Y.

6426–C1–P–71—American Telephone & Telegraph Co. (KEM75), C.P. to add frequency 4170 MHz toward New Berlin and Tully, N.Y. Station location: 2.4 miles southwest of Georgetown, N.Y.

6427–C1–P–71—American Telephone & Telegraph Co. (KEM74), C.P. to add frequency 4130 MHz toward Georgetown, N.Y. Station location: 3.2 miles north of Tully, N.Y.

6432–C1–P–71—American Telephone & Telegraph Co. (KSA81), C.P. to add frequency 4070 MHz toward Bonfield, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.

6433–C1–P–71—American Telephone & Telegraph Co. (KSG65), C.P. to add frequency 4030 MHz toward Norway, Ill., and 4070 MHz toward Grant Park, Ill. Station location: 3.8 miles southwest of Bonfield, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6434–C1–P–71—American Telephone & Telegraph Co. (KSG64), C.P. to add 4030 MHz toward Bonfield, Ill. Station location 4 miles northeast of Momence, Ill. (Grant Park).

6435–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPN87), C.P. to add frequencies 10,935 and 11,175 MHz and 10,855 and 11,095 MHz all toward Pinal Peak, Ariz. Station location: 150 East Cedar Street, Globe, AZ.

6436–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPN86), C.P. to add frequencies 11,265, 11,345, 11,505 and 11,585 MHz toward Globe, Ariz. Station location: Pinal Peak, 8.2 miles south-southwest of Globe, Ariz.

6437–C1–P/ML–71—American Telephone & Telegraph Co. (KEA22), C.P. and modification of license to delete Atlantic, N.J., as point of communication and add frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Navesink, N.J. Station location: 32 Avenue of the Americas, New York, N.Y.

6438–C1–P/ML–71—American Telephone & Telegraph Co. (KEE54), C.P. and modification of license to add frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward New York, N.Y., and New Egypt, N.J. Station location: 0.5 mile west of Navesink, N.J.

6439–C1–P/ML–71—American Telephone & Telegraph Co. (KEB40), C.P. and modification of license to change point of communication to Navesink, N.J., instead of Atlantic, N.J. Frequencies: 3770, 3850, 3930, 4010, 4090, and 4170 MHz. Station location: New Egypt, 1.9 miles east of Hornerstown, N.J.

8131–C1–R–71—Southern Bell Telephone & Telegraph Co. (KJA75), Renewal of a developmental license expiring June 14, 1971. Term: June 14, 1971 to June 14, 1972.

6478–C1–P/ML–71—Michigan Bell Telephone Co. (KSV68), C.P. and modification of license to add frequencies 11,035 and 11,285 MHz toward Detroit, Mich. Station location: 25189 Lahser, Southfield, MI.

6440–C1–P–71—Golden West Telephone Co. (KNB40), C.P. to change coordinates to read latitude 40°07′11″ N., longitude 123°41′29″ W. Reorientate antenna on frequency 6197.2 MHz. Correct azimuth and lengths of other paths and coordinates except for 2128.0 MHz.

6441–C1–P–71—Golden West Telephone Co. (KNB41), C.P. to change antenna location to read: Frequency 5945.2 MHz toward Pratt Mountain, Calif., via passive reflector. Latitude 40°01′32″ N., longitude 123°57′14″ W. Station coordinates changed to latitude 40°01′26″ N., longitude 123°56′34″ W. Station location: White Thorn Co., 6.35 miles southwest of Briceland, New Thorn, Calif.

6442–C1–ML–71—Golden West Telephone Co. (KNB39), Modification of license to change coordinates of station to lat. 40°60′07″ N., long. 123°47′41″ W. Change coordinates, azimuths and paths to read: To 14 x 16 Garberville, California passive reflector 232°40′ at lat. 40°05′09″ N., long. 123°49′10″ W. (2.95 Km.) from passive reflector to Pratt Mountain 70°57′ (11.55 Km.).

6510–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 549 Broad Street NW., Cleveland, TN. Frequencies: 6197.2 and 6315.9 MHz toward Benton Springs, Tenn.

6511–C1–P–71—South Central Bell Telephone Co. (KJW83), C.P. to add frequencies 5945.2 and 6063.8 MHz toward Cleveland, Tenn. Station location: Approximately 3 miles southeast of Benton, Tenn.

2572–C1–R–71—The Mountain States Telephone & Telegraph Co. (KAQ85), Renewal of expiring Developmental License June 12, 1971. Term: June 12, 1971, to June 12, 1972.

6526–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KJG53), C.P. to add frequencies 6160.2 and 11,485 MHz toward Newport News, Va. Station location: 120 West Bute Street, Norfolk, VA.

6527–C1–P/ML–71—The Chesapeake & Potomac Telephone Co. of Virginia (KGC79), C.P. and modification of license to add transmitter. Frequencies: 10,700–11,700 MHz toward temporary fixed points within the territories of the grantee.

6534–C1–P/L–71—General Telephone Co. of Kentucky (KYC57), C.P. and license to reinstate expired license. Frequencies: 6404.8 MHz toward Ashland, Ky., and 6286.2 MHz toward Ashland Community College, Ky., via passive reflector. Station location: Intersection of U.S. 60 and Kentucky 168 Highways, 9.4 miles southwest of Ashland, Ky.

6535–C1–P/L–71—General Telephone Co. of Kentucky (KYC61), C.P. and license to reinstate expired license. Frequencies: 5945.2 and 6063.8 MHz toward High Knob, Ky. Station location: 6 miles northeast of Olive Hill, Ky. (Biggs Hill).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6535-C1-P/L-71—General Telephone Co. of Kentucky (KYC61), C.P. and license to reinstate expired license. Frequencies: 11,245, 11,325, and 11,485 MHz toward Morehead, Ky., and 6226.9 and 6345.5 MHz toward Biggs Hill, Ky., and 6256.5, 6315.9, and 6375.2 MHz toward Reynoldsville, Ky. Station location: 1.7 miles east of Morehead, Ky.

Major Amendments

1707-C1-P-71—Pacific Telephone & Telegraph Co. (KME47), Change frequency 11,385 MHz toward Corona Del Mar, Calif., to 11,225 MHz. Station location: 217 Lemon Street, Anaheim, CA.

1708-C1-P-71—Pacific Telephone & Telegraph Co. (KNL78), Change frequency 10,975 MHz toward Anaheim, Calif., to 10,815 MHz. Station location: 3.5 miles east of Corona Del Mar, Calif.

1710-C1-P-71—Pacific Telephone & Telegraph Co. (KNL80), Change frequency 11,075 MHz toward Black Mountain, Calif., to 10,755 MHz. Station location: 3.5 miles northeast of San Marcos, Calif. All other particulars same as reported in Public Notice dated Oct. 5, 1970.

3566-C1-P-71—American Telephone & Telegraph Co. (KSH99), Change frequency transmitted from Buda, Ill., to Kewanee, Ill., from 4130 MHz to 4150 MHz. All other particulars same as reported in Public Notice dated Jan. 18, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6513-C1-ML-71—Microrelay of New Mexico, Inc. (KSV93), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to applicant's existing microwave system. Location: Albuquerque, N. Mex.

6514-C1-ML-71—Microrelay of New Mexico, Inc. (KLR72), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to Artesia, N. Mex. Location: Cedar Point, N. Mex.

6515-C1-ML-71—American Television Relay, Inc. (KKT84), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to Santa Fe, N. Mex. Location: Sandia Crest, N. Mex.

6516-C1-ML-71—American Television Relay, Inc. (KKB98), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to Farmington, N. Mex. Location: El Huerfano, N. Mex.

(INFORMATIVE: Applicant also proposes to provide this same service to Gallup, N. Mex., by amendment filed for File No. 3179-C1-MP-71 (Station KKT81).)

6517-C1-P-71—American Television Relay, Inc. (KTQ75), C.P. to change frequency from 6167.6 MHz to 11,175 MHz on azimuth 101°15'. Location: Santiago Peak, 11 miles south-southeast of Corona, Calif.

6518-C1-P-71—Western Tele-Communications, Inc. (KPV60), C.P. to power split frequency 10,715 MHz on an azimuth of 326°19'. Location: Greeno, Mont., at latitude 45°32'04" N., longitude 108°38'28" W.

(INFORMATIVE: Applicant proposes to provide the television of Station KWGN-TV of Denver, Colo., to Mountain States Communications, Inc., in Laurel, Mont.)

LOCAL TELEVISION TRANSMISSION

6525-C1-P/ML-71—The Chesapeake & Potomac Telephone Co. (DC) (KA4313), C.P. and modification of license to add transmitter. Location: Temporary fixed location within the territories of the garantee. Frequencies: 11,700-12,200 MHz.

[FR Doc.71-7476 Filed 5-27-71;8:46 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01034	Graff-Wang & Evjen:
	M/S Seahawk.
	M/T Seadrake.
	M/T Seagull.
	M/T Seaheron.
	M/T Seatern.
	M/T Seafalcon.
01040	Aegean Cruises S.A.:
	Argonaut.
	Jason.
01062	Mayfair Tankers Ltd.:
	Mayfair Splendour.
01171	Compagnia Marittima Bananiera Italiana P.A.:
	Mare Artico.
	Mare Arabico.
01255	Skjelbreds Rederi A/S:
	Pytheas.
	Nortrans Gloria.
	Egero.
01287	Knohr & Burchard NFI:
	Schwarzenbek.
	Rancher.
	Fischbek.
	Wandsbek.
	Rodenbek.
	Lasbek.
	Dalbek.
01360	Midland Enterprises Inc.:
	Eastern 3.
01465	Scottish Ship Management Ltd.:
	Baron Inchcape.
01737	Compania de Fomento Naval S.A. Panama:
	Aristrfs.
01740	Ikerigi Compania Naviera S.A. Panama:
	Messiniaki Bergen.
01748	Amigos Compania Naviera S.A. Panama:
	Messiniaki Aigli.
01758	Chotin Transportation, Inc.:
	Chotin 1214.
	Chotin 1310.
	Chotin 1311.
	Chotin 1312.
	Chotin 1313.
	Chotin 1315.
	Chotin 1506.
	Chotin 1665.
	Chotin 1718.
	Chotin 1602.
	Chotin 2883.
	Chotin 2884.
	Chotin 2885.
	Chotin 2886.
	Chotin 2980.
	Chotin 2981.
	Chotin 2982.
	Chotin 2983.
	Chotin 2984.
	Chotin 4470.
	Chotin 4471.
	Chotin 4890.
	Chotin 3880.
	Chotin 3980.
	Chotin 49.
	Chotin 1210.
	Chotin 1211.
	J.&S. 300.
	Chotin 1212.
	Chotin 2186X.
	Chotin 2187X.
	Chotin 2188X.
	Chotin 2189X.
	Chotin 2280X.
	Chotin 2281X.
	Chotin 2380X.
	Chotin 2841X.
	Chotin 2842X.
	Chotin 2880.
	Chotin 2881.
	Chotin 2882.
	Chotin 1783X.
	Chotin 1785X.
	Chotin 1784X.
	Chotin 2090X.
	Chotin 2180X.
	Chotin 2181X.
	Chotin 2182X.
	Chotin 2183X.
	Chotin 2184X.
	Chotin 2185X.
	Chotin 1316.
	Chotin 1414.
	Chotin 1451.
	Chotin 1510X.
	Chotin 1513.
	Chotin 1533.
	Chotin 1535.
	Chotin 1546.
	Chotin 1565.
	Chotin 1587.
	Chotin 1588.
	Chotin 1599.
	Chotin 1601.
	Chotin 1607.
	Chotin 1608.
	Chotin 1652.
	Chotin 1659.
	Chotin 1663.
	Chotin 1780.
	Chotin 1781X.
	Chotin 1782X.
	BBT 977.
	GS 200.
	GW 300.
	J.&S. 826.
	Gissel 2201.
	Gissel 2202.
	Chotin 50.
	Chotin 989.
	Chotin 990.
	Chotin 991.
	Chotin 1098.
	Chotin 1158.
	Chotin 1159.
	Chotin 1183.

Certificate No.	Owner/operator and vessels
	Chotin 1200.
	Chotin 1202.
	Chotin 1215.
	Chotin 1216.
	Chotin 1266.
	Chotin 1314.
01761	Union Steamship Company of New Zealand Ltd.:
	Tarawera.
01954	Empress Oceanicas S.A. of Panama:
	M/T Theodoti.
01955	Marcentinela Cia. Nav. S.A. of Panama:
	T/T Sir Frederick.
01956	Navegadora Valiente S.A. of Panama:
	M/T Resolute Colocotronis.
01957	Margacia Navegacion S.A. of Panama:
	M/T Polemic Colocotronis.
01958	Mares Maritima S.A. of Panama:
	M/T Patriotic Colocotronis.
01959	Artemis Cia. Nav. S.A. of Panama:
	Artemis.
01960	Armadora Occidental S.A. of Panama:
	M/T Chief Colocotronis.
01961	Marvenusto Cia. Nav. S.A.:
	Conqueror Colocotronis.
01962	Mares Surenos Armadora S.A. of Panama:
	M/T Defender Colocotronis.
01963	Mundo Maritimo S.A. of Panama:
	M/T Defiant Colocotronis.
01964	Fortuna Armadora S.A. of Panama:
	M/T Dynamic Colocotronis.
01965	Astro Valiente Cia. Nav. S.A. of Panama:
	M/T Emmanuel Colocotronic.
01966	Estrella Prospera Nav. S.A. of Panama:
	M/T Fearless Colocotronis.
01967	Estrella Reinante Nav. S.A. of Panama:
	T/T Gallant Colocotronis.
01968	Mundial Mar. S.A. of Panama:
	T/T General Colocotronis.
01969	Estrella Venturosa Cia. Nav. S.A. of Panama:
	O.B.O. Epic Colocotronis.
01970	Amaclio Shipping Co. Ltd. of Monrovia, Liberia:
	M/V Sophia Colocotroni.
01971	Marcuna Cia. Nav. S.A. of Panama:
	M/V Liberator Colocotronis.
01972	Naves Neptunea S.A. of Panama:
	M/V Kolin.
01973	Transmundo Navegacion S.A. of Panama:
	M/T Geroic Colocotronis.
01974	Marempresas Atlanticas S.A.:
	M/V Kassel.
01975	Marbononza Cia. Nav. S.A.:
	M/T Zoe Colocotroni.
01976	Conquista Armadora S.A. of Panama:
	T/T Yangos Colocotronis.
01977	Astro Maestro Cia. Nav. S.A. of Panama:
	M/T Victorious Colocotronis.
01978	Marvaloria Cia. Nav. S.A. of Panama:
	M/T Glorious Colocotronis.
01979	Marasunto Cia. Nav. S.A. of Panama:
	M/T Vassiliki Colocotroni.
02045	Streckfus Steamers Inc.:
	President.
	Admiral.
02189	Williams-McWilliams Co., Division of Paramount Warrior, Inc.:
	W-701.
	Natchez.
	George A. McWilliams.
	Vicksburg.
	Arkansas.
	Port Arthur.
02190	Bugsier-, Reederei-und Bergungs-Aktiengesellschaft:
	Elbeland.
02199	Atlantic Richfield Co.:
	Sinclair Gary.
02339	South India Shipping Corp., Ltd.:
	Chennai Selvam.
	Chennai Sadhanai.
	Chennai Ookkam.
	Chennai Perumai.
	Chennai Jayam.
02361	The Mauritius Steam Navigation Co., Ltd.:
	Belle Isle.
02497	Transworld Drilling Co.:
	Rig 44.
	Rig 45.
	Rig 47.
	Rig 54.
	Rig 50.
	Rig 59.
	Drilling Tender No. I.
	Drilling Tender No. II.
	Drilling Tender No. III.
02498	Chevron Oil Co.:
	S-55.
	S-66.
	LST-S-21.
	LST-S-25.
	LST-S-26.
	LST-S-22.
	LST-S-24.
	BT-363.
	S-81.
	Chevron-31.
	Chevron-33.
	S-54.
	S-45.
	S-94.
	S-93.
	Chevron-32.
	No. 28.
	Z-71.
	Z-112.
	No. 17.
	No. 18.
	S-53.
	GMR-60.
	BGG-100.
	S-87.
	MCN No. 3.
	S-92.
02502	Triangle Refineries, Inc.:
	AT-2.
	B-12.
	Gertrude K.
	AT-1.
	Coastal 7.
02521	Metcalfe Shipping Co., Ltd.:
	Dunelmia.
02544	Cabo Tres Montes Inc.:
	Cabo Tres Montes.
02831	Ednasa Co., Ltd.:
	Robina.
02850	Maritime Lloyd Inc.:
	Seatrade.
02914	Simar S.P.A.:
	Anna Maria Martini.
02916	Oregon Steamship Co. Ltd.:
	Lawrentian.
	Lutetian.
02917	Scherkate Sahami Keschtirani Melli Arya:
	Arya Sep.
02940	J. S. Gissel & Co.:
	Reb 1005.
	IFB-1.
	Caribe 52.
03095	Maritime Foundation Agencies (Overseas) Inc.:
	Oriental Star.
03121	Carga Transpacific Navegacion S.A. Panama:
	Aristodimos.
03163	St. Eirene Maritime Co., Ltd. of Monrovia Liberia:
	St. Sophia.
	St. Fotini.
03275	Northeastern Shipping Co., Ltd.:
	M/V Athens.
03301	Prudential-Grace Lines, Inc.:
	Lash Espana.
	Lash Turkiye.
03321	Marunouchi Kisen K.K.:
	Alaska Maru.
03339	Asturias Shipping Co. S.A., Panama:
	Jupiter.
	Mercury.
03355	Sea Merchant Shipping Co.:
	Sanrocco.
03356	Dorset Shipping Co., Ltd.:
	San Salvador.
03358	St. Thomas Shipping Co., Inc.:
	Amenity.
	Fidelity.
	Rozelbay.
03359	Puntamar S.A.
	Audacity.
	Festivity.
	Tenacity.
03360	Pargomar S.A.:
	Carmelina.
03361	Naviera Ceresio S.A.:
	Honesty.
	Sebastiano.
03364	Compania de Navegacion "Sanrocco" S.A.:
	Eugenio.
03365	Compania de Navegacion "Puertanueva" S.A.:
	Marga.
03366	Compania de Navegacion "Porto Ronco" S.A.:
	Alacrity.
	Locarno.
03367	Compania de Navegacion "Ira"
	Integrity.
	Loyalty.
03368	Compania de Navegacion "Indomitus" S.A.:
	Natale.
03369	Compania de Navigacion "Candria" S.A.:
	Activity.
03370	Bayano S.A.:
	Uje.
03371	Compania de Navegacion "Anderson" S.A.:
	Sincerity.
03401	Varnikos Corporation of Panama:
	Ioanna V.
03406	Afromar Inc.:
	Atalanti.
03598	Araya Transport Corp., Monrovia:
	Andria.
03633	Penlatex Barge Line, Inc.:
	Hines 76B.
	Hines 78B.
	Hines 85.
	Hines 103.
03634	James R. Hines Corp.:
	Hines 7.
	Hines 6.
	UM-79B.
	AOC-2.
	SS-301.
	SS-303.

