federal register

WEDNESDAY, MAY 5, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 87

Pages 8355–8426

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.

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FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 7—AGRICULTURE

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

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On April 7, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6592) regarding proposed expenses and the related rate of assessment for the period November 1, 1970, through October 31, 1971, and carryover of unexpended funds from the period November 1, 1969, through October 31, 1970, pursuant to the marketing agreement as amended, and Order No. 908, as amended (7 CFR Part 908; 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1970, through October 31, 1971, will amount to $256,500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.013 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds, in excess of expenses incurred during the fiscal year ended October 31, 1970, in the amount of $40,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1970, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: April 29, 1971.

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

[FR Doc.71–6282 Filed 5–4–71;8:49 am]

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

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Terminating Certain Provisions

This termination 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 Connecticut marketing area.

It is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1015.10, the reference "§ 1015.72";
2. Section 1015.24(c);
3. Section 1015.41(b);
4. In § 1015.64(b), the provision "Deduct the amount of the plus differentials applicable under § 1015.72 and";
5. In § 1015.70(a)(2), the provision "and 1015.72";
6. Section 1015.72;
7. In § 1015.81, the provision "and § 1015.72";
8. In § 1015.82, the provision "and § 1015.72".

STATEMENT OF CONSIDERATION

The aforesaid nearby differential provisions have been in partial suspension since March 10, 1967 (32 F.R. 4113), pending the outcome of litigation. Similar provisions under the Massachusetts-Rhode Island-New Hampshire order were held illegal by the U.S. Supreme Court in the case of Zuber v. Allen, 396 U.S. 168. The U.S. Circuit Court of Appeals for the Second Circuit on July 16, 1970, rendered its opinion in the case of Cranston et al. v. Hardin, Dockets Nos. 32793–32796 which reversed the judgment of the U.S. District Court for the Northern District of New York in the case of Cranston v. Freeman, 290 F. Supp. 785 (1968), and remanded the case to the District Court for such proceedings, including the proper distribution of funds held in escrow, payment of costs and related matters, and the entry of judgment in the District Court as may be appropriate in the light of the Zuber case.

On August 5, 1970, the District Court issued an order restraining the Secretary from terminating the nearby differential provisions, and on joint motions by the plaintiffs and defendant intervenors, the matter was referred back to the Circuit Court for clarification of its earlier order.

On April 13, 1971, the Circuit Court ruled that the motions for clarification were granted but only to the extent that the District Court was directed to order the Secretary to terminate the nearby differential provisions of Order 15 forthwith. On April 23, 1971, the District Court vacated its order restraining the Secretary from terminating such provisions. In view of this, these provisions can no longer be considered as effectuating the declared policy of the Act and therefore should be terminated.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and 30 days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that this termination is necessary to reflect current marketing conditions, to maintain orderly marketing, and to give prompt effect to the Court's order. This termination does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective with respect to all milk delivered on and after April 1, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated to be effective with respect to all milk delivered on and after April 1, 1971.

Signed at Washington, D.C., on April 29, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–6242 Filed 5–4–71;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Dry Edible Bean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program

WAREHOUSE RECEIPTS, CHARGES, AND PACKAGING

The regulations issued by the Commodity Credit Corporation (published in 35 F.R. 8537) and containing specific requirements of the 1970 and subsequent crops dry edible bean price support program are hereby amended as follows:

Sections 1421.125(c) and 1421.126(b) are amended to include polypropylene as an optional package eligible for price support. Subparagraph (3) is added to § 1421.126(b) to include specifications for polypropylene bags. The amended sections read as follows:

§ 1421.125 Warehouse receipts.

* * * * *

(c) *Entries.* Each warehouse receipt, or supplemental certificate properly identified with the warehouse receipt, must show (1) net weight, (2) class, (3) grade, (4) whether the beans will be packaged in jute, paper, or polypropylene bags on delivery, and (5) in the case of "identity preserved" beans, the warehouse receipt shall show the lot number, and must be accompanied by a supplemental certificate executed by the producer in which he assumes responsibility for any loss in the quantity and quality of beans shown thereon to the extent provided in the program regulations. When beans stored on a commingled basis have not been processed prior to issuance of the warehouse receipt, the warehouse receipt or the supplemental certificate must also show the gross weight, moisture, and percentage of total defects of the beans received and the quantity and quality which the warehouseman guarantees to deliver.