Certificate No.	Owner/operator and vessels
03635	Hines, Inc.:
	Wm. Barnes.
	Larry Turnes.
	Ducan I. Hines.
	Hutch 4.
	Hines 350.
	MI-125.
	MI-124.
	Hines 218.
	Nancy Picton.
	John Picton.
	SS-302.
	Hines 84.
	Hines 86.
	Hines 105.
	P-230.
	Hines 220.
	Hines 101.
	Hines 360.
	Hines 380.
	Hines 370.
03723	Southern Terminal and Transport Co.:
	LRL-201.
	LRL-200.
	AD-103.
	AD-102.
	AD-101.
	LTC-32.
	NBC-750.
	NBC-751.
	UM-187.
	P-394-B.
	P-394-A.
	SP-4.
	SP-3.
03744	Ocean Fisheries, Inc.:
	Royal Pacific.
	Eastern Pacific.
	Connie Jean.
	J. M. Martinac.
	John F. Kennedy.
	Ocean Queen.
03836	Splosna Plovba:
	Trbovlje.
	Postojna.
	Portoroz.
	Piran.
	Ljutomer.
	Ljubljana.
	Litija.
	Krpan.
	Kras.
	Korotan.
	Koper.
	Bela Krajina.
	Goranka.
03894	The Whitehall Shipping Co., Ltd.:
	Stainless Warrior.
03968	Zim Israel Navigation Co.:
	Shomron.
	Anat.
	Timna.
	Mezada.
	Elat.
	Yafo.
	Qeshet.
	Negba.
	Mazal.
	Hadar.
	Etrog.
	Eshkol.
	Deganya.
	Beer Sheva.
	Ampal.
03975	Ulysses Shipping Enterprises S.A.:
	Ithaki.
04002	Compagnie Des Messageries Maritimes:
	Martiniquals.
04040	Halfdan Ditlev-Simonsen & Co.:
	Ventura.
	Vanessa.
04060	Amalia Shipping Enterprises Ltd.:
	Gay Fortune.
04071	Admiral Shipping Corporation—Monrovia.
	Nica.
04091	H. R&W Marine Corp.:
	MCD-1041.
	SF-11.
	IFS-209.
04136	Thomas Marine Co.:
	FTW 19.
	FTW 17.
	FTW 15.
04195	Transamerican Trailer Transport, Inc.:
	Erich K. Holzer.
	Ponce de Leon.
04222	National Oil Transport Corp.:
	N.M.S. No. 1307.
	N.M.S. No. 1308.
	N.M.S. No. 1310.
	N.M.S. No. 1801.
	N.M.S. No. 2507.
04223	Asphalt Barge Corp.:
	N.M.S. No. 2601.
	N.M.S. No. 2600.
	N.M.S. No. 3200.
	L.T.C. No. 104.
	L.T.C. No. 103.
	L.T.C. No. 102.
	L.T.C. No. 101.
	N.M.S. No. 2603.
	N.M.S. No. 2604.
	N.M.S. No. 1301.
	N.M.S. No. 1300.
	N.M.S. No. 1309.
04224	NMS Chemical Corp.:
	N.M.S. No. 2506.
	N.M.S. No. 3202.
	N.M.S. No. 3201.
	N.M.S. No. 1604.
	N.M.S. No. 1602.
	N.M.S. No. 3203.
	N.M.S. No. 1601.
	N.M.S. No. 1900.
	N.M.S. No. 1901.
	N.M.S. No. 1201.
	N.M.S. No. 1316.
	N.M.S. No. 1315.
	N.M.S. No. 1314.
	N.M.S. No. 1200.
40225	Intercity Barge Co., Inc.:
	N.M.S. No. 3205.
	N.M.S. No. 3204.
	Intercity No. 4.
	Intercity No. 1.
	Intercity No. 14.
	Intercity No. 13.
	Intercity No. 12.
	N.M.S. No. 1306.
	N.M.S. No. 1305.
	N.M.S. No. 1304.
	Intercity No. 3.
	Intercity No. 2.
	N.M.S. No. 1313.
	N.M.S. No. 1312.
	N.M.S. No. 1311.
	N.M.S. No. 1317.
	Intercity No. 15.
04226	National Marine Service, Inc.:
	N.M.S. No. 2501.
	N.M.S. No. 2602.
	N.M.S. No. 2503.
	N.M.S. No. 2502.
	N.M.S. No. 2505.
	N.M.S. No. 2504.
	N.M.S. No. 42.
	N.M.S. No. 41.
	L.T.C. No. 57.
	L.T.C. No. 59.
	L.T.C. No. 58.
	L.T.C. No. 56.
	N.M.S. No. 40.
	L.T.C. No. 64.
	L.T.C. No. 63.
	L.T.C. No. 62.
	L.T.C. No. 38.
	L.T.C. No. 53.
	L.T.C. No. 52.
	L.T.C. No. 45.
	L.T.C. No. 44.
	L.T.C. No. 55.
	L.T.C. No. 51.
	L.T.C. No. 54.
	N.M.S. No. 1701.
	L.T.C. No. 66.
	L.T.C. No. 65.
	Atlas Traveler.
	N.M.S. No. 43.
	N.M.S. No. 1302.
	N.M.S. No. 1303.
	N.M.S. No. 1605.
	L.T.C. No. 34.
	L.T.C. No. 31.
	B.I. 123.
	B.I. 121.
	B.I. 118.
	National Mariner.
	L.T.C. No. 22.
	B.I. 120.
	B.I. 124.
	L.T.C. No. 50.
	L.T.C. No. 49.
	National Gateway.
	B.I. 122.
	B.I. 127.
	Delta Cities.
	NMS Aluminum 1202.
	L.T.C. No. 19.
	L.T.C. No. 23.
	L.T.C. No. 21.
	B.I. 114.
	B.I. 125.
	B.I. 105.
	B.I. 119.
	National Progress.
	Beauregard.
	B.I. 126.
04398	Hapag-Lloyd Aktiengesellschaft:
	Hoechst.
04406	Alter Co.:
	Renee G.
04428	Franco Compania Naviera S.A.:
	Amygdalia.
04502	Kotoshiro Gyogyo Kabushiki Kaisha:
	Kotoshiro Maru No. 5.
	Kotoshiro Maru No. 5.
	Kotoshiro Maru No. 1.
04562	Okada Daiun Kabushiki Kaisha:
	Yusei Maru.
04649	Eagle Steamship Co., S.A.:
	M/V Evie.
04705	Deutch-Nordische Schiffahrtsgesellschaft M.B.H.:
	Sagajo.
04766	Astro Mandante Naegacion S.A.:
	Valiant Colocotronis.
04767	Texaco, Inc.:
	Galloway.
	Texaco 806.
	Matagorada Bay.
04783	Destiny Tankers Ltd.:
	Sea Griffin.
04794	Sea King Corp.:
	Grand Trader.
	Grand Loyalty.
04863	A/S Ocean Transport:
	Fana.
04934	Jahncke Service, Inc.:
	Congaree.
	Manchac.
	St. Charles.
	Iberia.
	St. Mary.
	St. James.
	St. Martin.
	St. Helena.
	Jahncke 209.
	Maurepas.
	Tchefuncta.
	Orleans.

Certificate No.	*Owner/operator and vessels*
	St. Bernard.
	St. Tammany.
	St. John.
	Livingston.
	Jefferson.
	Lafourche.
	Plaquemine.
	Cameron.
	Lafayette.
	Vermillion.
	St. Landry.
	Pontchartrain.
	Paul F. Jahncke.
	Fritz Jahncke.
04942	Miguel Compania Naviera S.A.:
	Stolt Prince.
05006	Petrolaro Shipping Co., Ltd.:
	Aro.
05029	Cardamylian Special Shipping Co. Ltd. by Shares:
	M/S Sklerion.
05151	Ocean Protein, Inc.
	ZMS-D-10.
	Raccoon Point.
	Marsh Island.
	Oyster Bayou.
	Cote Blanche Bay.
	Grand Calliou.
	Galveston Bay.
	Vermilion Bay.
	Tiger Point.
	Terrebonne Bay.
	Barataria Bay.
	Q. O. Dunn.
	W. J. Burton.
	W. P. Lebeouf.
	Carl Burton.
	Rachel Burton.
	Argosy.
	Sandy Point.
	A. J. Bourg.
05228	Material Service Corp.:
	MSC 2001.
	MSC 2002.
	MSC 71.
05248	Kathy Marina S. A.:
	T/S Kathlena.
05348	Yellow Globe Shipping S. A.:
	Tropico.
05360	Friendship Corporation Inc. of Monrovia:
	Milora.
05385	Val Di Compare Shipping Corp.:
	Polyxene G.
05406	Coronet Shipping Ltd.:
	Narya.
	Nenya.
	Vilya.
05433	Arcadia Reederei G.m.b.H. & Tankschiffs-KG:
	Butanaval.
05470	Charter Transport Line, Inc.:
	Wit.
	Witfuel.
	Witshoal.
05511	S.T.T. Soc. Trasporti Transaltantici Per Azioni:
	Punta Cervo.
05528	Nakamura Kisen Kabushiki Kaisha:
	Howa Maru.
05577	Eastern Steamship Co., Vladivostok:
	Anton Chekhov.
05578	Baltic Steamship Co., Leningrad:
	Kirovsk.
05611	Mike Hooks, Inc.:
	Galveston.
	Louisiana.
05669	Maryland Port Authority:
	Port Welcome.
05676	International Barge Inc.:
	SW-1936.
	SW-1935.
	BW-1934.
	BW-1933.
05678	Inagua Transports, Inc.:
	Cecile Erickson.
05681	Nordtrans Ltd.:
	Gisela Vennmann.
05682	St. Helen Martime Co., Ltd., of Monrovia, Liberia:
	St. Helen.
05684	Epirotiki Steamship, George Potamianos S.A.:
	Orpheus.
	Apollo.
05692	Fuel Servixes, Inc.:
	Fuel Service 10.
05716	Curtis Bay Towing Co. of Virginia:
	Water Barge No. 2.
05718	Prosperity Steamship Co., Ltd.:
	Lucky Two.
05737	Levantada Compania Naviera Panama:
	Spica.
05738	Artico Compania de Navigacion—Panama:
	Merak.
05751	Avanti Steamship Co.:
	Avia.
05754	A. E. Sorensen A/S:
	Louis S.
	Peder Most.
05755	Hercel Navigation Co., Ltd.:
	Kashihara.
05761	Canaan Marine, Inc.:
	Bernes.
05762	Consolidated Edison Company of New York, Inc.:
	Sawkill.
	H. G. Stott.
	Glenwood Light.
	Glenwood Echo.
	Waterside.
	Electra II.
	Gowanus Bay No. 4.
	Gowanus Bay No. 3.
	Gowanus Bay No. 2.
	Gowanus Bay No. 1.
	Clean Energy No. 4.
	Clean Energy No. 3.
	Clean Energy No. 2.
	Clean Energy No. 1.
05763	Towa Senpaku K.K.:
	Yowa Maru.
05767	Neptune Orient Lines Ltd.:
	Neptune Taurus.
05769	Kassini Compania Maritima S.A.:
	Wurttemberg.
05782	Clipper Ships, Inc.:
	El Inca.
05783	Compania Maritima Prinkipos S.A.:
	Dimitros Criticos.
05786	MS "Nordsee Pilot" Schiffahrts K.G.:
	1. Nordsee Pilot.
05787	Fock & Pickenpack:
	Hans Pickenpack.
05788	J. Pickenpack Hochseefischerei:
	Julius Pickenpack.
05789	Hans Pickenpack Reederei K.G.:
	Julius Fock.
05790	Mainbrace Shipping Co.:
	Island Mariner.
05791	Kanaris Shipping Enterprises S.A.:
	Aegis Save I.
05794	Partenreederei MS "Brunshausen":
	Brunshausen.
05795	Partenreederei MS "Brunsbuttel":
	Brunsbuttel.
05796	Partenreederei MS "Brunsrode":
	Brunsrode.
05797	Partenreederei MS "Brunswick":
	Brunswick.
05798	Partenreederei MS "Brunsland":
	Brunsland.
05799	Partenreederei MS "Brunskoog":
	Brunskoog.
05800	Partenreederei MS "Brunskappel":
	Brunskappel.
05801	Partenreederei MS "Brunseck":
	Brunseck.
05802	Partenreederei MS "Brunsholm":
	Brunsholm.
05803	Partenreederei MS "Brunsgard":
	Brunsgard.
05804	Partenreederei MS "Brunstor":
	Brunstor.
05805	Partenreederei MS "Brunshoeft":
	Brunshoeft.
05806	Partenreederei MS "Brunsdeich":
	Brunsdeich.
05807	N.V. Scheepvaartbedrijf "Gruno", Groningen:
	Marianne.
05808	Aruana Compania Naviera S.A.:
	Aruana.
05811	Boat "Paramount":
	Paramount.
05812	M/V "Determined":
	Determined.
05814	Fenix Steamship Co. Inc.:
	M/V Fenix.
05817	Liberian Transport Navigation S.A.:
	Don Aurelio.
05821	San Yang Navigation Co., Ltd.:
	Sanshin Pioneer.
05822	"Marcosa" Maritima Continental y de Comercio S.A.:
	Llaranes.
	Trasona.
05823	Partenreederei MS "Ino-F" Kiel:
	Ino-F.
05824	Partenreederei MS Stadt Aschendorf:
	Std. Aschendorf.
05826	Y. K. Yasuchiyo Kaiun:
	Oshima Maru.
05827	Fritoro A/A:
	Fritoro.
05828	Neptunea Mundial S.A. of Panama:
	Panetolikon.
05833	Aktieselshapet Asplund:
	Fisons Realf.
05834	Kooyoo Suisan Kabushiki Kaisha:
	Kooyoo Maru No. 6.
05836	Takei Gyogyo Kabushiki Kaisha:
	Masamaur No. 18.
05837	Niigata Prefectural Government:
	Etsu Zan Maru.
05838	Kabushiki Kaisha Ichimaru:
	Shoyumaru No. 18.
05839	Mr. Daisaburo Sasaki:
	Shinzan Maru No. 2.
05841	Kyo Gyogyo Seisan Kumiai:
	Koyomaru No. 18.
05842	Mr. Tatsumi Sumida:
	Tatsumimaru No. 25.
05846	"Nordsee" Deutsche Hochseefishcherei G.m.b.h.:
	Munchen.
	Osterreich.
	Erlangen.
	Freiburg I. Br.
	Heidelberg.
	Marburg.
	Tubingen.
	Kassel.

Certificate No.	Owner/operator and vessels
	Hildesheim.
	Bonn.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7463 Filed 5-27-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-2730, etc.]

HILDA B. WEINERT ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 19, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before June 14, 1971, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2730, 4-19-71 [1]	Hilda B. Weinert and Jane W. Blumberg et al., Joe H. Bruns, attorney, % H. H. Weinert Estate, 204 Weinert Bldg., Seguin, Tex. 78155.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.0	14.65
CI71-818, D 4-21-71	T. L. James & Co., Inc. et al., Post Office Box 1305, Ruston, LA 71270.	Mississippi River Transmission Corp., James Fee No. 1 Well, North Choudrant Field, Lincoln Parish, La.	Depleted	
G-4579, C 5-3-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Langlie-Mattix Queen Unit, Lea County, N. Mex.	[2] 11.0	14.65
G-5766, C 4-23-71	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, TX 77001.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	10.0	14.65
G-7009, D 4-26-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Big Sandy Field, Pike et al. Counties, Ky.	Assigned	
G-7160, D 4-26-71	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, OK 74102.	Northern Natural Gas Co., T. R. Andrews Lease, Blinebry Gas Pool, Lea County, N. Mex.	Uneconomical	
CI63-1393, D 4-23-71	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Depleted	
CI64-175, C 4-26-71	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI64-465, D 4-23-71	General American Oil Co. of Texas (Operator), et al., Meadows Bldg., Dallas, Tex. 75206.	Texas Gas Transmission Corp., North Hayes Field, Calcasieu Parish, La.	[3]	
CI64-1173, D 4-16-71	PetroDynamics, Inc. (Operator) et al., Post Office Box 10006, Amarillo, TX 79106 (partial abandonment).	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	Depleted	
CI65-98, C 4-26-71	Texaco, Inc., Post Office Box 3109, Midland, TX 79701.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	14.0525	14.65
CI65-369, D 4-16-71	PetroDynamics, Inc. (Operator) et al., Post Office Box 10006, Amarillo, TX 79106 (partial abandonment).	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	Depleted	
CI66-112, E 4-26-71	Roger N. McCown et al. (Successor to George A. Bernat (Operator) et al.), Lindrith Camp, Counselor, N. Mex. 87018.	El Paso Natural Gas Co., Picture Cliff Formation, Rio Arriba County, N. Mex.	[4] 13.2486	15.025
CI67-1847 (G-10710), C&F 4-6-71 [5]	Tamarack Petroleum Co., Inc. (successor to Shell Oil Co.), 910 Bldg. of the Southwest, Midland, Tex. 79701.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	[6] 19.8364 [7] 19.3278	14.65
CI69-803 (CI69-804), E 3-10-71 [8]	Pennzoil United, Inc. (Operator), et al. (successor to Stetco 1968, Ltd.), 900 Southwest Tower, Houston, Tex. 77002.	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	[9] 17.55	14.65
CI69-970 (CI69-965), E 3-10-71 [10]	do	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	[9] 17.51	14.65
CI71-564, B 2-5-71 as amended 3-22-71	Davon Drilling Co. (Operator) et al., Post Office Box 12509, Oklahoma City, OK 73112.	Cities Service Gas Co., Logan County, Okla.	Depleted	
CI71-765, B 4-16-71	Samedan Oil Corp., 110 West Broadway, Ardmore, OK 73401.	Warren Petroleum Corp., Waddell Plant, Crane County, Tex.	[11]	
CI71-767 (CI69-113), F 4-19-71	Imperial-American Management Co. (successor to King Resources Co.), 777 Main Bldg., Houston, TX 77002.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	[12] 18.7	15.025
CI71-769 (CI63-1050), F 4-19-71	Northwest Production Corp. (successor to Northern Natural Gas Producing Co.), Post Office Box 1796, El Paso, TX 79949.	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	[13] 14.2343	15.025
CI71-770 (CI63-1051), F 4-19-71	do	do	[13] 14.2343	15.025
CI71-771, B 4-23-71	General American Oil Co. of Texas, Meadows Bldg., Dallas, TX 75206.	Southern Natural Gas Co., Delacroix Area, Plaquemines Parish, La.	Depleted	
CI71-772, A 4-23-71	Shell Oil Co., Post Office Box 2463, Houston, TX 77001.	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	[14] 26.50	14.65
CI71-773 (CI63-1049), F 4-19-71	Northwest Production Corp. (successor to Northern Natural Gas Producing Co.), Post Office Box 1796, El Paso, TX 79949.	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	[15] 14.2343	15.025
CI71-774, B 4-20-71	J. C. Walter, Jr., and Lamar W. Davis, Jr., 242 The Main Bldg., 1212 Main St., Houston, TX 77002.	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	Depleted	
CI71-775, B 4-21-71	T. L. James & Co., Inc. et al., Post Office Box 1305, Ruston, LA 71270.	Arkansas Louisiana Gas Co., Grelling-Hardin Unit—E. Haynesville Field, Claiborne Parish, La.	Depleted	
CI71-776, A 4-19-71	Jerome P. McHugh, 930 Petroleum Club Bldg., Denver, CO. 80202.	El Paso Natural Gas Co., Pictured Cliffs, San Juan Basin, San Juan County, N. Mex.	14.00	15.025
CI71-777, A 4-21-71	Midwest Oil Corp., 1700 Broadway, Denver, CO 80202.	Florida Gas Transmission Co., Bayou Bleu Field, Iberville Parish, La.	[16] 26.0	15.025
CI71-778, A 4-22-71	J. M. Huber Corp., 2300 West Loop, Houston, TX 77027.	Florida Gas Transmission Co., Bayou Bleu Field, Iberville Parish, La.	[16] 28.575	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-779 B 4-20-71	Southwest Petroleum Management Corp. (Operator), c/o Richard F. Generally, attorney, 1700 K Street NW., Washington, DC 20006.	Texas Eastern Transmission Corp., Gottachalt Field, Goliad County, Tex.	Depleted	
CI71-780 B 4-27-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave. New Orleans, LA 70112.	Texas Eastern Transmission Corp., North Lake Fields, Lafourche Parish, La.	Depleted	
CI71-781 B 4-27-71	Shell Oil Co., One Shell Plaza, Houston, TX 77002.	Lone Star Co., Manziel Field, Wood County, Tex.	Depleted	
CI71-782 B 4-26-71	Robert Cargill, Operator et al., Post Office Box 1166, Longview, TX 75601.	Texas Eastern Transmission Corp., Tatum Field, Rusk and Panola Counties, Tex.	Depleted	
CI71-783 A 4-26-71	James M. Forgotson, Sr. and Lone Star Exploration, Inc., 409 Beck Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., a division of United Pennzoil Corp., Pepper and Heirs Wells, Rusk County, Tex.	[14] 30.0	14.65
CI71-784 A 4-26-71	The Rodman Corp. et al., 1206 ABC Bldg., Odessa, Tex. 79760.	Cities Service Gas Co., Sooner Trend Field, Major County, Okla.	[14] 20.0	14.65
CI71-785 A 4-26-71	J. M. Huber Corp., 2300 West Loop, Houston, TX 77027.	Cities Service Gas Co., Guy Powell No. 1 Unit, Alfalfa County, Okla.	14.25	14.65
CI71-786 A 4-26-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Buffalo Wallow Field, Hemphill County, Tex.	[14] 20.5	14.65
CI71-789 A 4-28-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Southern Union Gathering Co., Fulcher Kutz Pictured Cliff Field, San Juan County, N. Mex.	15.2924	15.025
CI71-790 A 4-28-71	do	do	15.2924	15.025
CI71-791 A 4-28-71	do	Southern Union Gathering Co., Angel's Peak Area, San Juan County, N. Mex.	15.2924	15.025
CI71-792 A 4-28-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	United Gas Pipe Line Co., Houma Field, Terrebonne Parish, La.	29.25	15.025
CI71-793 B 4-30-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	Uneconomical	
CI71-794 A 4-30-71	Amarex Funds of Delaware, Inc., 614 East Bldg., 2000 Classen Center, Oklahoma City, Okla. 73106.	Northern Natural Gas Co., Ellis Ranch (Keyes Field) Ochiltree County, Tex.	24.0	14.65

[1] Amendment to certificate filed to increase daily contract quantity.
[2] Casinghead gas.
[3] Expiration of leases.
[4] Rate in effect subject to refund in Docket No. RI70-1690.
[5] Acreage acquired from Shell Oil Co.
[6] Rate in effect subject to refund in Docket No. RI71-297.
[7] Rate in effect subject to refund in Docket No. RI70-24.
[8] Applicant proposes to continue sales heretofore authorized in Docket No. CI69-804 to be made pursuant to Stetco 1968, Ltd., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule is identical to Applicant's FPC Gas Rate Schedule No. 22.
[9] Rate in effect subject to refund in Docket No. RI70-706.
[10] Applicant proposes to continue sales heretofore authorized in Docket No. CI69-965 to be made pursuant to Stetco 1968, Ltd., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule is identical to applicant's FPC Gas Rate Schedule No. 23.
[11] Expiration of contract.
[12] Rate in effect subject to refund in Docket No. RI67-169.
[13] Rate in effect subject to refund in Docket No. RI69-432.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Rate in effect subject to refund in Docket No. RI69-856.
[16] Includes 2.575 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[FR Doc.71-7312 Filed 5-27-71;8:45 am]

[Docket No. RI70-768 etc.]

BELCO PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 21, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-768	Belco Petroleum Corp.	7	1 to 8	Mountain Fuel Supply Co. (Piney (Birch Creek) Field Sublette and Lincoln Counties, Wyo.).	$595	4-21-71	4-21-71	[11] Accepted	17.0	17.085	RI70-768.
RI70-767	do	8	1 to 1	Kansas-Nebraska Natural Gas Co., Inc. (Shawnee-Flat Top Field, Converse County, Wyo.).	96	4-21-71	4-21-71	[11] Accepted	16.0	16.08	RI70-767.
RI70-767	do	11	1 to 15	El Paso Natural Gas Co. (Piney (Green River Basin) Field, Sublette and Lincoln Counties, Wyo.).	231	4-21-71	4-21-71	[11] Accepted	20.5	20.6538	RI70-767.
RI71-225	do	1	1 to 34	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	169	4-21-71	4-21-71	[11] Accepted	[1] 18.79	[1] 18.9309	RI71-225.
RI71-225	do			do	5,842			[11] Accepted	[2] 19.97	[2] 20.1198	RI71-225.
RI71-225	do			do	2,855			[11] Accepted	[3] 21.14	[3] 21.2986	RI71-225.
RI71-225	do	2	1 to 22	do	(12)	4-21-71	4-21-71	[11] Accepted	(12)	(12)	RI71-225.
RI71-225	do	3	1 to 20	do	1,973	4-21-71	4-21-71	[11] Accepted	[1] 18.79	[1] 18.9309	RI71-225.
RI71-225	do			do	17,525	4-21-71	4-21-71	[11] Accepted	[3] 21.14	[3] 21.2986	RI71-225.
RI71-1043	Phillips Petroleum Co.	485	1	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex., Permian Basin).	216,664	4-26-71		[4] 6-27-71	[10] 22.4190	[10] 28.3550	
RI71-1044	Acoma Oil Corp. et al.	5	10	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.) (Permian Basin).	2,492	4-29-71		6-30-71	[10] 15.99	[10] 17.50	RI69-806.
RI71-1045	Kerr-McGee Corp. et al.	51	[4,6] 16	Southern Natural Gas Co. (Breton Sound Block 32 Field, Plaquemines Parish) (Southern Louisiana).	7,254	4-26-71		6-11-71	23.675	25.0	G-17155.
RI71-1046	Kerr-McGee Corp.	55	[7,8,13] 13	Tennessee Gas Pipeline Co. A Division of Tenneco Inc. (Bully Camp Field, Lafourche Parish, Southern Louisiana).	5,616	4-29-71		6-14-71	23.6	[7] 26.0	RI60-452.
RI71-1047	Newmont Oil Co.	3	[4,6] 19	Transcontinental Gas Pipeline Corp. (West Cameron Block 110 Field Offshore Louisiana) (Disputed Zone).	308	4-28-71		6-13-71	21.375	[8] 26.0	RI71-734.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Low pressure gas (below 500 p.s.i.g.).
[2] Medium pressure gas (500 to 860 p.s.i.g.).
[3] High pressure gas (860 p.s.i.g. and above.).
[4] Or 1 day from date of initial delivery, whichever is later.
[5] Includes documents required by Opinion No. 567.
[6] Applicable only to sales from reservoirs identified therein.
[7] Applies only to gas entitled to third vintage price pursuant to Opinion No. 567.
[8] Includes letter dated Apr. 16, 1971 providing for the favored nation increase proposed herein.
[9] Contract rate is 28.05 cents for onshore gas and 26 cents for offshore gas.
[10] The pressure base is 14.65 p.s.i.a.
[11] Accepted for filing to be effective as of the date of filing, with waiver of notice granted, subject to refund in the respective existing rate suspension proceedings.
[12] Rate in Effect and Proposed Rate and Type of Increase and Annual Amount of Increase are identical to those set forth above in Supp. 1 to 34 to Rate Schedule No. 1.
[13] As amended by letter dated May 12, 1971.

The proposed increases of Belco Petroleum Corp. reflect partial reimbursement for the Wyoming severance tax, and consistent with Commission action on similar filings, the proposed increases are accepted for filing subject to refund in existing suspension proceedings to be effective on the date of filing, with waiver of notice granted.

Certain respondents request either waiver of notice or effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56). The proposed rates, except as indicated above are suspended pursuant to Order No. 423 for 61 days from the date of filing, 1 day from the contractual effective date, or 1 day from the date of initial delivery, whichever is later, if the sales are outside southern Louisiana. Pursuant to Order No. 413, as amended, proposed rates for sales in southern Louisiana are suspended for 45 days from the date of filing.

[FR Doc.71-7428 Filed 5-27-71;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of the acquisition of 80 percent or more of the voting shares of the State Bank of North Jacksonville, Jacksonville, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the State Bank of North Jacksonville, Jacksonville, Fla. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida State Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 8, 1971 (36 F.R. 6774), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls 19 banks with aggregate deposits of approximately $366 million, representing 3.0 percent of the total commercial bank deposits in the State, and is the sixth largest banking organization in Florida. (All banking data are as of June 30, 1970, and reflect holding company acquisitions approved through April 30, 1971.) Since Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Bank will be located in a growing residential area (est. population: 85,000) north of downtown Jacksonville. Its proposed site is in a large shopping center and across the street from another shopping complex. Applicant presently controls two banks in Jacksonville which are 6 and 12 miles from Bank and across the river.

Consummation of the proposal would not give Applicant a dominant position in the market which is defined as approximating Duval County. Three of the four largest bank holding companies in the State are headquartered in Jacksonville and control 15 of the 29 banks in the market. These three companies control 77.6 percent of market deposits, while Applicant controls only 4.3 per-

cent. In addition to Applicant and these three companies, the relevant market is comprised of five bank holding companies and banking groups, and four independent banks. Therefore, it apears that the effect of the proposal will be to enable Applicant to compete more effectively with the larger banking organizations in the relevant area.

Nor does it appear that the opening of Bank by Applicant would have an undue adverse effect on any competing bank. The bank nearest to the proposed site of Bank is located 2.1 miles away and is a subsidiary of the largest bank holding company in the State. The next closest bank is located 3.3 miles from the proposed site and is a subsidiary of the fourth largest bank holding company in the State.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial condition, management, and prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank has no operating financial history. It will open with satisfactory capital, and it will be able to draw on Applicant for its management. Its prospects are satisfactory. The banking factors are consistent with approval. Bank's location in a major shopping center which presently has no banking facilities should provide a convenience to residents of the area; and the wide range of services that Bank proposes to offer should meet the banking needs of the customers. Therefore, considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 13th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) the State Bank of North Jacksonville shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] May 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7484 Filed 5-27-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 90 percent or more of the voting shares of Peoples Bank of Crescent City, Crescent City, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of Peoples Bank of Crescent City, Crescent City, Fla. (Peoples Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 8, 1971 (36 F.R. 6773), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served and finds that:

Applicant presently controls 19 banks with aggregate deposits of approximately $366 million, representing 3 percent of all deposits of commercial banks in Florida. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions approved by the Board through April 30, 1971.) Upon acquisition of Peoples Bank ($7 million deposits), Applicant would increase its share of statewide deposits by only 0.1 percentage point, leaving unchanged its present ranking as the sixth largest banking organization in Florida.

Peoples Bank is the only bank located in Crescent City. Its principal competitors are the two banks in Palatka, 25 miles north of Crescent City, and the three banks in Deland, 30 miles south of Crescent City. Four of these five competitors are subsidiaries of holding companies. On the basis of deposits, Peoples Bank ranks fifth among the six banking organizations in the market and controls only 7.8 percent of market deposits.

It appears that there is no significant existing competition between Peoples Bank and any of Applicant's present subsidiary banks, of which the nearest to Peoples Bank is 50 miles south in Sanford. Nor would significant competition be likely to develop in the future, principally because of the distances involved, the number of banks located in each of the intervening areas, and the prohibition against branch banking in Florida. The market area of Peoples Bank is largely rural and growing slowly, and there appears to be little likelihood that Applicant would establish a de novo office there. Thus, it appears that consummation of this proposal would not eliminate significant existing competition nor foreclose potential competition. Affiliation with Applicant may enhance the ability of Peoples Bank to compete with the larger banks in its area.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market. The financial condition, management and prospects of Applicant, its subsidiaries, and Peoples Bank are regarded as generally satisfactory. Applicant states that the specialized services of its subsidiaries would be made available to customers of Peoples Bank as the need arises. Thus, considerations concerning community convenience and needs are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons in the findings summarized above, that said application be and hereby is approved, provided that the aquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] May 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7485 Filed 5-27-71;8:47 am]

MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Missouri Bancshares, Inc., Kansas City, Mo., for approval of acquisition of 83 percent or more of the voting shares of The Arnold Savings Bank, Arnold, Mo.

There has come before the Board of

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Missouri Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 83 percent or more of the voting shares of The Arnold Savings Bank, Arnold, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Missouri Commission of Finance and requested his views and recommendation. The Commissioner replied that the acquisition would be a very progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 10, 1971 (36 F.R. 6923), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, Missouri's fifth largest registered bank holding company and banking organization, controls six banks located throughout the State with approximately $382 million in total deposits (approximately 3.7 percent of total deposits in the State). Applicant's acquisition of Bank ($12.6 million deposits) would increase its share of total deposits in the State by 0.1 percent. (Banking data are as of June 30, 1970 and reflect holding company formations and acquisitions approved through April 30, 1971.) Although no subsidiary of Applicant competes in Bank's primary service area, both Bank and one of Applicant's subsidiaries, The First Security Bank, Kirkwood, Mo., compete in the broad St. Louis banking market (the Missouri portion of the St. Louis SMSA), holding 0.3 percent and 0.5 percent of total deposits in that area, respectively. However, existing competition between Bank and First Security Bank is minimal and substantial potential competition is unlikely due to the 20-mile distance between the two and the location of five banks in the intervening area. Furthermore, Kirkwood is a suburban community, and its commuting residents avoid the most direct connecting route, heavily traveled by local traffic, in favor of the interstate highway which bypasses Bank. Based on the facts of record, it appears that no existing competition would be eliminated by consummation of the proposal, significant potential competition would not be foreclosed, and there would not be adverse effects on any competing bank.

Financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are satisfactory, in the light of Applicant's intention to improve the capital structure of Bank. Considerations concerning convenience and needs of the communities to be served lend weight toward approval, in that Applicant intends to provide operational service and advice to Bank. Although the banking needs of the area are being adequately served, Applicant intends to enable Bank to offer an additional competitive alternative for such services as trust services. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] May 21, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-7486 Filed 5-27-71;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption

On February 12, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting the entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of one of the seven Spanish Officials authorized to issue a visa. The Government of Spain has requested, and the Government of the United States has acceded to the request, that three additional Spanish Officials be authorized to issue visas. The names of these three additional officials are: Mr. José Sarto Pina, Mr. Jesús de la Mata Sanz, and Mr. Andrés Jimenez Calderón.

Accordingly, there is published below a letter of May 19, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of February 5, 1971 so as to add three Spanish Officials to the seven Officials previously authorized to issue visas, effective as soon as possible. A facsimile of the signatures of these Spanish Officials is also filed as part of the original document with the Office of the Federal Register.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 19, 1971.

DEAR MR. COMMISSIONER: This letter amends the directive of February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of one of the seven Spanish Officials authorized to issue a visa.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is amended, effective as soon as possible, by the addition of three Spanish Officials who are authorized to issue visas. Facsimiles of the signatures of these additional Spanish Officials are enclosed for your information.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-7505 Filed 5-27-71;8:49 am]

OFFICE OF EMERGENCY PREPAREDNESS

TRUST TERRITORY OF THE PACIFIC ISLANDS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 18, 1971, the President declared a major disaster as follows:

I have determined that the damage in those areas of the Truk District of the Trust Territory of the Pacific Islands, adversely affected by Typhoon Amy beginning on or about May 1, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the Truk District of the Trust Territory of the Pacific Islands.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Ralph D. Burns, Regional Director, OEP Region 7 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the Truk District of the Trust Territory of the Pacific Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 18, 1971.

Dated: May 25, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-7495 Filed 5-27-71;8:48 am]

TENNESSEE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 18, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Tennessee, adversely affected by tornadoes beginning on or about May 7, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Tennessee. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William H. Hollaway, Regional Director, OEP Region 3 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 18, 1971:

The Counties of:
Benton.
Carroll.
Gibson.

Dated: May 25, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-7496 Filed 5-27-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26115]

BOSTON & MAINE CORP.

Reorganization

MAY 21, 1971.

The Boston & Maine Corp. has been in reorganization under section 77 of the Bankruptcy Act since March 23, 1970. The railroad provides an important transportation link to and from the New England States. The financial condition of the railroad has become increasingly serious, particularly in regard to the shortage of cash necessary to continue orderly operations. By the Order in Finance Dockets Nos. 21510 and 26115, served concurrently herewith, the Commission has denied the request of the debtor to be included in the Norfolk & Western System and has returned the debtor's plan of reorganization to the court as prima facie impracticable.

The Commission is desirous of avoiding any cessation of essential services provided by this carrier and is considering, among other alternatives, the car service provisions of the Interstate Commerce Act. Meanwhile, by this notice, which is being published in the FEDERAL REGISTER and is being served on the parties in the above-captioned proceeding, the Commission is calling a conference to be held before Division 3, in its office in Washington, D.C., beginning at 10 a.m. on June 22, 1971, to consider possible emergency measures.

Invited to the conference are: the officials, representatives and/or trustees of the Boston & Maine Corp., the Bangor and Aroostook Railroad Co., the Maine Central Railroad Co., the Penn Central Transportation Co., the Norfolk and Western Railway Co., the Erie Lackawanna Railway, the Delaware and Hudson Railway Co., the Rutland Railroad, the St. Johnsbury & Lamoille County Railroad, the Central Vermont Railway, Inc., the Canadian National Railways, the Grand Trunk Lines, and the Canadian Pacific Railroad Co.; the governors and other interested State officials of the States of New York, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, including the regulatory officials of those States; the Department of Transportation; representatives of labor organizations; the Boston & Maine Institutional Bondholders which are the Equitable Life Assurance Society of the United States, the Metropolitan Life Insurance Co., the Connecticut Mutual Life Insurance Co., and the Northwestern Mutual Life Insurance Co.; and other interested persons.

All persons having an interest in the meeting are requested to advise the Secretary of the Commission, Mr. Robert L. Oswald, of their intention to be present and the nature of their interest not later than June **9, 1971.**

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7506 Filed 5-27-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42209—*Scrap iron or steel to Huntington, W. Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3003), for interested rail carriers. Rates on scrap iron or steel, in carloads, as described in the application, from Louisville, Ky., to Huntington, W. Va.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 51 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-689. Rates are published to become effective on June 22, 1971.

FSA No. 42210—*Butyl alcohol from Manvel, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-233), for interested rail carriers. Rates on alcohol, butyl, in tank carloads, from Manvel, Tex., to Chicago, Ill., and points in Illinois and Indiana taking Chicago rates.

Grounds for relief—Market competition.

Tariff—Supplement 75 to Southwestern Freight Bureau, Agent, tariff ICC 4867. Rates are published to become effective on June 28, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7507 Filed 5-27-71;8:49 am]

[No. 35400]

INCREASED CHARGES FOR PERISHABLE PROTECTIVE SERVICE FOR 1971

MAY 20, 1971.

The Commission has received a petition filed by numerous rail carriers on April 1, 1971, seeking modification of outstanding orders of the Commission to the extent necessary to permit filing on statutory notice of increased charges for the use of perishable protective services offered by the carriers. The proposed increases would apply to the carriers' Perishable Protective Tariff 18, J. D. Sutherland, agent, ICC No. 37. The outstanding orders sought to be modified were issued in the following proceedings:

Docket No. 17936, Refrigeration Charges on Fruits etc., from the South, 151 I.C.C. 649, 172 I.C.C. 3.

Docket No. 28994, Half Stage Refrigeration Service, 256 I.C.C. 213.

Docket No. 20769, Charges for Protective Service to Perishable Frieght, 215 I.C.C. 684, 241 I.C.C. 503, 253 I.C.C. 351, 262 I.C.C. 243, 274 I.C.C. 751, 277 I.C.C. 347, and 332 I.C.C. 136.

Ex Parte No. 162, Increased Railway Rates, Fares and Charges, 1946, 266 I.C.C. 537, 615.

Ex Parte No. 166, Increased Freight Rates, 1947, 270 I.C.C. 403, 461.

Docket No. 31342, Proposed Increased Refrigeration Charges, 297 I.C.C. 505.

Investigation and Suspension Docket No. 7778 Refrigeration & Packinghouse Products—Midwest, 319 I.C.C. 113, 120.

The petitioners state that the requested modification is necessary to allow them to bring their charges for perishable protective services into line with increases in the cost of performing these services. According to petitioners, the present charges have not been uniformly increased since 1956. Petitioners assert that the proposed increases will allow them to meet their costs of performing perishable protective services and guarantee a reasonable rate of return on investment.

The petition may be inspected at the office of the Secretary of the Commission in Washington, D.C. General public notice of the filing of this petition will be given by publication of this notice in the FEDERAL REGISTER.

Any persons interested in the matters involved in this petition may, on or before 20 days from the date of publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. Those who have filed replies to the petition prior to the publication of this notice need not respond further. An original and 15 copies of such replies must be filed with the Commission and parties must show service of two copies upon J. D. Sutherland, Chairman; National Perishable Freight Committee; 428 Union Station Building; 516 West Jackson Boulevard; Chicago, IL 60606. Thereafter, the Commission will proceed to dispose of the matter, observing any additional requirements that appear warranted to assure due process of law.