§ 1421.126 Warehouse charges and packaging.

* * * * *

(b) *Packaging.* The producer must arrange for the beans to be packaged 100 pounds net weight in new jute, multiwall paper or polypropylene bags prior to their delivery to CCC. Bags must be marked to show the commodity name and class, the net weight, and the name and address of the packer. The bags in which the beans are packed must meet the specifications of subparagraph (1), (2), or (3) of this paragraph:

* * * * *

(3) *Polypropylene bags.* (i) The fabric shall be light tan or beige in color, woven from 100 percent polypropylene having a minimum weight of 2.8 ounces per square yard, an average tensile strength of 105 pounds in both directions, an air permeability between 10 and 100 cubic feet per minute per square foot and treated on both sides to prevent slippage at under 30° on a slide angle test.

(ii) The fabric forming the bottom of the finished bag is to be tucked selvage or a natural selvage, with a minimum of 1 inch and a minimum of 20 warp ends. Alternatively, the bottom selvage may be heat cut and formed a minimum of 2 inches wide with a minimum of 20 warp threads per inch. The fabric forming the top of the finished bag may have either a tucked, natural, or heat cut selvage with a minimum of 2 inches and a minimum of 20 warp threads per inch.

(iii) Side seams shall be SSd–1 in accordance with Federal Standard No. 751. Bottom seams shall be SSa–1 in accordance with Federal Standard No. 751 if a tucked or natural selvage is used, and Sn–1 if a heat cut selvage is used. Top seams after filling shall be SSa–1 in accordance with Federal Standard No. 751.

Effective date: Upon publication in the FEDERAL REGISTER (5–5–71).

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71–6284 Filed 5–4–71;8:49 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. 71–552]

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, 123–26, 34b, 34f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(7) relating to the State of North Carolina, a new subdivision (viii) relating to Northampton County is added to read:

(7) *North Carolina.* * * *

(viii) That portion of Northampton County bounded by a line beginning at the junction of the east bank of the Roanoke River and the east bank of the Gumberry Swamp; thence, following the east bank of the Gumberry Swamp in a generally northerly direction to secondary Road 1126; thence, following Secondary Road 1126 in a northeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in a northeasterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a southeasterly direction to Secondary Road 1121; thence, following Secondary Road 1121 in a northeasterly direction to Secondary Road 1122; thence, following Secondary Road 1122 in a generally easterly direction to State Highway 305; thence, following State Highway 305 in a southeasterly direction to Secondary Road 1503; thence, following Secondary Road 1503 in a northeasterly direction to Secondary Road 1514; thence, following Secondary Road 1514 in a southeasterly direction to Secondary Road 1502; thence, following Secondary Road 1502 in a southwesterly direction to the east bank of the Bear Swamp; thence, following the east bank of the Bear Swamp in a southeasterly direction to the north bank of the Urahaw Swamp; thence, following the north bank of the Urahaw Swamp in a northeasterly direction to the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a generally southwesterly direction to the Roanoke River; thence, following the east bank of the Roanoke River in a generally northwesterly direction to its junction with the east bank of the Gumberry Swamp.

2. In § 76.2, paragraph (e)(3) relating to the State of Massachusetts is amended to read:

(3) *Massachusetts.* (i) That portion of Bristol County comprised of Seekonk and Rehoboth towns.

(ii) That portion of Worcester County comprised of Princeton, Sterling, and West Boylston towns.

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

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

The amendments quarantine a portion of Northampton County, N.C., and a portion of Worcester County, Mass., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their 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 amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1971.

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

[FR Doc.71-6239 Filed 5-4-71;8:45 am]

[Docket No. 71-551]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, paragraph (e) (3) relating to the State of Massachusetts is amended to read:

(3) *Massachusetts.* That portion of Bristol County comprised of Seekonk and Rehoboth towns.

2. In § 76.2, the reference to the State of New Hampshire in the introductory portion of paragraph (e) and paragraph (e) (5) relating to the State of New Hampshire are deleted.

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

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

The amendments exclude a portion of Bristol County, Mass., and a portion of Hillsboro County, N.H., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in New Hamsphire remain under the quarantine.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and they must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1971.

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

[FR Doc.71-6240 Filed 5-4-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-74]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sumter, S.C., transition area.