It is not contemplated that there will be any further general public notice published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices, reports, and/or orders will be served solely on persons responding to this notice and on the petitioners.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7508 Filed 5-27-71;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:

- 4049 — 8289
- 4050 — 8551
- 4051 — 8553
- 4052 — 8657
- 4053 — 8859
- 4054 — 9199
- 4055 — 9615
- 4056 — 9761

EXECUTIVE ORDERS:

- 2295 (revoked by PLO 5052) — 8807
- 10480 (see EO 11594) — 8995
- 11583 (amended by EO 11595) — 9763
- 11592 — 8555
- 11593 — 8921
- 11594 — 8995
- 11595 — 9763

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

- Memorandum of April 30, 1971 — 8721

5 CFR

- 151 — 9393
- 213 — 8235, 8501, 8723, 9235, 9393, 9495
- 307 — 8773
- 550 — 9393
- 713 — 9765
- 715 — 9765
- 771 — 9235

PROPOSED RULES:

- 900 — 9469

7 CFR

- 19 — 8433
- 51 — 8502, 9061, 9125
- 52 — 8557
- 56 — 9765
- 59 — 9814
- 319 — 9061
- 354 — 8235, 9437
- 724 — 8291, 8503
- 751 — 8505
- 811 — 8773
- 845 — 9061
- 905 — 9129
- 907 — 8291
- 908 — 8361, 8441, 8774, 9129, 9289, 9633
- 909 — 8671, 8997
- 910 — 8236, 8291, 8558, 8925, 9061, 9289
- 911 — 8236
- 916 — 9289
- 917 — 8671, 9495, 9765
- 918 — 8876
- 928 — 8925
- 929 — 9496
- 944 — 9236
- 953 — 9633
- 966 — 9290
- 980 — 9291, 9634
- 1001 — 9766
- 1015 — 8361
- 1036 — 9767
- 1136 — 9497
- 1421 — 8291, 8362, 8559, 8930, 8997, 9001, 9236, 9634

7 CFR—Continued

Page

- 1430 — 8237
- 1475 — 9497
- 1488 — 9437–9442

PROPOSED RULES:

- 6 — 9785
- 55 — 9307
- 81 — 9716
- 717 — 9251
- 730 — 8261
- 814 — 9071
- 911 — 8520, 9071
- 915 — 8522
- 916 — 9564
- 917 — 8735
- 919 — 9252
- 923 — 9314
- 929 — 8453
- 934 — 9640
- 953 — 8953, 9252
- 966 — 8262, 8677
- 980 — 8262, 8677
- 987 — 9655
- 1030 — 9025
- 1036 — 8524, 8880, 8957
- 1125 — 8678
- 1136 — 8376
- 1207 — 8588

8 CFR

- 103 — 9001
- 204 — 8294
- 214 — 8660
- 234 — 8294
- 238 — 8294
- 248 — 9001
- 299 — 8295, 8505, 9002
- 499 — 8505

PROPOSED RULES:

- 211 — 9251
- 242 — 9251

9 CFR

- 76 — 8362, 8363, 8507, 8659, 8660, 8861, 8930, 8931, 9240, 9497, 9617, 9768
- 78 — 9442
- 97 — 8238, 8861
- 319 — 9499
- 331 — 9002–9004

PROPOSED RULES:

- 145 — 9104
- 147 — 9104

10 CFR

- 50 — 8861

PROPOSED RULES:

- 2 — 8379
- 20 — 9468
- 30 — 9468
- 31 — 9468
- 140 — 8454

PROPOSED RULES:

- 70 — 9786

12 CFR

Page

- 1 — 8723, 9065
- 201 — 8441
- 222 — 9292
- 545 — 8507, 8724, 9500
- 561 — 9501
- 703 — 8508

PROPOSED RULES:

- 10 — 9522
- 11 — 9522
- 12 — 9522
- 16 — 9522
- 18 — 9522
- 545 — 9333, 9570
- 555 — 9077
- 747 — 8591

13 CFR

- 121 — 8660, 9618

PROPOSED RULES:

- 121 — 9144

14 CFR

- 39 — 8209, 8306, 8307, 8509, 8862, 9005–9007, 9241, 9768
- 47 — 8661
- 49 — 8661
- 71 — 8209, 8210, 8307, 8308, 8363–8365, 8509, 8510, 8662, 8775, 8863, 8864, 9065–9067, 9130, 9443, 9444, 9618–9623
- 73 — 8210, 8510, 9067
- 75 — 8210, 8308, 9623
- 95 — 8308, 9623
- 97 — 9293
- 105 — 8775
- 249 — 8724
- 287 — 8311
- 302 — 8560
- 310 — 8562
- 378 — 8725
- 378a — 8728

PROPOSED RULES:

- 1 — 8383
- 21 — 8383
- 23 — 8383, 8398
- 25 — 8383
- 27 — 8383
- 29 — 8383
- 33 — 8383
- 39 — 8695, 8696, 9026, 9785
- 71 — 8263, 8316–8319, 8405, 8524, 8525, 8591, 8696, 8697, 8880, 8963, 9026, 9027, 9075, 9076, 9143, 9447, 9448, 9565, 9661–9665
- 73 — 9076
- 75 — 8264, 8406, 9076, 9258
- 93 — 9029
- 103 — 9448
- 121 — 8813
- 139 — 8880
- 239 — 8739
- 241 — 9030
- 288 — 9330
- 302 — 9566

15 CFR

Page

370 — 8367
371 — 8367, 8932
372 — 8368
373 — 8369
374 — 8370, 8776, 8932
376 — 8370, 8932
379 — 8371, 8776
399 — 8776
1000 — 9502, 9506
1050 — 9508

16 CFR

0 — 9508
1 — 9293
2 — 9008
3 — 9008
4 — 9009
13 — 8292, 8665
424 — 8777
500 — 9625
PROPOSED RULES:
240 — 9260

17 CFR

201 — 8933
230 — 8935, 9626
231 — 8238
240 — 8935
241 — 8238
249 — 8239
270 — 8729, 9627
271 — 8729, 9130, 9627
PROPOSED RULES:
210 — 9668
240 — 9260
249 — 9261, 9668
270 — 8319, 9134
274 — 8319, 8525, 9134, 9261, 9668

18 CFR

Ch. I — 9242
101 — 8240
104 — 8240
141 — 8240
201 — 8240
204 — 8240
260 — 8240
601 — 8666
602 — 9509
615 — 8563
PROPOSED RULES:
201 — 9570
204 — 9570
205 — 9570
260 — 9570
640 — 8739

19 CFR

1 — 8666
12 — 8667
16 — 8365
153 — 9009, 9010
174 — 8731
PROPOSED RULES:
10 — 8312
22 — 9071

20 CFR

1 — 8936
2 — 8936
404 — 8366
PROPOSED RULES:
405 — 8960
602 — 8524

21 CFR

Page

1 — 9444
3 — 8939
25 — 9010
121 — 9627, 9628
132 — 8242
135b — 9445
135c — 8732
135e — 8781, 9511, 9629
135g — 8781, 9629
141a — 9244
146a — 9244, 9512, 9629
146c — 9512
146d — 9512
148b — 8242
149y — 8243
420 — 8243, 8441, 9630
PROPOSED RULES:
Ch. I — 8738
121 — 9025
144 — 9564
147 — 9446
308 — 9563
420 — 8455

22 CFR

51 — 9068

23 CFR

1 — 8243

24 CFR

1 — 8784
7 — 8942
41 — 8785
42 — 8785
203 — 9768
213 — 8211
220 — 8211
221 — 8211
231 — 8212
232 — 8212
234 — 8212
235 — 8212
242 — 8212
810 — 8212
1000 — 8212
1100 — 8212
Ch. III — 8213, 9769
1914 — 8233, 8565, 8877, 9246, 9631
1915 — 8234, 8366, 8566, 8878, 8942, 9247, 9632
PROPOSED RULES:
1665 — 9667
1913 — 8453
1930 — 9315
1931 — 9316
1932 — 9318
1933 — 9319
1934 — 9325

25 CFR

41 — 8366
PROPOSED RULES:
161 — 8520
221 — 8677

26 CFR

1 — 9010, 9018, 9393, 9512, 9770
13 — 9010
31 — 9020, 9201
170 — 8668
201 — 8568
245 — 8798, 9294
252 — 8568
301 — 9020

26 CFR—Continued

Page

PROPOSED RULES:
1 — 8585, 8808, 9024, 9138, 9142, 9298, 9561, 9637, 9781
13 — 9298

28 CFR

PROPOSED RULES:
50 — 9781

29 CFR

3 — 9770
5 — 8949
20 — 9771
101 — 9132
102 — 9132
615 — 9294
687 — 9771
697 — 9134
1504 — 9771
1518 — 8311, 9423
1601 — 9068
1950 — 8864
PROPOSED RULES:
727 — 8960
1903 — 8376, 8591, 8813
1904 — 8693

30 CFR

77 — 9364
PROPOSED RULES:
75 — 8453

31 CFR

10 — 8671
223 — 9630
332 — 9512
342 — 9512
500 — 8584

32 CFR

190 — 9294
242 — 9423
243 — 9423
538 — 9423
591 — 8943
592 — 8947
593 — 8947
594 — 8947
597 — 8948
598 — 8948
599 — 8948
600 — 8948
602 — 8948
606 — 8948
812 — 8258
1001 — 8258
1007 — 8259
1030 — 8259

32A CFR

Ch. VII:
T-2 (amended) — 8672
Ch. VIII — 9136, 9297
PROPOSED RULES:
Ch. VI — 9072, 9073
Ch. X — 8587, 9784

33 CFR

1 — 8732
3 — 8211
40 — 9135
62 — 9021

33 CFR—Continued

Page

74 ... 9021
204 ... 9774
207 ... 8866

PROPOSED RULES:
- 110 ... 8962
- 117 ... 8382, 9328–9330, 9447

35 CFR

253 ... 9021

36 CFR

7 ... 9248
326 ... 8442

PROPOSED RULES:
- 7 ... 8585, 9251, 9446
- 50 ... 8813

37 CFR

1 ... 8732, 9774
202 ... 8868

38 CFR

2 ... 9248
3 ... 8445
13 ... 9249
17 ... 9249
21 ... 9021

39 CFR

3 ... 8673
5 ... 8673
124 ... 8372

PROPOSED RULES:
- Ch. I ... 8879, 9564

41 CFR

5A–1 ... 8953, 9512
5A–16 ... 8953
5A–73 ... 8374
5B–12 ... 8510
8–1 ... 9513
8–3 ... 9513
8–7 ... 9513
8–8 ... 9514
8–11 ... 9514
8–16 ... 8953
14–1 ... 9295
14–51 ... 9295
15–1 ... 8447
101–20 ... 8295
101–26 ... 8295
101–27 ... 9514
101–38 ... 8869
101–45 ... 8567
101–47 ... 9021, 9775
115–1 ... 8568

PROPOSED RULES:
- 3–1 ... 8814
- 3–16 ... 9253

42 CFR

Page

37 ... 8869

PROPOSED RULES:
- 72 ... 8815

43 CFR

PUBLIC LAND ORDERS:
- 2721 (revoked in part by PLO 5050) ... 8450
- 5024 (corrected by PLO 5051) ... 8450
- 5029 (corrected by PLO 5049) ... 8450
- 5032 (corrected by PLO 5057) ... 8950
- 5049 ... 8450
- 5050 ... 8450
- 5051 ... 8450
- 5052 ... 8807
- 5053 ... 8949
- 5054 ... 8949
- 5055 ... 8949
- 5056 ... 8950
- 5057 ... 8950
- 5058 ... 9022
- 5059 ... 9135
- 5060 ... 9136
- 5061 ... 9136

PROPOSED RULES:
- 1810 ... 8956

45 CFR

119 ... 8950
140 ... 8952
142 ... 9249

PROPOSED RULES:
- 116 ... 8316
- 132 ... 8316
- 903 ... 8816
- 906 ... 8525
- 1201 ... 8698, 9469

46 CFR

309 ... 8511
390 ... 9779
542 ... 8259

PROPOSED RULES:
- 146 ... 9598–9601
- 251 ... 9333
- 252 ... 9334
- 278 ... 9335
- 503 ... 8460
- 510 ... 8460
- 543 ... 8460, 9260

47 CFR

0 ... 8450, 8733, 8871
2 ... 9514
31 ... 8374
33 ... 8374
64 ... 8450, 8733
73 ... 8451, 9517–9519

47 CFR—Continued

Page

74 ... 8871, 9519
87 ... 9514
89 ... 9250
91 ... 9514

PROPOSED RULES:
- 1 ... 8382
- 2 ... 8591
- 15 ... 8963, 9567
- 73 ... 8382, 8455, 8456, 8591, 8699, 9259, 9333, 9569
- 74 ... 8382, 8457, 8591

49 CFR

1 ... 8733
7 ... 8873
25 ... 9178
173 ... 9068, 9520
177 ... 9068
178 ... 9520
195 ... 8296
230 ... 9069
391 ... 8452
392 ... 8452
397 ... 9779
571 ... 8296, 8298, 8734, 9069
574 ... 9780
1033 ... 8306, 8673, 8674, 8952
1047 ... 9022
1104 ... 9022
1124 ... 8211
1202 ... 9070
1208 ... 9070

PROPOSED RULES:
- 171 ... 9449
- 172 ... 9449, 9602
- 173 ... 8329, 9449, 9520, 9602
- 178 ... 9520, 9602
- 179 ... 8329
- 192 ... 9667
- 571 ... 9565, 9666
- Ch. X ... 8599, 8889
- 1115 ... 8740
- 1123 ... 8327

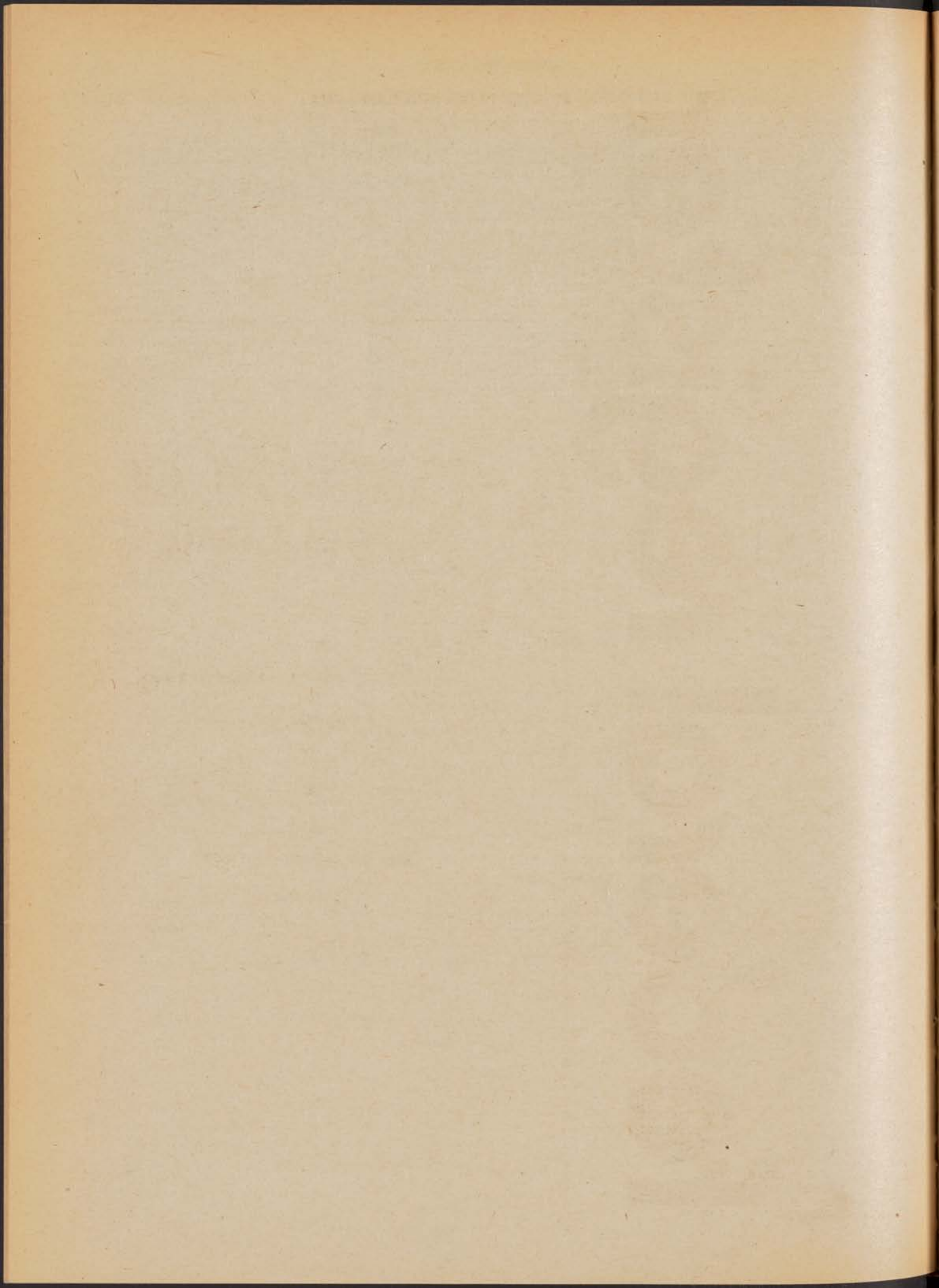
50 CFR

17 ... 8675
28 ... 8734
32 ... 8942
33 ... 8807
250 ... 8874
266 ... 8675
277 ... 8675
280 ... 8515

PROPOSED RULES:
- 10 ... 8677
- 80 ... 8261
- 258 ... 9074
- 260 ... 8688

LIST OF FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
8203–8281	May 1
8283–8354	4
8355–8426	5
8427–8494	6
8495–8543	7
8545–8649	8
8651–8716	11
8717–8765	12
8767–8851	13
8853–8914	14
8915–8988	15
8989–9054	18
9055–9119	19
9121–9191	20
9193–9281	21
9283–9385	22
9387–9488	25
9489–9607	26
9609–9754	27
9755–9834	28



federal register

FRIDAY, MAY 28, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 104

PART II

DEPARTMENT OF AGRICULTURE

■

Consumer and Marketing Service

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Eggs and Egg Products Inspection

Title 7—AGRICULTURE

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

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

Notice is hereby given that the U.S. Department of Agriculture is issuing Regulations Governing the Inspection of Eggs and Egg Products pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1620 et seq.; 21 U.S.C. 1031–1056).

STATEMENT OF CONSIDERATIONS

On March 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5178–5197) in accordance with the requirements of 5 U.S.C., section 553, that pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056), the Department was considering issuing Regulations Governing the Inspection of Eggs and Egg Products and all interested persons were given an opportunity to file their data, views, or arguments with the Hearing Clerk, U.S. Department of Agriculture, no later than April 19, 1971. A wide distribution was also made of copies of the proposed regulations to all known interested persons. Eight comments were received.

The regulations herein are essentially the same as those proposed. Some slight changes have been made, and provisions included, to clarify and to state certain of the matters in a more precise and understandable manner than were contained in the proposal. The changes have been discussed in detail with the affected industry through a series of meetings throughout the country.

Certain of the suggestions contained in the comments filed with the Hearing Clerk require additional study and are not included in these regulations. Also, additional regulations will be required for shell eggs prior to July 1, 1972, the effective date for the shell egg program, and such regulations will be issued, after appropriate procedures, at a later date.

In the definition section "prominent stains" are added to the definition of a dirty egg to be more precise, and the term "egg product" is further defined to more clearly show what product must be inspected and types of products not covered by the Act.

In several places in the proposed regulations, the statement "containing more restricted eggs than allowed in the tolerances for U.S. consumer grades," is being clarified by changing it to read "containing no more restricted eggs than are allowed in the tolerances for U.S. Consumer Grade B eggs." The latter is a more precise definition.

In the exemption section, certain categories of restricted eggs are listed which are not exempt and eggs classified as checks are included in such categories when prohibited by State or local law.

A provision is being added which clarifies the requirements and conditions for processing ova in an official plant. These provisions are presently in the voluntary inspection regulations for the inspection of egg products (7 CFR Part 55) but were not clearly stated in the proposed regulations. This has created some confusion as to the status of ova. Therefore, the regulations have been modified to specify the conditions for the processing of ova in an official egg products plant. Ova must be harvested in a sanitary manner from wholesome poultry, be properly handled, cooled, packaged, and labeled in a plant operating under the Poultry Products Inspection Act, and the containers must bear official identification, which will assure that the foregoing requirements have been complied with. In the official egg products plant, the products containing ova will be required to be handled, processed, cooled, and pasteurized in the same manner as egg products, and the labeling of such products will require prior approval by the Administrator.

Calculations of the costs have been determined for furnishing overtime, holiday, and frivolous appeal inspections. The hourly rates are $8.80 per hour for overtime inspection work, $8.80 per hour for holiday inspection work, and $10.28 per hour for performing frivolous appeal inspections.

The provisions on what operations require continuous inspection under the Act are being clarified by adding a provision that certain certification and specification-type work requested by the official plant, which is in addition to the normal inspection requirements and functions for the processing, production, or certification of a wholesome egg product, would be made under the provisions of the voluntary inspection program.

The section on foreign inspection certificates is simplified by listing what must be shown on the certificates rather than showing it in form style as in the proposal.

Other changes generally amount to word changes or sentence structure to clarify or simplify the meaning of the text.

The Egg Products Inspection Act and these regulations provide for the continuous inspection of the processing of egg products and the control and disposition of "restricted eggs" (i.e., loss, inedibles, incubator rejects, checks, and dirties) in intrastate, interstate, and foreign commerce, and uniform standards, grades, and weight classes for eggs in interstate commerce. The program for egg products inspection will become effective on July 1, 1971, and the program for shell eggs will become effective July 1, 1972.

The regulations are as follows:

DEFINITIONS

Sec.
59.1 Meaning of words.
59.5 Terms defined.

ADMINISTRATION

59.10 Authority.
59.13 Federal and State cooperation.
59.16 Applicability of Act and regulations.

SCOPE OF INSPECTION

Sec.
59.20 Inspection in accordance with methods prescribed or approved.
59.22 Basis of service.
59.24 Egg products plants requiring continuous inspection.
59.26 Egg products entering or prepared in official plants.
59.28 Other inspections.

RELATION TO OTHER AUTHORITIES

59.30 At official plants.
59.35 Eggs and egg products outside official plants.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

59.40 Continuous inspection not provided.
59.45 Prohibition on eggs and egg products not intended for use as human food.

EXEMPTIONS

59.100 Specific exemptions.
59.105 Suspension or termination of exemptions.

PERFORMANCE OF SERVICE

59.110 Licensed inspectors.
59.112 Suspension of license or authority; revocation.
59.114 Surrender of license.
59.116 Activities of inspectors.
59.118 Identification.
59.119 Political activity.
59.120 Financial interest of inspectors.
59.122 Time of inspection.
59.124 Schedule of operation of official plants.
59.126 Overtime inspection service.
59.128 Holiday inspection service.
59.130 Basis of billing plants.
59.132 Access to plants.
59.134 Accessibility of product.
59.136 Facilities to be furnished by official plants for use of inspectors in performing service.

APPLICATION FOR SERVICE

59.140 How application shall be made.
59.142 Filing of application.
59.144 Authority of applicant.
59.146 Application for continuous inspection in official plants; approval.
59.148 Order of service.

INAUGURATION OF SERVICE

59.150 Official plant number.
59.155 Inauguration of service.

DENIAL OF SERVICE

59.160 Refusal, suspension, or withdrawal of service.

RECORDS AND RELATED REQUIREMENTS FOR EGGS AND EGG PRODUCTS HANDLERS AND RELATED INDUSTRIES

59.200 Records and related requirements.
59.220 Information and assistance to be furnished to inspectors.

ADMINISTRATIVE DETENTION

59.240 Detaining product.

APPEAL OF AN INSPECTION OR DECISION

59.300 Who may request an appeal inspection or review of an inspector's decision.
59.310 Where to file an appeal.
59.320 How to file an appeal.
59.340 Who shall perform the appeal.
59.350 Procedures for selecting appeal samples.
59.360 Appeal inspection certificates.
59.370 Cost of appeals.

CERTIFICATES

Sec.
59.400 Form of certificates.
59.402 Egg products inspection certificates.
59.404 Erasures or alterations made on official certificates.
59.406 Disposition of official certificates.

IDENTIFYING AND MARKING PRODUCT

59.410 Egg products required to be labeled.
59.411 Approval of official identification for use in official egg products plants.
59.412 Form of official identification symbol and inspection mark.
59.414 Products bearing the official inspection mark.
59.415 Use of other official identification.
59.417 Unauthorized use or disposition of approved labels.
59.418 Supervision of marking and packaging.
59.419 Reuse of containers bearing official identification prohibited.

INSPECTION, REINSPECTION, CONDEMNATION, AND RETENTION

59.420 Inspection.
59.422 Condemnation.
59.424 Reinspection.
59.426 Retention.

ENTRY OF MATERIAL INTO OFFICIAL EGG PRODUCTS PLANTS

59.430 Limitation of entry of material.
59.435 Wholesomeness and approval of materials.
59.440 Processing ova.

SANITARY, PROCESSING AND FACILITY REQUIREMENTS

59.500 Plant requirements.
59.502 Equipment and utensils.
59.504 General operating procedures.
59.506 Candling and transfer-room facilities and equipment.
59.508 Candling and transfer-room operations.
59.510 Classifications of shell eggs used in the processing of egg products.
59.515 Egg cleaning operations.
59.520 Breaking room facilities.
59.522 Breaking room operations.
59.530 Liquid egg cooling.
59.532 Liquid egg holding.
59.534 Freezing facilities.
59.536 Freezing operations.
59.538 Defrosting facilities.
59.539 Defrosting operations.
59.540 Spray process drying facilities.
59.542 Spray process drying operations.
59.544 Spray process powder; definitions, and requirements.
59.546 Albumen flake process drying facilities.
59.547 Albumen flake process drying operations.
59.548 Drying, blending, packaging, and heat treatment rooms and facilities.
59.549 Dried egg storage.
59.550 Washing and sanitizing room or area facilities.
59.552 Cleaning and sanitizing requirements.
59.560 Health and hygiene of personnel.
59.570 Pasteurization of liquid eggs.
59.575 Heat treatment of dried whites.

LABORATORY

59.580 Laboratory tests and analyses.

EXEMPTED EGG PRODUCTS PLANTS

59.600 Application for exemption.
59.610 Criteria for exemption.
59.620 Authority of applicant.
59.630 Filing of application.
59.640 Application for exemption; approval.
59.650 Exempted plant registration number.
59.660 Inspection of exempted plants.
59.670 Termination of exemption.
59.680 Approval of labeling for egg products processed in exempted egg products processing plants.

REGISTRATION OF SHELL EGG HANDLERS

59.690 Persons required to register.

INSPECTION AND DISPOSITION OF RESTRICTED EGGS

59.700 Prohibition on disposition of restricted eggs.
59.720 Disposition of restricted eggs.
59.760 Inspection of egg handlers.

IDENTIFICATION OF RESTRICTED EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION

59.800 Identification of restricted eggs.
59.840 Identification of inedible, unwholesome, or adulterated egg products.
59.860 Size of identification wording.

IMPORTS

59.900 Requirements for importation of egg products or restricted eggs into the United States.
59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.
59.910 Eligibility of foreign countries for importation of egg products into the United States.
59.915 Foreign inspection certificate required.
59.920 Importer to make application for inspection of imported eggs and egg products.
59.925 Inspection of imported eggs and egg products.
59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.
59.935 Means of conveyance and equipment used in handling eggs and egg products to be maintained in sanitary condition.
59.940 Marking of egg products offered for importation.
59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.
59.950 Labeling of containers of eggs or egg products for importation.
59.955 Labeling of shipping containers of eggs or egg products for importation.
59.960 Small importations for consignee's personal use, display, or laboratory analysis.
59.965 Returned U.S. inspected and marked products; not importations.
59.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

AUTHORITY: The provisions of this Part 59 issued under the Egg Products Inspection Act, 84 Stat. 1620 et seq., 21 U.S.C. 1031-1056.

DEFINITIONS

§ 59.1 Meaning of words.

Under these regulations, words in the singular shall be deemed to mean the plural and vice versa, as the case may demand.

§ 59.5 Terms defined.

For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

"Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

"Act" means the applicable provisions of the Egg Products Inspection Act of 1970 (Public Law 91-597, 84 Stat. 1620 et seq.).

"Administrator" means the Administrator of the Consumer and Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Adulterated" means any egg or egg product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (i) If it bears or contains any added poisonous or added deleterious substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive; or (c) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under subdivision (ii), (iii), or (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) If its container is composed, in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"Applicant" means any person who requests any inspection service as authorized under the Act or the regulations of this part.

"Capable of use as human food" means any egg or egg product, unless it is denatured, or otherwise identified, as required by these regulations to deter its use as human food.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, type, or method of processing.

"Commerce" means interstate, foreign, or intrastate commerce.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability; or any condition, including but not being limited to, the processing, handling, or packaging which affects such product.

"Container" or "Package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) "Immediate container" means any consumer package, or other container in which egg products, not consumer packaged, are packed.

(2) "Shipping container" means any container used in packaging a product packed in an immediate container.

"Department" means the U.S. Department of Agriculture.

"Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea. Some of the terms applicable to shell eggs are as follows:

(1) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt, foreign material, or prominent stains.

(4) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) "Inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots, sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

"Egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and are not in excess of 60 days old.

"Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products. For the purposes of this part, the following products, among others, are exempted egg products: dried no bake custard mixes, egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes, french toast, and sandwiches containing eggs or egg products, provided such products are prepared from inspected egg products or eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs.

"Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

"Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"Inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of the Egg Products Inspection Act and the regulations under this part.

"Inspection service" means the official service within the Department having the responsibility for carrying out the provisions of the Egg Products Inspection Act. Inspection service also means the activities performed, including official reporting by such official service.

"Inspector/Grader" means:

(1) Any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this part; or

(2) Any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this part, under an agreement entered into between the Secretary and the appropriate State or other agency.

"Interested party" means any person financially interested in a transaction involving any inspection or appeal inspection of any product, or the decision of an inspector.

"Label" means a display of any printed, graphic, or other method of identification upon the shipping container, if any, or upon the immediate container, including but not limited to, an individual consumer package of eggs and egg products, or accompanying such product.

"Misbranded" means any egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Administrator under this part.

"National Supervisor" means:

(1) The officer in charge of the inspection service; and

(2) Such other employee of the Service as may be designated by him.

"Official certificate" means any certificate prescribed by regulations of the Administrator for issuance by an inspector or other person performing official functions under this part.

"Official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

"Official identification" means the official inspection mark or any other symbol prescribed by regulations of this part to identify the status of any article.

"Official inspection mark" means any symbol prescribed by the regulations of the Administrator showing that egg products were inspected in accordance with this part.

"Official standards" means the standards of quality, grades, and weight classes for eggs, as described under Part 56 of this chapter under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C 1621 et seq.), or as hereafter amended.

"Office of inspection" means the office of any inspector.

"Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable microorganisms by such processes as may be prescribed by these regulations.

"Person" means any individual, partnership, corporation, association, or other business unit.

"Pesticide chemical," "Food additive," "Color additive," and "Raw agricultural commodity" shall have the same meaning for purposes of this part as under the Federal Food, Drug, and Cosmetic Act.

"Plant" means any place of business where egg products are processed:

(1) "Exempted plant" means any plant where the Administrator has determined the facilities and operating procedures meet such standards as may be prescribed by this part, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of U.S. Consumer Grade B for shell eggs, and where an exemption has been granted.

(2) "Official plant" means any plant in which the plant facilities, methods of operation and sanitary procedures have been found suitable and adequate by the Administrator for the continuous inspection of egg products in accordance with this part and in which inspection service is carried on.

"Potable water" means water that is safe to use as drinking water as evidenced by a certificate of potability issued by a State or local health authority.

"Processing" means manufacturing of egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying, or packaging egg products at official plants.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regional Director" means any employee of the Department in charge of inspection service in a designated geographical region.

"Regulations" means the provisions in this part.

"Regulatory inspector" means any employee of the U.S. Government, or State or local jurisdiction, who is authorized by the Secretary to make such inspections as required in § 59.28 of these regulations.

"Sampling" means the act of taking samples of any product for inspection or analyses.

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying microorganisms, including pathogens.

"Secretary" means the Secretary of Agriculture or his delegate.

"Service" means the Consumer and Marketing Service (C&MS) of the Department.

"Stabilization" means the subjection of any egg product to a desugaring process.

"State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

"United States" means the States.

"White or albumen" means, for the purpose of this part, the product obtained from the egg as broken from the shell and separated from the yolk.

ADMINISTRATION

§ 59.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act, and this part. The Administrator may waive for a limited period any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to maintain full compliance with the spirit and intent of the regulations.

§ 59.13 Federal and State cooperation.

The Secretary shall, whenever he determines that it would effectuate the purposes of the Act, authorize the Administrator to cooperate with appropriate State and other governmental agencies in carrying out any provisions of the Egg Products Inspection Act and these regulations. In carrying out the provisions of the Act and the regulations, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the services rendered by them in such cooperative programs as agreed to in the cooperative agreements as signed by the Administrator and the duly authorized agent of the State or other agency.

§ 59.16 Applicability of Act and regulations.

(a) *Egg products*. The provisions of the Act and this part with respect to egg products take effect on July 1, 1971. All egg products processed entirely prior to July 1, 1971, and which are not adulterated are hereby exempted from the requirements of this part and may be bought, sold, transported, possessed, and used until July 1, 1972; thereafter, such product shall be subject to all the provisions of the Act and these regulations and shall be subject to detention, seizure, and condemnation. Products inspected pursuant to the voluntary egg products inspection program authorized by the Agricultural Marketing Act of 1946 are considered as inspected products for the purposes of this part.

(b) *Other provisions*. The other provisions of the Act and these regulations take effect on July 1, 1972.

SCOPE OF INSPECTION

§ 59.20 Inspection in accordance with methods prescribed or approved.

Inspection of eggs and egg products shall be rendered pursuant to these regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 59.22 Basis of service.

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. Inspection services shall be subject to supervision at all times by the applicable Federal-State supervisor, egg products supervisor, Regional Director, and National Supervisor.

§ 59.24 Egg products plants requiring continuous inspection.

No plant in which egg products processing operations are conducted shall process egg products without continous inspection under these regulations, except as expressly exempted in § 59.100.

§ 59.26 Egg products entering or prepared in official plants.

Eggs and egg products processed in an official plant shall be inspected, processed, marked, and labeled as required by these regulations. Egg products entering an official plant shall have been inspected, processed, marked, and labeled as required by these regulations.

§ 59.28 Other inspections.

(a) Periodic inspections shall be made of:

(1) Business premises, facilities, inventories, operations, and records of egg handlers, and the records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products. In the case of shell egg packers packing eggs for the ultimate consumers (i.e., packed for direct use of household consumer, restaurant, institution, etc.), such inspections shall be made each calendar quarter.

(2) Exempted plants to determine that such plants are operating pursuant to these regulations.

(b) Inspections shall be made of imported eggs and egg products as required in this part.

RELATION TO OTHER AUTHORITIES

§ 59.30 At official plants.

(a) Requirements within the scope of the Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this part may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of § 59.200, if consistent therewith, with respect to any such plant.

(b) Labeling, packaging, or ingredient requirements in addition to or different than those made under this part, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act may not be imposed by any State or local jurisdiction with respect to egg products processed at any official plant in accordance with the requirements under this part and such Acts.

§ 59.35 **Eggs and egg products outside official plants.**

(a) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction (1) may require the use of standards of quality, condition, grade, or weight classes which are in addition to or different than the official standards or (2) other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin. This shall not preclude a State from requiring the name, address, and license number of the person processing or packaging eggs to be shown on each container.

(b) Any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of the official plant and are in violation of this part or any of said Federal Acts or any State or local law consistent therewith.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

§ 59.40 **Continuous inspection not provided.**

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations in this part to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and these regulations.

§ 59.45 **Prohibition on eggs and egg products not intended for use as human food.**

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by these regulations.

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes.

EXEMPTIONS

§ 59.100 **Specific exemptions.**

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a) (1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section the exemptions do not apply to restricted eggs when prohibited by State or local law, and as to paragraph (c) of this section the sale of eggs to consumers at an established place of business away from the site of production: *And provided further*, That the conditions for exemption and provisions of these regulations are met:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards for U.S. Consumer Grade B shell eggs;

(b) Subject to the approval of the Administrator as provided in §§ 59.600–59.670, the processing of egg products without continuous inspection at any plant where the facilities, sanitation, and operating procedures are the same as are required in this part for official plants and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs, and the egg products processed at such plant;

(c) The sale by any poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees and the transportation, possession, and use of such eggs;

(d) The sale of eggs by any producer with an annual egg production from a flock of 3,000 hens or less and the record requirements of § 59.200;

(e) The processing and sale of egg products by any poultry producer from eggs of his own flock's production when sold directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees;

(f) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs;

(g) The processing in nonofficial plants, including but not limited to bakeries, restaurants, and other food processors, without continuous inspection, of certain categories of food products which contain eggs or egg products as an ingredient, and the sale and possession of such products: *Provided*, That such products are manufactured from inspected egg products processed in accordance with this part or from eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs;

(h) The purchase, sale, possession, or transportation of shell eggs containing more restricted eggs than allowed in the tolerances for U.S. Consumer Grade B shell eggs: *Provided*, That such eggs are handled in accordance with §§ 59.200 and 59.700 through 59.860 to assure that only eggs fit for human food are used for such purpose. This exemption applies to the following:

(1) Egg producers, assemblers, wholesalers, and grading operations;

(2) Hatcheries;

(3) Transporters;

(4) Laboratories, pharmaceutical companies; and

(5) Processors of products not intended for use as human food.

(i) For such period of time during the initiation of operations under the Act, but not later than July 1, 1973, that it is impracticable to provide inspection, the processing without continuous inspection of egg products at any plant which, under § 59.148 has not been provided inspection service, and the egg products processed at such plants. Egg products produced at such plants shall be identified in a manner approved by the Administrator, including the name and address of the packer or distributor and production lot number. Otherwise, the product and processing shall meet the other requirements of these regulations.

§ 59.105 **Suspension or termination of exemptions.**

(a) The Administrator may immediately suspend or terminate any exemption under § 59.100 (b) or (i) at any time with respect to any person, if the conditions of exemption prescribed by this section are not being met. The Administrator may modify or revoke any regulation of this part, granting exemption whenever he determines such action appropriate to effectuate the purposes of the Act.

(b) Failure to comply with the condition of the exemptions contained in § 59.100 shall subject such person to the penalties provided for in the Act and in this part.

PERFORMANCE OF SERVICE

§ 59.110 **Licensed inspectors.**

(a) Any person who is a Federal or State employee, or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may by licensed by the Secretary as an inspector.

(b) Licenses issued by the Secretary are to be countersigned by the Administrator or by any other designated official of the Service.

(c) No person may be licensed to inspect any product in which he is financially interested.

§ 59.112 **Suspension of license or authority; revocation.**

Pending final action by the Secretary, any person authorized to countersign a license to perform inspection services may, whenever he deems such action necessary to assure that any inspection service is properly performed, suspend any license to perform inspection services issued pursuant to this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by the licensee, he may file an appeal in writing, with the Secretary, supported by any argument or evidence that he

may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked or suspended.

§ 59.114 Surrender of license.

Upon termination of his services as an inspector or whenever his license has been suspended or revoked, the licensee shall surrender his license and other items of identification furnished by the Department immediately to the inspection service.

§ 59.116 Activities of inspectors.

Inspectors at official plants shall confine their activities to those duties necessary in the rendering of inspection service and such closely related activities as may be approved by the Administrator.

§ 59.118 Identification.

Inspector shall have in their possession at all times while on duty, and present upon request, the means of identification furnished by the Department to such persons.

§ 59.119 Political activity.

Inspectors are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, except as authorized by law or regulation of the Department, is prohibited. This applies to all appointees, including but not being limited to temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section or § 59.120 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 59.120 Financial interest of inspectors.

No inspector shall inspect any product in which he is financially interested.

§ 59.122 Time of inspection.

The inspector who is to perform the inspection in an official plant shall be informed by management, in advance, of the hours when such inspection will be required.

§ 59.124 Schedule of operation of official plants.

Operating schedules of an official plant shall be subject to approval of the Administrator, and for the purpose of the regulations the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, within the period of Monday through Saturday, for each full shift required. Clock hours of daily operations need not be specified in a schedule, although as a condition of continuance of approval of a schedule, the hours of operation must be reasonably uniform from day to day.

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of $8.80 to cover the cost thereof.

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Service therefor at an hourly rate of $8.80 to cover the cost thereof. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code. Information on authorized Government holidays may be obtained from the supervisor.

§ 59.130 Basis of billing plants.

Overtime and/or holiday services shall be billed to the official plant on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector providing such service to the plant, except that when an official plant requires the services of an inspector after he has completed his day's assignment and left the plant or when he is called back to duty on a day outside the established normal operating schedule or on a holiday, the official plant shall pay for a minimum of 2 hours service at the applicable establishd rate. Extra travel expense incurred while rendering overtime or holiday service shall be billed to the official plant. Bills are payable upon receipt and become delinquent 30 days from date of billing. Overtime or holiday inspection service will not be performed at any plant that is delinquent, and processing operations shall be confined to the regular operating schedule of the plant.

§ 59.132 Access to plants.

Access shall not be refused, at any reasonable time, to any representative of the Secretary to any plant or place of business subject to inspection under the provisions of this part upon presentation of proper credentials.

§ 59.134 Accessibility of product.

Each product for which inspection service is required shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 59.136 Facilities to be furnished by official plants for use of inspectors in performing service.

(a) Such facilities shall include but not be limited to a sanitary room or area for sampling product, an approved candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a eleven sixteenths inch or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, metal stem thermometers, test thermometers, a stop watch, test weighing scales, and a satisfactory test kit for determining the the bactericidal strength of sanitizing solutions.

(b) Furnished office space and equipment, including but not being limited to a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies, and facilities suitable for inspectors to change clothing.

APPLICATION FOR SERVICE

§ 59.140 How application shall be made.

The proprietor or operator of each plant processing egg products, unless exempted by § 59.100, shall make application to the Administrator for inspection service. The application shall be made in writing on forms furnished by the inspection service. In cases of change of name or ownership or change of location, a new application shall be made.

§ 59.142 Filing of application.

An application for inspection service shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.144 Authority of applicant.

Proof of authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 59.146 Application for continuous inspection in official plants; approval.

Any person desiring to process egg products under continuous inspection service must receive approval of such plant and facilities as an official plant prior to the installation of such service. An application for continuous inspection service to be installed in an official plant shall be approved according to the following procedure:

(a) Initial survey: When an application for continuous inspection in a plant has been filed, a supervisory egg products inspector will make a survey and inspection of the premises and plant to determine if the facilities and methods of operation therein are suitable and adequate for service in accordance with:

(1) these regulations, and

(2) such other administrative instructions as may be issued from time to time by the service and which are in

effect at the time of the aforesaid survey and inspection.

(b) Drawings and specifications to be furnished:

(1) Applicants may obtain information or assistance as to the requirements before submitting prints of drawings, specifications, and supplemental information from the inspection service.

(2) Three copies of each print drawing as specified in this section of the complete floor plan, plot plan, supplemental information, and specifications shall be submitted. Sheet size of the print shall not exceed 34 by 44 inches, the wording shall be legible, all lines sharp and clear, and properly drawn to scale. Each print shall show the scale used, north point of the compass, and the firm name, street, city, State, and zip code or an accurate description of the location.

(3) Plot plan of entire premises shall include location of all buildings, railroads, roadways, alleys, wells, reservoirs, drains, catch basins, nearby buildings adjoining property, drainage and slope of terrain, character and surfacing of roadways, driveways, and vehicular loading areas. The plot plan may be drawn to a scale of one-thirty-second inch per foot.

(4) Floor plan prints shall include all space on each floor of the official plant, accurately illustrating and describing the facilities. Detailed drawings of processing area shall be drawn to a scale of one-fourth inch per foot. Prints showing only nonprocessing areas may be drawn to a scale of one-eighth inch per foot.

(5) Floor plans shall show the location of such features as walls, partitions, posts, doorways, windows, floor drains and channel drains, air systems, ventilation fans, principal pieces of equipment, storage tanks, hose connections for cleaning purposes, hand-washing facilities, lockers, and toilets. The prints shall show slope of floors to drains.

(6) The official plant shall include all processing rooms and other rooms used in the official plant, including but not being limited to the breaking room, equipment washing and sanitizing rooms, shell egg washing rooms, packaging rooms, shell egg and egg products storage rooms (including coolers, freezers, hot rooms), drying rooms, toilet and dressing rooms, storerooms for supplies, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the building comprising the official plant. Except in public warehouses, all rooms, compartments, etc., of the building not to be considered as part of the official plant shall not have direct access into any part of the official plant.

(7) Supplemental information may be shown as notations on the drawings or on supplemental sheets. Supplemental information shall include clarifying information such as sequence of processing edible products, handling of inedible product, shell disposal, handling of packaging material, liquid pumping systems, cleaned-in-place systems, description of pasteurizer, description of drier, type and efficiency of air filtration, hot water facilities, sewage disposal, and such other notations as may be required.

(8) Specification sheets shall include height of ceilings and type construction, type of floors and wall construction, wall and partition material, and number of employees who will use each toilet room and facilities.

(c) Upon approval of the prints of drawing, supplemental information, and specifications, the application for service may be approved.

(d) Changes and revisions of official plant: When changes are planned in official plant construction, facilities, and equipment covered by previously approved prints, revised prints shall be submitted for review and approval prior to making the changes by: A completely revised sheet(s) showing proposed alterations and additions or any overlay print drawn to same scale as print to be modified or revised. A final survey of the completed alterations and additions shall be made by the supervisory egg products inspector to determine if the changes are in accordance with approved drawings and the regulations.

(e) Final survey and plant approval: Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the supervisory egg products inspector to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and these regulations. The plant may be approved only when these requirements have been met.

§ 59.148 Order of service.

Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made. The Service shall not be liable in damages accruing through acts of commission or omission in the administration of this part.

INAUGURATION OF SERVICE

§ 59.150 Official plant numbers.

An official plant number shall be assigned to each plant granted inspection service. Such plant number shall be used to identify all containers of inspected products prepared in the plant which are capable of use as human food. A plant shall not have more than one plant number.

§ 59.155 Inauguration of service.

Prior to the inauguration of service, the proprietor or operator of the plant shall be knowledgeable of the requirements of these regulations. If the plant at the time service is inaugurated contains any product which has not been inspected and marked in compliance with the regulations, the product shall be segregated, its identity and inventories shall be maintained, and it shall not be represented or dealt with as a product which has been inspected.

DENIAL OF SERVICE

§ 59.160 Refusal, suspension, or withdrawal of service.

(a) The Administrator (for such period, or indefinitely, as he deems necessary to effectuate the purposes of the Act) may refuse to provide or may withdraw inspection service under this part with respect to any plant if he determines after opportunity for a hearing (following the procedures of Title 7, Part 50 of the Code of Federal Regulations) is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under the Act or this part, because the applicant or recipient or anyone responsibly connected with such person has been convicted in any Federal or State court, within the previous 10 years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

(b) For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 percentum or more of its voting stock, or employee in a managerial or executive capacity.

(c) The determination and order of the Administrator with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of such order in the U.S. Court of Appeals for the circuit in which such applicant or recipient has its principal place of business or in the U.S. Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section. This section shall not affect in any way other provisions of the Act or these regulations for refusal of inspection services.

(d) (1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b)(2) and (3) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water

Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Secretary of the Interior to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request).

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such plant on that date.

(e) Inspection may also be suspended or revoked as provided in section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq. and Public Law 91-224).

(f) Suspension of plant approval and withdrawal of service:

(1) Any plant approval given pursuant to these regulations may be suspended by the Administrator for (i) failure to maintain premises, facilities, and equipment in a satisfactory state of repair; (ii) the use of operating procedures or practices which are not in accordance with the regulations; (iii) the alterations of buildings, facilities, or equipment which have not been approved in accordance with the regulations; or (iv) assaulting, intimidating, impeding, obstructing, or interfering with any person engaged in or on account of the performance of his official duties.

(2) During such period of suspension, no processing of egg products for commerce shall be carried on in the official plant. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the official plant. Upon withdrawal of inspection service in an official plant, the plant approval for processing egg products shall also become terminated.

RECORDS AND RELATED REQUIREMENTS FOR EGGS AND EGG PRODUCTS HANDLERS AND RELATED INDUSTRIES

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any egg or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall upon the request of an authorized representative of the Secretary permit him at reasonable times to have access to and to copy all such records.

(b) Records of amounts of production, bills of sale, inventories, class and quantities of product, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator will need to be maintained as applicable for all shell egg handlers and egg processing operations.

§ 59.220 Information and assistance to be furnished to inspectors.

When inspection service is performed at any plant, the plant operator shall furnish the inspector such information and assistance as may be required for the performance of inspection functions, preparing certificates, reports, and for other official duties.

ADMINISTRATIVE DETENTION

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or these regulations, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under these regulations, such articles may be detained by such representative for a period not to exceed 20 days, as more fully provided in section 19 of the Act. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, these regulations, or other laws.

APPEAL OF AN INSPECTION OR DECISION

§ 59.300 Who may request an appeal inspection or review of an inspector's decision.

Any appeal inspection may be requested by any interested party who is dissatisfied with the determination by an inspector of the class or condition of any product, and a review may be requested by the operator of an official plant with respect to an inspector's decision or on any other matter related to inspection in the official plant.

§ 59.310 Where to file an appeal.

(a) *Appeal from resident inspector's inspection or decision in an official plant.* Any interested party who is not satisfied with the determination of the class or condition of product which was inspected by an inspector in an official plant and has not left such plant and the operator of any official plant who is not satisfied with a decision by an inspector on any other matter relating to inspection in such plant may request an appeal inspection or review of the decision by the inspector by filing such request with the inspector's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with the determination of the class, quantity, or condition of product which has left the official plant where it was inspected or which was inspected other than in an official plant may request an appeal inspection by filing such request with the Regional Director in the region where the product is located or with the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.320 How to file an appeal.

Any request for an appeal inspection or review of an inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product, or the decision which is questioned.

§ 59.340 Who shall perform the appeal.

(a) An appeal inspection or review of a decision requested under § 59.310(a) shall be made by the inspector's immediate supervisor or by a licensed inspector assigned by the immediate supervisor other than the inspector whose inspection or decision is being appealed.

(b) The assignment of the inspector(s) who will make the appeal inspection under § 59.310(b) shall be made by the Regional Director or the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.350 Procedures for selecting appeal samples.

(a) *Laboratory analyses.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. When the original sample containers cannot be located, the appeal sample shall consist of product taken at random from double the number of original sample containers.

(b) *Condition inspection.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. A condition appeal cannot be made unless all originally sampled containers are available.

§ 59.360 Appeal inspection certificates.

Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal inspector assigns a different class to the lot, the labeling shall be corrected.

§ 59.370 Cost of appeals.

(a) There shall be no cost to the appellant when the appeal inspection discloses a material error was made in the original determination.

(b) The costs of an appeal shall be borne by the appellant at an hourly rate

of $10.28, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

CERTIFICATES

§ 59.400 Form of certificates.

All certificates shall be issued on forms approved by the Administrator.

§ 59.402 Egg products inspection certificates.

(a) Upon request of the applicant or the Service, any inspector is authorized to issue an egg products inspection certificate with respect to any lot of egg products inspected by him. In addition, an inspector is authorized to issue an inspection certificate covering product inspected in whole or in part by another inspector when the inspector has knowledge that the product is eligible for certification based on personal examination of the product or official inspection records.

(b) Each egg products inspection certificate shall show the name and address of the processor, the class and quantity of the egg products covered by such certificate, such shipping marks as are necessary to identify such products, all pertinent information concerning the wholesomeness thereof, and such other information as the Administrator may prescribe or approve.

§ 59.404 Erasures or alterations made on official certificates.

Erasures or alterations shall be initialed by the issuing inspector on the original certificate and any copy thereof. All certificates made useless through clerical error or otherwise and all certificates canceled for whatever cause shall be voided and initialed and the original and all other copies shall be forwarded as prescribed by the Administrator.

§ 59.406 Disposition of official certificates.

The original and up to two copies of each official certificate shall be issued to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for inspection program records.

IDENTIFYING AND MARKING PRODUCT

§ 59.410 Egg products required to be labeled.

Containers of edible egg products, prior to leaving the official plant, shall bear the official identification as shown in Figure 2, 3, or 4 of § 59.412 or § 59.415, except that bulk transport shipments of liquid egg products shall be officially sealed. Bulk transport shipments of liquid egg products from one official plant to another shall be accompanied by an official certificate.

§ 59.411 Approval of official identification for use in official egg products plants.

(a) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised or two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs," "Frozen whole chicken and turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the product shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(d) If the Administrator has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing, but the use of the label shall, if the Administrator so directs, be withheld pending hearing and final determination by the Administrator. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial. A written application for a hearing with respect to the denial may be filed by said person with the Administrator within 10 days after notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying approval of the label. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Administrator shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 59.412 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected.

(b) The inspection mark which is to be used on containers of edible egg products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

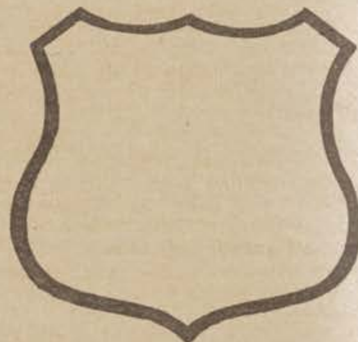

FIGURE 1.

FIGURE 2.

§ 59.414 Products bearing the official inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products and may contain other edible ingredients. The official mark shall be printed or lithographed and applied as a part of the principal display panel of the container but shall not be applied to a detachable cover.

§ 59.415 Use of other official identification.

Other official identification as shown in this section shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. The plant number may be omitted from the identification if applied elsewhere on the label or container. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 59.412, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consuming channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment.

(a) All nonpasteurized egg products, except as provided in paragraph (b) of this section, shipped from an official plant in packaged form shall be marked with the identification set forth in Figure 3 of this section. After pasteurization or treatment, the product may bear the official inspection mark as shown in § 59.412.

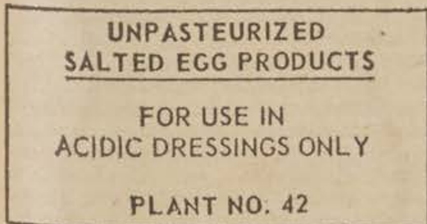

FIGURE 3.

(b) All nonpasteurized egg products, containing 10 percent or more added salt, shipped from an official plant in packaged form to an acidic dressing manufacturer shall be marked with the identification set forth in Figure 4 of this section.

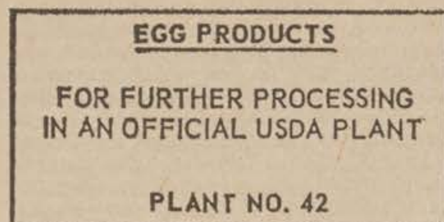

FIGURE 4.

§ 59.417 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear any official identification approved for use pursuant to § 59.411 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification and may subject such violator to the penalties and denial of the benefits of the Act;

(b) The use of simulations or imitations of any official identification by any person is prohibited;

(c) Once a year each applicant shall submit to the Administrator a list of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product;

(d) Upon termination of inspection service in an official plant pursuant to these regulations, all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed or the official identification completely obliterated, or inventoried and sealed in a manner acceptable to the Service.

§ 59.418 Supervision of marking and packaging.

(a) *Evidence of label approval.* No inspector shall authorize the use of official identification on any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 59.411.

(b) *Affixing of official identification.* No official identification shall be, or caused to be affixed to or placed on any product or container except by an inspector or under the supervision of an inspector or other person authorized by the Administrator. All such products shall have been inspected in accordance with these regulations. The inspector shall have supervision over the use and handling of all material bearing any official identification.

(c) *Labels for products sold under Government contract.* The inspector in the official plant may approve use of labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications have been approved by the Administrator and include complete specific requirements with respect to labeling, and are made available to the inspector.

§ 59.419 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector and the container is in compliance with § 59.504(k).

INSPECTION, REINSPECTION, CONDEMNATION, AND RETENTION

§ 59.420 Inspection.

(a) Continuous inspection shall be made, pursuant to these regulations, of the processing of egg products in each official plant processing egg products for commerce unless exempted under § 59.100. Inspections, certifications, or specification-type gradings, and other inspections which may be requested by the official plant and are in addition to the normal inspection requirements and functions for the processing, production, or certification of a wholesome egg product under this part, shall be made pursuant to the voluntary egg products inspection service (Part 55 of this chapter).

(b) Any food manufacturing establishment or institution which uses any eggs that do not meet the requirements of § 59.100(a) in the preparation of any articles for human food shall be deemed to be a plant processing egg products requiring continuous inspection under this part.

(c) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems necessary in order to ascertain if the product is unadulterated, wholesome, properly labeled, and fit for human food at the time it leaves the plant. Upon any such inspection, if any product or portion thereof is found to be adulterated, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as provided in § 59.422.

§ 59.422 Condemnation.

Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided,* That articles which may by reprocessing be

made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal is requested, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection. The appeal shall be at the cost of the appellant if the Administrator determines that the appeal is frivolous, as defined in § 59.370.

§ 59.424 Reinspection.

(a) No egg product may be brought into an official plant except as provided in § 59.430(b) unless it has been prepared and handled in accordance with these regulations, and the container of such product is marked so as to identify the article as so inspected in accordance with this part.

(b) All egg products shall be reinspected by an inspector at the time they are brought into the official plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as provided in § 59.422, and shall, in the case of other products be disposed of according to applicable law.

§ 59.426 Retention.

Retention tags or other devices and methods as may be approved by the Administrator shall be used for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of the regulations. No product, equipment, utensil, room, or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

ENTRY OF MATERIAL INTO OFFICIAL EGG PRODUCTS PLANTS

§ 59.430 Limitation on entry of material.

(a) The Administrator shall limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles will be consistent with the purposes of the Act and these regulations.

(b) Noninspected egg products processed prior to July 1, 1971, may not be brought into an official plant for processing, repackaging, or labeling, except that such products may be brought into an official plant for processing into products which are properly denatured and labeled in a manner that will clearly indicate they are not for human consumption. The processing of such inedible product in the official plant may be accomplished: *Provided*, That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. This processing must take place in separate areas or at times when no edible product is being processed and in such instances all equipment and processing areas must be thoroughly cleaned following the processing of inedible egg products. All processing equipment shall be thoroughly cleaned and sanitized prior to processing any edible product. Such inedible products or other noninspected packaged products may be brought into an official plant for storage and reshipment: *Provided*, That they are handled in such a way that adequate segregation and inventory controls are maintained at all times.

§ 59.435 Wholesomeness and approval of materials.

(a) Substances and ingredients used in the manufacture or preparation of any egg product capable of use as human food shall be clean, wholesome, and unadulterated.

(b) The use of chemical additives in egg products shall be permitted only when they are approved by the Administrator. The Administrator may require, in addition to listing the ingredients, a declaration of the additive, and the purpose of its use.

(c) Chemical additives to be used in the preparation of egg products will be approved only if they comply with the following criteria:

(1) The additive shall be safe under the conditions of its intended use.

(2) The additive shall not promote deception or cause the product to be otherwise adulterated or unwholesome. Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this paragraph (c) shall be submitted by the person interested in having the additive approved.

(d) Containers and packing or packaging materials in which shell eggs are received into the official plant shall be free from odors and materials which could contaminate or adulterate the eggs or egg products.

§ 59.440 Processing ova.

(a) Ova from slaughtered poultry may be brought into the official plant for processing: *Provided*, That the ova is from wholesome poultry inspected in a plant operating under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and such product is harvested in a sanitary manner, properly handled, cooled, packaged and labeled: *And provided further*, That such product is wholesome and the containers of such product bear official identification which assures the provisions of this paragraph have been met.

(b) The ova and products containing ova shall be processed, cooled, and pasteurized in the official plant in the same manner as liquid, frozen, or dried yolk products.

(c) The labeling for all products containing ova shall be approved by the Administrator prior to use.

SANITARY, PROCESSING, AND FACILITY REQUIREMENTS

§ 59.500 Plant requirements.

(a) The plant shall be free from objectionable odors, dust, and smoke-laden air.

(b) The premises shall be free from refuse, rubbish, waste, and other materials and conditions which constitute a source of odors or a harbor for insects, rodents, and other vermin.

(c) The buildings shall be of sound construction and kept in good repair to prevent the entrance or harboring of vermin.

(d) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(e) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. Doors and windows serving rooms where edible product is exposed shall be so designed and installed to prevent the entrance of dust and dirt. Doors leading into rooms where edible product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

(f) Doors and other openings which are accessible to rodents shall be of rodent-proof construction.

(g) There shall be an efficient drainage and plumbing system for the plant and premises. Drains and gutters shall be properly installed with approved traps and vents. The sewage system shall have adequate slope and capacity to readily remove waste from the various processing operations. Floor drains shall be equipped with traps, and constructed so as to minimize clogging. In new or remodeled construction the drainage systems from toilets and laboratories shall not be connected with other drainage systems within the plant.

(h) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant or portion thereof utilized for egg processing and handling operations and protected against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(i) The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(j) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be so designed, constructed, and maintained to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained in a clean and sanitary condition.

(k) Every precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects from the plant, or portion thereof

utilize in which shell eggs or egg products are handled or stored.

(l) (1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(m) Lavatory accommodations (including, but not being limited to, hot and cold running water, single service towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant to assure cleanliness of each person handling any shell eggs or egg products. The hand washing facilities in the processing areas shall be operated by other than hand operated controls and the drains shall be trapped and connected to the plumbing system.

(n) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant.

§ 59.502 Equipment and utensils.

(a) Equipment and utensils used in processing shell eggs and egg products shall be of such design, material, and construction as will:

(1) Enable the examination, segregation, and processing of such products in an efficient, clean, and satisfactory manner;

(2) Permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable, all such equipment shall be made of metal or other impervious material which will not affect the product by chemical action or physical contact.

(b) Except as authorized by the Administrator, in new or remodeled equipment and equipment installations, the equipment installations and the equipment shall comply with the applicable E-3-A Sanitary Standards and Accepted Practices in effect for such equipment.

§ 59.504 General operating procedures.

(a) Operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable. Pasteurization, heat treatment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator. Processing methods and temperatures in all operations shall be such as will prevent a deterioration of the egg products.

(b) Shell eggs and egg products processed in official plants shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with these regulations or is not fit for human food shall be removed and segregated.

(c) All loss and inedible eggs or egg products shall be placed in a clearly identified container containing an approved denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Notwithstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

(d) The inspector may, prior to receipt of laboratory results for salmonella, or for other reasons such as labeling as to solids content, permit egg products to be shipped from the official plant when he has no reason to suspect noncompliance with any of the provisions of this part. However, such shipments shall be made under circumstances which will assure the return of the product to the plant for reprocessing, relabeling, or under such other conditions as the Administrator may determine to assure compliance with this part.

(e) Pasteurizing, stabilizing, or drying operations shall start as soon as practicable after breaking to prevent deterioration of product, preferably within 72 hours from time of breaking for egg products other than whites which are to be desugared.

(f) Each person who is to handle any exposed or unpacked egg products or any utensils or container which may come into contact with egg product, shall wash his hands and maintain them in a clean condition.

(g) No product or material which creates an objectionable condition shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored or handled.

(h) Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the eggs or egg products and which have been approved by the Administrator may be used in an official plant. The use of such compounds shall be in a manner satisfactory to the administrator.

(i) Utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately and shall not be used again until cleaned and sanitized.

(j) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

(k) Packages or containers for egg products shall be of sanitary design and clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging edible egg products. Fiber containers used without liners require the approval of the Administrator.

(l) Egg products shall be inspected to determine the wholesomeness of the finished product.

(m) Egg products shall be processed in such a manner as to insure the immediate removal of blood and meat spots, shell particles, and foreign materials.

(n) Utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be clean and sanitized at the start of processing operations. Equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) Egg products prior to being released into consuming channels shall be pasteurized in accordance with § 59.570 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 59.575.

(1) To assure adequate pasteurization, egg products shall be sampled and tested for the presence of salmonella. Sampling for the presence of salmonella shall be in accordance with § 59.580 and product found to be salmonella positive shall be reprocessed, pasteurized, and analyzed for the presence of salmonella, or denatured.

(2) Nonpasteurized or salmonella positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized, or heat treated in another official plant. Shipments of products from one official plant to another for pasteurization, repasteurization, or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is salmonella positive. If nonpasteurized or salmonella positive products are to be stored in other than the official plant facilities, the inspector at the consignee's and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized, or heat treated. The containers of such nonpasteurized or salmonella positive product shall be marked with the identification mark shown in Figure 3 of § 59.415.

(3) Notwithstanding the provision of paragraph (o)(2) of this section, nonpasteurized salted egg products containing 10 percent or more salt added may be shipped from an official plant directly to

a manufacturer of acidic dressings only under the following provisions:

(i) Before such shipment is made, the manufacturer of the acidic dressing shall apply in writing and receive permission from the Administrator to receive and use unpasteurized egg products. The applicant shall sign a written statement containing the specification for the treatment of the nonpasteurized egg product in a manner that will insure that viable salmonella microorganisms are destroyed, and such processing treatment shall be approved by the Administrator prior to use.

(ii) Product shall be shipped under seal from the official plant, accompanied by an official USDA certificate stating that the product is nonpasteurized and for use in acidic dressings only.

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate. "The volume of nonpasteurized egg product stated on this certificate was received at ______________________," the blank being filled in with the name and address of the receiving company and the date. The certificate shall be returned to the USDA inspector at the origin plant.

(iv) The acidic dressing manufacturer shall maintain processing records indicating the use of each shipment of unpasteurized salted product and the code lots of acidic dressing into which it was processed. Records of the pH and the acidity expressed as percent acetic acid of each code lot shall be maintained. The records shall also demonstrate that the acidic dressing was held 72 hours prior to shipment. These records shall be maintained for 2 years and shall be available for inspection by a representative of the Department.

(v) Each container of salted egg product shipped from the official plant shall be labeled as required in § 59.411, and shall bear the words "Caution—this egg product has not been pasteurized or otherwise treated to destroy viable salmonella microorganisms," and shall bear the official identification shown in figure 4 of § 59.415.

(p) Air which is to come in contact with product or with product contact surfaces shall come from approved filtered outside air sources.

§ 59.506 Candling and transfer-room facilities and equipment.

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(b) The construction of the floor shall allow thorough cleaning. The floors shall be of water-resistant composition and provided with proper drainage.

(c) Ventilation shall be provided by means of an approved forced air exhaust system for the room and any egg washing equipment. The room temperature shall be maintained at suitable working temperatures during operations.

(d) Candling devices of an approved type shall be provided to enable candlers to detect loss, inedible, dirty, or checked eggs, and eggs other than chicken eggs.

(e) Leaker trays shall be made of a material and of such design that is conducive to easy cleaning and sanitizing.

(f) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

(h) Shell egg conveyors shall be constructed so that they can be thoroughly cleaned.

§ 59.508 Candling and transfer-room operations.

(a) Candling and transfer rooms and equipment shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Containers for trash and inedible eggs shall be removed from the candling rooms as often as necessary but at least once daily; and shall be cleaned and treated in such a manner as will prevent off odors or objectionable conditions in the plant.

(c) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(d) Shell eggs with extensively damaged shells, unless prohibited under § 59.510(d), shall be placed into leaker trays and shall be broken promptly.

§ 59.510 Classifications of shell eggs used in the processing of egg products.

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in paragraph (d) of this section.

(2) Dirty.

(3) Leakers as described in paragraph (c)(2) of this section.

(4) Eggs from other than chicken; duck, turkey, guinea, and goose eggs.

(5) Other eggs—satisfactory for use as breaking stock.

(b) Shell eggs having strong odors or eggs received in cases having strong odors shall be candled and broken separately to determine their acceptability.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membranes are not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membranes missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 59.504(c). Inedible and loss eggs for the purpose of this section and § 59.522 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, any eggs that are adulterated as such term is defined pursuant to this part, and any other filthy and decomposed eggs including the following:

(1) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(2) Any egg with a portion of the shell and shell membranes missing and with egg meat adhering to or in conduct with the outside of the shell.

(3) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membranes.

(4) Liquid egg recovered from shell egg containers and leaker trays.

(5) Open leakers made in the washing operation.

(6) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator reject eggs shall not be brought into the official plant.

§ 59.515 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be maintained at 90° F. or higher and shall be at least 20° F. warmer than the temperature of the eggs to be washed.

(2) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(3) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(4) Wash water shall be completely changed at least every 4 hours and at the end of each shift, or more frequently, if necessary. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Chlorine sanitizing rinse water may be used as part of the replacement water.

(6) Wash water from the washing operation shall go directly to drains.

(7) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.pm. nor more than 200 p.p.m. of available chlorine or its equivalent.

(8) Immersion-type washers shall not be used.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product from free moisture on the shell.

§ 59.520 **Breaking room facilities.**

(a) The breaking room shall have at least 30-foot candles of light on all working surfaces except that light intensity shall be at least 50 foot-candles at breaking and inspection stations. Lights shall be protected with adequate safety devices.

(b) The surface of the ceiling and walls shall be smooth and made of a water-resistant material.

(c) The floor shall be of water-proof composition, reasonably free from cracks or rough surfaces, sloped for adequate drainage, and the intersections with walls and curbing shall be impervious to water.

(d) Ventilation shall provide for:

(1) A positive flow of outside filtered air through the room;

(2) Air of suitable working temperature during operations.

(e) There shall be provided adequate hand washing facilities which are easily accessible to all breaking personnel, an adequate supply of warm water, clean towels or other facilities for drying hands, odorless soap, and containers for used towels. Hand washing facilities shall be operated by other than hand operated controls.

(f) Containers for packaging egg products are not acceptable as liquid egg buckets.

(g) A suitable container conspicuously identified shall be provided for the disposal of rejected liquid.

(h) Strainers, filters, or centrifugal clarifiers of approved construction shall be provided for the effective removal of shell particles and foreign material, unless specific approval is obtained from the National Supervisor for other mechanical devices.

(i) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closing packaging systems.

§ 59.522 **Breaking room operations.**

(a) The breaking room shall be kept in a dust-free clean condition and free from flies, insects, and rodents. The floor shall be kept clean and reasonably dry during breaking operations and free of egg meat and shells.

(b) All breaking room personnel shall wash their hands thoroughly with odorless soap and water each time they enter the breaking room and prior to receiving clean equipment after breaking an inedible egg.

(c) Paper towels or tissues shall be used at breaking tables, and shall not be reused. Cloth towels are not permitted.

(d) Breakers shall use a complete set of clean equipment when starting work and after lunch periods. All table equipment shall be rotated with clean equipment every 2½ hours.

(e) Cups shall not be filled to overflowing.

(f) Each shell egg shall be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be reexamined by a person qualified to perform such functions before being emptied into the tank or churn, except as otherwise approved by the National Supervisor.

(g) Shell particles, meat and blood spots, and other foreign material accidentally falling into the cups or trays shall be removed with a spoon or other approved instrument.

(h) Whenever an inedible egg is broken, the affected breaking equipment shall be cleaned and sanitized.

(i) Inedible and loss eggs as defined in §59.510 apply to this section.

(j) The contents of any cup or other liquid egg receptacle containing one or more inedible or loss eggs shall be rejected.

(k) Contents of drip trays shall be emptied into a cup and smelled carefully before pouring into liquid egg bucket. Drip trays shall be emptied at least once for each 15 dozen eggs or every 15 minutes.

(l) Edible leakers as defined in § 59.510(c)(2) and checks which are liable to be smashed in the breaking operation shall be broken at a separate station by specially trained personnel.

(m) Ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

(n) Liquid egg containers shall not pass through the candling room.

(o) Test kits shall be used to determine the strength of bactericidal solution. (See §§ 59.515(a)(7) and 59.552.)

(p) Leaker trays shall be washed and sanitized whenever they become soiled and at the end of each shift.

(q) Shell egg containers whenever dirty shall be cleaned and drained; and shall be cleaned, sanitized, and drained at the end of each shift.

(r) Belt-type shell egg conveyors shall be cleaned and sanitized approximately every 4 hours in addition to continuous cleaning during operation. When not in use, belts shall be raised to permit air drying.

(s) Cups, knives, racks, separators, trays, spoons, liquid egg pails, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(t) Utensils and dismantled equipment shall be drained and air dried on approved self-draining metal racks and shall not be nested.

(u) Dump tanks, drawoff tanks, and churns shall be cleaned approximately every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable cleaned-inplace methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be santized prior to placing in use.

(v) Strainers, clarifiers, filtering and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operation.

(w) Breaking room processing equipment shall not be stored on the floor.

(x) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized, and drained immediately prior to filling. The foregoing sequence shall not be required if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling.

(y) Liquid egg holding vats and containers (including tank trucks) used for transporting liquid eggs shall be cleaned after each use. Such equipment shall be clean and sanitized immediately prior to placing in use.

(z) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(aa) Mechanical egg breaking machines shall be operated at a rate to maintain complete control and accurately inspect and segregate each egg to insure the removal of all loss and inedible eggs. The machine shall be operated in a sanitary manner.

(1) When an inedible egg is encountered on mechanical egg breaking equipment, the inedible egg and contaminated liquid shall be removed. The machine shall be cleaned and sanitized, or contaminated parts replaced with clean ones in the manner prescribed by the Administrator for the type of inedible egg encountered and the kind of egg breaking machine.

(2) Systems for pumping egg liquid directly from egg breaking machines shall be of approved sanitary design and construction, and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pumping system shall be cleaned approximately every 4 hours. All egg liquid pumped directly from egg breaking machines shall be reexamined, except as otherwise prescribed and approved by the Administrator.

(3) Mechanical egg breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

§ 59.530 **Liquid egg cooling.**

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean and free from objectionable odors and condensation. Surface coolers and liquid holding vats containing product shall be kept covered while in use. Liquid cooling units shall

be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.

(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) The cooling and temperature requirements for liquid egg products shall be as specified in Table I of this section.

(d) Upon written request and under such conditions as may be prescribed by the National Supervisor, liquid cooling and holding temperatures not otherwise provided for in this section may be approved.

(e) Agitators shall be operated in such a manner as will minimize foaming.

(f) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State board of health. Such liquid shall be dried. All ice shall be handled in a sanitary manner.

TABLE I.—MINIMUM COOLING AND TEMPERATURE REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Unpasteurized product temperature within 2 hours from time of breaking			Temperature within 2 hours after pastuerization	Temperature within 3 hours after stabilization
	Liquid (other than salt product) to be held 8 hours or less	Liquid (other than salt product) to be held in excess of 8 hours	Liquid salt product		
Whites (not to be stabilized).	55° F. or lower	45° F. or lower		45° F. or lower	
Whites (to be stabilized).	70° F. or lower	55° F. or lower		55° F. or lower	[1]
All other product (except product with 10 percent or more salt added).	45° F. or lower	40° F. or lower		If to be held 8 hours or less 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.
Liquid egg product with 10 percent or more salt added.			If to be held 30 hours or less, 65° F. or lower. If to be held in excess of 30 hours, 45° F. or lower.	65° F. or lower [2]	

[1] Stabilized liquid whites shall be dried as soon as possible after removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

[2] The cooling process shall be continued to assure that any salt product to be held in excess of 24 hours is cooled and maintained at 45° F. or lower.

§ 59.532 Liquid egg holding.

(a) Tanks, vats, drums, or other containers used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

(c) Inlets to holding tanks or vats shall be such as to prevent excessive foaming.

(d) Gaskets, if used, shall be of a sanitary type.

§ 59.534 Freezing facilities.

(a) Freezing rooms, either on or off the premises, shall be capable of freezing all liquid egg products in accordance with the freezing requirements as set forth in § 59.536. Use of off-premise freezing facilities is permitted only when prior approval in writing from the National Supervisor is on file.

(b) Adequate air circulation shall be provided in all freezing rooms.

§ 59.536 Freezing operations.

(a) Freezing rooms shall be kept clean and free from objectionable odors.

(b) Requirements:

(1) Nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) Pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the products not solidly frozen shall be taken at the center of the container to determine compliance with this section.

(c) Containers shall be stacked so as to permit circulation of air around the containers.

(d) The outside of liquid egg containers shall be clean and free from evidence of liquid egg.

(e) Frozen egg products shall be examined by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and any official identification mark which appears on any container thereof shall be removed or completely obliterated and the containers identified as required in §§ 59.840 and 59.860.

§ 59.538 Defrosting facilities.

(a) Approved metal defrosting tanks or vats constructed so as to permit ready and thorough cleaning shall be provided.

(b) Frozen egg crushers, when used, shall be of approved metal construction. The crushers shall permit ready and thorough cleaning and the bearings and housing shall be fabricated in such a manner as to prevent contamination of the egg products.

(c) Service tables shall be of approved metal construction without open seams and the surfaces shall be smooth to allow thorough cleaning.

§ 59.539 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

(b) Each container of frozen eggs shall be checked for condition and odor just prior to being emptied into the crusher or receiving tank. Frozen eggs which have objectionable odors and are unfit for human food (e.g., sour, musty, fermented, or decomposed odors) shall be denatured.

(c) Frozen whites to be used in the production of dried albumen may be defrosted at room temperature. All other whites shall be defrosted in accordance with paragraph (d) of this section.

(d) Frozen whole eggs, whites and yolks, and yolks may be tempered or partially defrosted for not to exceed 48 hours at a room temperature no higher than 40° F. or not to exceed 24 hours at a room temperature above 40° F.: *Provided*, That no portion of the defrosted liquid shall exceed 50° F. while in or out of the container.

(1) Frozen eggs packed in metal containers may be placed in running cold tap water without submersion to speed defrosting.

(2) The defrosted liquid shall be held at 40° F. or less, except for product to be pasteurized or stabilized by glucose removal as provided in § 59.530. Defrosted liquid shall not be held more than 16 hours prior to processing or drying.

(e) Sanitary methods shall be used in handling containers and removing egg product.

(f) Crushers and other equipment used in defrosting operations shall be dismantled at the end of each shift and shall be washed, rinsed, and sanitized.

(1) Where crushers are used intermittently, they shall be flushed after each use and again before being placed in use.

(2) Floors and work tables shall be kept clean.

§ 59.540 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

(b) Driers shall be of approved construction and materials, with welded seams, and the surfaces shall be smooth to allow for thorough cleaning.

(c) Driers shall be equipped with approved air intake filters.

(d) Air shall be drawn into the drier from sources free from foul odors, dust, and dirt.

(e) Indirect heat or the use of an approved premixing device or other approved devices for securing complete combustion in direct-fired units is required. A premix-type burner, if used,

shall be equipped with approved air filters at blower intake.

(f) High-pressure pump heads and lines shall be of stainless steel construction or equivalent which will allow for thorough cleaning.

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

(h) Powder conveying equipment shall be constructed as will facilitate thorough cleaning.

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction. Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 59.542 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high- and low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable inplace cleaning methods or dismantled and cleaned after use or as necessary when operations have been interrupted.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

(c) Drying units, conveyors, sifters, and packaging systems shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of powder when such equipment is not to be used for a period of 24 hours or longer.

(2) Collector bags shall be cleaned as often as needed to maintain them in an acceptable clean condition.

(d) Powder shall be sifted and the screen shall be replaced whenever torn or worn.

(e) Accumulations of large particles or lumps of dried eggs shall be removed from the sifter screens continuously.

(f) All openings into the drier around ports, augers, high-pressure lines, etc., shall be closed to the extent possible during the drying operation to prevent entrance of nonfiltered air.

(g) Openings into the drying unit shall be closed when the drier is not in use, except when the drying unit has been completely emptied of powder and wet washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports, augers, etc.

§ 59.544 Spray process powder; definitions and requirements.

(a) Definition of product:

(1) "Primary powder" is that powder which is continuously removed from the primary or main drying chamber while the drying unit is in operation.

(2) "Secondary powder" is that powder which is continuously and automatically removed from the secondary chamber and/or bag collector chamber while the drying unit is in operation.

(3) "Sweep-down powder" is that powder which is recovered in the brush-down process from the primary or secondary chamber and conveyors.

(4) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 59.548 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with such procedures as may be prescribed by the Administrator.

(e) Edible dried egg powder obtained from the sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall be reconstituted, repasteurized, and redried.

(f) Approximately the first and last 175 pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

§ 59.546 Albumen flake process drying facilities.

(a) Drying facilities shall be constructed in such a manner as will allow thorough cleaning and be equipped with approved intake filters.

(b) The intake air source shall be free from foul odors, dust, and dirt.

(c) Premix-type burners, if used, shall be equipped with approved air filters at blower intake.

(d) Fermentation tanks, drying pans, trays or belts, scrapers, curing racks, and equipment used for pulverizing pan dried albumen shall be constructed of approved materials in such a manner as will permit thorough cleaning.

(e) Sifting screens shall be constructed of approved materials in such a manner as will permit thorough cleaning and be in accordance with the specification for the type of albumen produced.

§ 59.547 Albumen flake process drying operations.

(a) The fermentation, drying, and curing rooms shall be kept in a dust-free clean condition and free of flies, insects, and rodents.

(b) Drying units, racks, and trucks shall be kept in a clean and sanitary condition.

(c) Drying pans, trays, belts, scrapers, or curing racks, if used, shall be kept in a clean condition.

(d) Oils and waxes used in oiling drying pans or trays shall be of edible quality.

(e) Equipment used for pulverizing or sifting dried albumen shall be kept in a clean condition.

§ 59.548 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) General: Processing rooms shall be maintained in a clean condition and free of flies, insects, and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, or other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces where water or dirt could accumulate.

(2) The intersections of the walls and floors shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Metal storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging of spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of approved outside filtered air.

(2) Blending and packaging equipment and accessories which come into contact with the dried product shall be of an approved construction without open seams and of materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechanically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

§ 59.549 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

§ 59.550 Washing and sanitizing room or area facilities.

(a) This room or area shall be well lighted, and of sufficient size to permit operators to properly wash and sanitize all equipment at the rate required by the size of the operation. Adequate exhaust shall be provided to assure the prompt removal of odors and vapors and the air flow shall be away from the breaking room. If the washing and sanitizing is not done in a separate room, it shall be in an area well segregated from the breaking areas and be well ventilated with air movement directed away from the breaking operations so that odors and vapors do not permeate the breaking areas.

(b) Ceiling and walls shall have a surface of tile, enamel paint, or other water-resistant material.

(c) Floors shall be adequately sloped for proper drainage, be free from cracks or rough surfaces where water and dirt could accumulate and the intersections with walls shall be impervious to water.

§ 59.552 Cleaning and sanitizing requirements.

(a) *Cleaning.* (1) Equipment used in egg processing operations which comes in contact with liquid eggs or exposed edible products shall be cleaned to eliminate organic matter and inorganic residues. This may be accomplished by any sanitary means but it is preferable (unless high pressure cleaning is used) to flush soiled equipment with clean cool water, dismantle it when possible, wash by brushing with warm water containing a detergent and followed by rinsing with water. It is essential to have the equipment surfaces thoroughly clean if effective sanitizing is to be attained.

(2) Equipment shall be cleaned with such frequency as is specified elsewhere under the sanitary requirements for the particular kind of operation and type of equipment involved.

(3) C.I.P. (cleaned-in-place) shall be considered to be acceptable only if the methods and procedures used accomplish cleaning equivalent to that obtained by thorough manual washing and sanitizing of dismantled equipment. The Administrator shall determine the acceptability of C.I.P. cleaning procedures and may require bacteriological tests and periodic dismantling of equipment as a basis for such determination.

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval by the Administrator prior to use.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solution containing a maximum strength of 200 p.p.m. of available chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

(2) Shell eggs which have been sanitized and equipment which comes in contact with edible products shall be rinsed with clean water after sanitizing if other than hypochlorites are used as sanitizing agents unless otherwise approved by the Administrator.

§ 59.560 Health and hygiene of personnel.

(a) Personnel facilities, including toilets, lavatories, lockers, and dressing rooms shall be adequate and meet State and local requirements for food processing plants.

(b) Toilets and dressing rooms shall be kept clean and adequately ventilated to eliminate odors and kept adequately supplied with soap, towels, and tissues. Toilet rooms shall be ventilated to the outside of the building.

(c) No person affected with any communicable disease in a transmissible stage or a carrier of such disease, or with boils, sores, infected wounds, or wearing cloth bandages on hands shall be permitted to come in contact with eggs in any form or with equipment used to process such eggs.

(d) Workers coming into contact with liquid or dried eggs, containers, or equipment shall wear clean outer uniforms.

(e) Plant personnel handling exposed edible product shall wash their hands before beginning work, and upon returning to work after leaving the work room.

(f) Expectorating, or other unsanitary practices, shall not be permitted.

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

(h) Hair nets or caps shall be properly worn by all persons in breaking and packaging rooms.

§ 59.570 Pasteurization of liquid eggs.

(a) Pasteurization facilities: The facilities for pasteurization of egg products shall be adequate and of approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve, thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid egg product shall be continuously and automatically recorded during the process.

(b) Pasteurizing operations: Every particle of all products must be rapidly heated to the required temperature and held at that temperature for the required minimum holding time as set forth in this section. The temperatures and holding times listed in Table I of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time. Pasteurization procedures shall assure complete pasteurization, and holding, packaging, facilities and operations shall be such as to prevent contamination of the product.

TABLE I.—PASTEURIZATION REQUIREMENTS [1]

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements
	°F.	*Minutes*
Albumen (without use of chemicals)	134	3.5
	132	6.2
Whole egg	140	3.5
Whole egg blends (less than 2 percent added nonegg ingredients)	142	3.5
	140	6.2
Fortified whole egg and blends (24–38 percent egg solids, 2–12 percent added nonegg ingredients)	144	3.5
	142	6.2
Salt whole egg (with 2 percent or more salt added)	146	3.5
	144	6.2
Sugar whole egg (2–12 percent sugar added)	142	3.5
	140	6.2
Plain yolk	142	3.5
	140	6.2
Sugar yolk (2 percent or more sugar added)	146	3.5
	144	6.2
Salt yolk (2–12 percent salt added)	146	3.5
	144	6.2

[1] Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the Administrator when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a salmonella negative product.

§ 59.575 Heat treatment of dried whites.

Heat treatment of dried whites is an approved method for pasteurization and the product shall be heated throughout for such times and at such temperatures as will result in salmonella negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment of spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held continuously at such temperature not less than 7 days and until it is salmonella negative.

(2) Pan dried albumen shall be heated throughout to a temperature of not less than 125° F. and held continuously at

such temperature not less than 5 days and until it is salmonella negative.

(3) Methods of heat treatment of spray dried or pan dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the Administrator upon receipt of satisfactory evidence that such methods will result in salmonella negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of salmonella as required in § 59.580.

(d) Records shall be maintained for 1 year of the following:

(1) Types of product;

(2) Lot number;

(3) Heat treatment room temperatures;

(4) Product temperatures;

(5) Length of time product is held in heat treatment room;

(6) Results of all laboratory analyses made for the presence of salmonellae.

(e) Dried whites processed and tested in accordance with all of the applicable requirements specified in this section may be labeled "Pasteurized."

LABORATORY

§ 59.580 **Laboratory tests and analyses.**

The official plant, at their expense, shall make tests and analyses to determine compliance with the Act and the regulations.

(a) Samples shall be drawn from liquid, frozen or dried egg products and analyzed for compliance with the standards of identity (if any) and with the product label.

(b) To assure adequate pasteurization, pasteurized egg products and heat treated dried egg whites shall be sampled and analyzed for the presence of salmonella in accordance with such sequence, frequency, and approved laboratory methods as prescribed by the Administrator. The samples of pasteurized egg products and heat treated dried egg whites shall be drawn from the final packaged form.

(c) Results of the analyses and tests shall be made available to the inspector.

(d) USDA will draw confirmation samples and submit them to a USDA laboratory at USDA's expense to determine the adequacy of the plant's tests and analyses.

EXEMPTED EGG PRODUCTS PLANTS

§ 59.600 **Application for exemption.**

An application for exemption from the continuous inspection requirements must be made in writing on forms approved by the Administrator and filed with the inspection service.

§ 59.610 **Criteria for exemption.**

Any plant processing egg products may qualify for exemption where:

(a) The facility, operating procedures and practices, and sanitation meet the standards required for official egg products plants as are contained in §§ 59.500–59.580, and such exempted plants shall thereafter be subject to other provisions applicable to officials plants which shall include maintaining records such as pasteurization temperatures and holding times, laboratory records, egg products testing procedures, and making all such records available for review.

(b) The eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs.

§ 59.620 **Authority of applicant.**

Proof of authority of any person applying for exemption from continuous inspection may be required by the Administrator.

§ 59.630 **Filing of application.**

An application for exemption shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the inspection service.

§ 59.640 **Application for exemption; approval.**

Any person desiring to process egg products pursuant to the exemption provision of the Act and these regulations must receive approval of such plant, facilities, and operating procedures as an exempted plant. An application for exemption shall be according to the following:

(a) *Initial survey*. When an application for exemption of a plant has been filed, a Supervisory Egg Products Inspector will make a survey and inspection of the premises and plant to determine if the facilities, methods of operation, and eggs received or used therein are suitable and adequate in accordance with:

(1) Section 59.610; and

(2) Such other administrative instructions as may be issued, from time to time, by the Service and which are in effect at the time of the aforesaid survey and inspection.

(b) *Final survey and exemption approval*. Upon notification by the applicant for exemption that all the criteria for exemption required in § 59.610 are in effect and an initial survey has been performed, the applicant shall:

(1) Submit drawings and specifications in accordance with the same requirements as official plants as specified in § 59.146(b);

(2) Submit labels for approval as specified in § 59.680;

(3) Request a final survey be made by Supervisory Egg Products Inspector to determine if the plant is constructed and the facilities are installed in accordance with the approved drawings and these regulations.

(c) The plant will be approved for exemption only when all the requirements of this section have been met.

§ 59.650 **Exempted plant registration number.**

Each plant processing egg products which receives the Administrator's approval for exemption shall be assigned an "Exempted Registration Number" at the time the exemption approval is provided.

§ 59.660 **Inspection of exempted plants.**

Duly authorized representatives of the Administrator shall make such periodic inspections of exempted plants and records thereof as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to exempted plants have been violated. Such representatives shall be afforded access, at any reasonable time, to any plant or place of business subject to inspection under the provisions of the Act.

§ 59.670 **Termination of exemption.**

The Administrator may suspend or terminate any exemption if the criteria for exemption required in § 59.610 are not being met. In addition, if any violation has been committed, the applicable penalties provided in this part may be enforced as provided in the Act.

§ 59.680 **Approval of labeling for egg products processed in exempted egg products processing plants.**

(a) The labels for egg products which are capable for use as human food shall be submitted to the Administrator for approval. The submission and approval shall be the same as for official plants as required in § 59.411 except the labels or containers shall not bear official identification.

(b) The label or container shall legibly and conspicuously bear the statement: "Exempted—E.P.I.A. Registration No. ------." The registration number shall be that assigned to the exempted plant as provided in § 59.650.

REGISTRATION OF SHELL EGG HANDLERS

§ 59.690 **Persons required to register.**

Shell egg handlers, except for producers-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., households, restaurants, institutions, food manufacturers, etc.) are required to furnish their name and place of business on forms provided by the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form.

INSPECTION AND DISPOSITION OF RESTRICTED EGGS

§ 59.700 **Prohibition on disposition of restricted eggs.**

(a) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation in any business in commerce any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(b) No egg handler shall possess any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(c) No egg handler shall use any restricted eggs in the preparation of human food, except as provided in §§ 59.100 and 59.720.

§ 59.720 **Disposition of restricted eggs.**

(a) Eggs classified as checks, dirty eggs, incubator rejects, inedibles, leakers, or loss shall be disposed of by one

of the following methods at point of segregation:

(1) By destruction in a manner approved by the Administrator,

(2) By denaturing as described in § 59.504(c) and labeling as required in §§ 59.840 and 59.860, and

(3) By satisfactory identification as specified in §§ 59.800 and 59.860. Restricted eggs may be shipped directly or indirectly for use as other than human food. Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing. Inedibles, loss, and incubator rejects shall not be intermingled in the same containers with checks or dirties.

(b) Eggs which are packed for consumer use (e.g., households, restaurants, institutions, food manufacturers, etc.) and which have been found to exceed the tolerance for restricted eggs permitted in the official standards for U.S. Consumer Grade B, shall be identified as required in §§ 59.800 and 59.860 and shall be shipped directly or indirectly:

(1) To an official egg products plant for proper segregation and processing; or

(2) Be regarded so that they comply with the official standards; or

(3) For use as other than human food.

(c) Records shall be maintained as provided in § 59.200 to assure proper disposition.

§ 59.760 Inspection of egg handlers.

Duly authorized representatives of the Administrator shall make such periodic inspections of egg handlers and their records as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to such egg handlers have been violated. Such representatives shall be afforded access, at any reasonable time, to any place of business or plant subject to inspection under the provisions of the Act.

Identification of Restricted Eggs or Egg Products Not Intended for Human Consumption

§ 59.800 Identification of restricted eggs.

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—for Processing Only in an Official USDA Egg Products Processing Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used as Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the letters of the identification wording shall be as required in § 59.860 of this part.

§ 59.840 Identification of inedible, unwholesome, or adulterated egg products.

All inedible, unwholesome, or adulterated egg products shall be identified with the name and address of the processor, the words "Inedible Egg Products—Not To Be Used as Human Food."

§ 59.860 Size of identification wording.

The letters of the identification wording shall be legible, conspicuous and at least one-half inch in height.

Imports

§ 59.900 Requirements for importation of egg products or restricted eggs into the United States.

(a) Egg products and restricted eggs may be imported into the United States from any foreign country only in accordance with these regulations. The term "United States" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia. The importation of any egg or egg product in violation of the regulations of this part is prohibited.

(b) All such imported articles shall upon entry into the United States be deemed and treated as domestic articles and be subject to the other provisions of the Act, these regulations, and other Federal or State requirements.

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.

(a) No containers of restricted eggs other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin of the exporter, and the quality of the eggs (e.g., checks, or dirties) preceded by the word "Imported" or the statement "Imported Restricted Eggs—For Processing Only in an Official USDA Plant," or "Restricted Eggs—Not To Be Used as Human Food." Such identification shall be legible, conspicuous, in letters at least one-half inch in height.

(b) Eggs which are imported for use as human food and upon entry are found to contain more restricted eggs than permitted in the official standards for U.S. Consumer Grade B, shall be refused entry and returned to the importing country or be conspicuously and legibly identified as "Imported Restricted Eggs" and be sent directly under official seal: (1) To a place where they may be regraded to comply with the official U.S. standards for consumer grades; (2) to an official USDA egg products processing plant; or (3) to be used as other than human food.

§ 59.910 Eligibility of foreign countries for importation of egg products into the United States.

(a) Whenever it is determined by the Administrator that the system of egg products inspection maintained by any foreign country is such that the egg products produced in such country are processed, labeled, and packaged in accordance with, and otherwise comply with, the standards of the Act and these regulations including, but not limited to the same sanitary, processing, facility requirements, and continuous Government inspection as required in §§ 59.500 through 59.580 applicable to inspected articles produced within the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter, egg products from the countries so listed shall be eligible, subject to the provisions of this part and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in these regulations. Egg products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 59.960. In determining if the inspection system of a foreign country is the equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

(b) It has been determined that each of the following foreign countries maintain an egg products inspection system that is the equivalent of the system maintained by the United States: * * *

§ 59.915 Foreign inspection certificate required.

(a) *Egg products.* Except as provided in § 59.960, each consignment of egg products, as defined in this part, shall be accompanied by a foreign egg products inspection certificate, which, unless otherwise approved by the Administrator, contains the following information:

(1) Country exporting product;

(2) City and date where issued;

(3) Kind of product, number of containers, and weight;

(4) Production date(s) of product;

(5) Identification marks on containers;

(6) Name and address of exporter;

(7) Name, address, and plant number of processing plant;

(8) Name and address of importer;

(9) A certification that the egg products were produced under the approved regulations, requirements, and continuous Government inspection of the exporting country and;

(10) Name (including signature) and official title of person authorized to issue

inspection certificates for egg products exported to the United States.

(b) *Shell eggs*. Except as otherwise provided in § 59.960, each consignment of shell eggs shall be accompanied by a foreign inspection certificate, which, unless otherwise approved by the Administrator contains the following information:

(1) Country exporting product;
(2) City and date where issued;
(3) Quality or description of eggs;
(4) Number of cases and total quantity;
(5) Identification marks on containers;
(6) Name and address of exporter;
(7) Name and address of importer;
(8) A certification that the quality or description of the shell eggs is true and accurate and;
(9) Name (including signature) and title of person authorized to issue inspection certificates for shell eggs exported to the United States.

§ 59.920 Importer to make application for inspection of imported eggs and egg products.

Each person importing any eggs or egg products shall make application for inspection upon C&MS Form PY-222—Import Request, Eggs and Egg Products, to the Chief, Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Poultry Division, Grading Branch office at the port where the product is to be offered for importation. Application shall be made as long as possible prior to the arrival of each consignment of product, except in the case of product exempted from inspection by § 59.960. Each application shall state the approximate date of product arrival in the United States, the name of the ship or other carrier, the country from which the product was shipped, the destination, the quantity and class of product, whether fresh, frozen, or dried, and the point of first arrival in the United States.

§ 59.925 Inspection of imported eggs and egg products.

(a) Except as provided in § 59.960, eggs and egg products offered for importation from any foreign country shall be subject to inspection in accordance with established inspection procedures, including the examination of the labeling information on the containers, by an inspector before the product shall be admitted into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots), the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors may take samples, without cost to the United States, of any product offered for importation which is subject to analysis or quality determination, except that samples shall not be taken of any products offered for importation under § 59.960, unless there is reason for suspecting the presence therein of a substance in violation of that section.

§ 59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

(a) No eggs or egg products required by this part to be inspected shall be released from customs custody prior to required inspections, but such product may be delivered to the consignee, or his agent, prior to inspection if the consignee shall furnish a bond, in the form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through customs.

(b) Notwithstanding paragraph (a) of this section, no product required by this part to be inspected shall be moved prior to inspection from the port of arrival where first unloaded, and if arriving by water from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this part as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this part.

(c) Means of conveyance or packages in which any product is moved in accordance with this part, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the U.S. Department of Agriculture or otherwise identified as provided herein, unless already sealed with customs or consular seals in accordance with the customs regulations. Such special seals shall be affixed by an inspector or, if there is no inspector at such port, by a customs officer. In lieu of sealing packages, the carrier or importer may furnish and attach to each package of product a warning notice on bright yellow paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

(Name of Truck Line or Carrier)

NOTICE

This package of ------------ must be delivered intact to an inspector of the Poultry Division, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "Approved for Import Under E.P.I.A." and this warning notice defaced.

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department, except customs officers or inspectors or as provided in paragraph (f) of this section.

(e) No product shall be removed from any means of conveyance or package sealed with a special import seal of the U.S. Department of Agriculture, except under the supervision of an inspector or a customs officer, or as provided in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the special import seal of the U.S. Department of Agriculture on a car, truck, or other means of conveyance may be broken by the carrier and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Chief of the Grading Branch.

(g) The consignee or his agent shall provide such facilities and assistance as the inspector may require for the inspection and handling and marking of products offered for importation.

§ 59.935 Means of conveyance and equipment used in handling eggs and egg products to be maintained in sanitary condition.

Compartments of boats, railroad cars, and other means of conveyance transporting any product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling such product offered for importation, shall be maintained in a sanitary condition.

§ 59.940 Marking of egg products offered for importation.

Egg products which upon inspection are found to be acceptable for importation into the United States shall be marked "Approved for Import Under E.P.I.A." Products which are inspected and rejected shall be marked "U.S. Refused Entry." Such marks shall be applied to the shipping containers.

§ 59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to eggs or egg products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with these regulations. Unless such products are exported by the consignee within a time specified by the collector of customs (usually 30 days), the consignee shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector of customs.

(b) Consignees shall, at their own expense, return immediately to the collector of customs, in means of conveyance or packages sealed with the special import seal of the U.S. Department of Agriculture, any eggs or egg products received by them under this part which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this part.

(c) Except as provided in § 59.930(a), no person shall remove or cause to be removed from any place designated as the place of inspection, any eggs or egg products which the regulations require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this part.

§ 59.950 Labeling of containers of eggs or egg products for importation.

(a) Immediate containers of product offered for importation shall bear a label, printed in English, showing: (1) The name of product; (2) the name of the country of origin of the product, and for consumer packaged products, preceded by the words "Product of," which statement shall appear immediately under the name of the product; (3) the quality or description of shell eggs; (4) for egg products, the word "Ingredients" followed by a list of the ingredients in order of descending proportions; (5) the name and place of business of manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product; (6) an accurate statement of the quantity; (7) for egg products, the inspection mark of the country of origin, and (8) the plant number of the plant at which the egg product was processed and/or packed.

(b) The labels shall not be false or misleading in any respect.

§ 59.955 Labeling of shipping containers of eggs or egg products for importation.

(a) Shipping containers of foreign product which are shipped to the United States shall bear in a prominent and legible manner the true name of the product, the name of the country of origin, the plant number of the plant in which the egg product was processed and/or packed, and for egg products, the inspection mark of the country of origin, the quality or description for shell eggs, except as required in § 59.905 of this part. Labeling on shipping containers examined at the time of inspection in the United States, if found to be false or misleading, shall be cause for the product to be refused entry.

(b) In the case of products which are not in compliance solely because of misbranding, such products may be brought into compliance with the regulations only under the supervision of an authorized representative of the Administrator.

§ 59.960 Small importations for consignee's personal use, display, or laboratory analysis.

Any eggs or egg products which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis, or not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations, may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part; *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution.

§ 59.965 Returned U.S. inspected and marked products; not importations.

Products which have been inspected by the United States Department of Agriculture and so marked, and which are returned from foreign countries are not importations within the meaning of this part. Such returned shipments shall be reported to the Administrator by letter.

§ 59.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

All charges for storage, cartage, and labor with respect to any product which is imported contrary to this part shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported under the Act by or for such owner or consignee.

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

The fees to be charged for overtime, holiday, or frivolous appeal inspections are calculated as nearly as possible to cover the costs of such services. The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Public rulemaking would not result in the Department receiving additional information on the fees or other changes. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary.

Issued at Washington, D.C., this 18th day of May 1971, with the provisions relating to egg products to become effective on July 1, 1971, and the provisions relating to shell eggs to become effective on July 1, 1972.

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

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