The Sumter transition area is described in § 71.181 (36 F.R. 2140). In the description, an extension is predicated on the 215° bearing from Shaw AFB RBN and has a designated width of 10 miles and length of 12.5 miles.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria requires that this extension be reduced to 7 miles in width and 11.5 miles in length. It is necessary to alter the transition area description to reflect this change. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

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

In § 71.181 (36 F.R. 2140), the Sumter, S.C., transition area is amended as follows: "* * * within 5 miles each side of the 215° bearing from Shaw AFB RBN, extending from the 8.5-mile radius area to 12.5 miles southwest of the RBN * * *" is deleted and "* * * within 3.5 miles each side of the ILS localizer southwest course, extending from the 8.5-mile radius area to 11.5 miles southwest of the OM * * *" is substituted therefor.

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

Issued in East Point, Ga., on April 27, 1971.

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

[FR Doc.71-6259 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-SO-76]

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

Alteration of Control Zone and Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Crestview, Fla., control zone and the Crestview, Cross City, Marianna, and Pahokee, Fla., transition areas.

The Crestview control zone is described in § 71.171 (36 F.R. 2055) and the Crestview, Cross City, Marianna, and Pahokee transition areas are described in § 71.181 (36 F.R. 2140). In the descriptions, extensions are designated to provide the required controlled airspace protection for IFR arriving aircraft.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to amend the Crestview control zone and the Crestview, Cross City, Marianna, and Pahokee transition area descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Crestview, Fla., control zone is amended to read:

CRESTVIEW, FLA.

Within a 5-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.); within 1.5 miles each side of Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5-mile east of the VORTAC.

In § 71.181 (36 F.R. 2140), the following transition areas are amended to read:

CRESTVIEW, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.).

CROSS CITY, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (lat. 29°37'45" N., long. 83°06'15" W.); within 5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

MARIANNA, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 127° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VOR.

PAHOKEE, FLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Beach County Glades Airport (lat. 26°47'15" N., long. 80°41'45" W.); within 5 miles each side of Pahokee VORTAC 342° radial, extending from the 5-mile radius area to 9.5 miles north of the VORTAC.

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

Issued in East Point, Ga., on April 27, 1971.

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

[FR Doc.71-6260 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-10]

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

Alteration of Transition Area

On page 3267 of the FEDERAL REGISTER for February 20, 1971, the Federal Aviation Administration published proposed regulations which would alter the Washington, Pa., transition area (35 F.R. 2281).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Washington, Pa., 700-foot floor transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of 40°08'15" N., 80°17'15" W. of Washington County Airport, Washington, Pa.

[FR Doc.71-6261 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-11]

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

Designation of Control Zone and Alteration of Transition Area

On page 3926 of the FEDERAL REGISTER for March 2, 1971, the Federal Aviation Administration published proposed regulations which would designate a Hot Springs, Va., control zone and alter the Hot Springs, Va., transition area (36 F.R. 2204).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Hot Springs, Va., control zone as follows:

HOT SPRINGS, VA.

Within a 6-mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective from 0800 to 1800 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hot Springs, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va.

[FR Doc.71-6262 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-12]

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

Alteration of Transition Area

On page 3926 of the FEDERAL REGISTER for March 2, 1971, the Federal Aviation Administration published proposed regulations which would alter the Wrightstown, N.J., transition area (36 F.R. 2297).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J. 700-foot floor transition area as follows:

In the description of the Wrightstown, N.J. 700-foot floor transition area, delete, "within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N.J.; within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR.", and insert thereof, "within a 7-mile radius of 39°55'41" N., 74°17'30" W. of Robert J. Miller Air Park, Toms River, N.J.; within 1.5 miles each side of the Coyle, N.J. VOR TAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC."

[FR Doc.71-6263 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-14]

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

Designation of Transition Area

On page 4788 of the FEDERAL REGISTER for March 12, 1971, the Federal Aviation Administration published proposed regulations which would designate a Wauseon, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wauseon, Ohio, 700-foot floor transition area described as follows:

WAUSEON, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 41°36'37" N., 84°07'33" W. of Fulton County Airport, Wauseon, Ohio, and within 3 miles each side of the 088° bearing from the Fulton RBN 41°36'33" N., 84°07'58" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN, excluding the portion within the Toledo, Ohio, transition area.

[FR Doc.71-6264 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-15]

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

Designation of Transition Area

On page 3927 of the FEDERAL REGISTER for March 2, 1971, the Federal Aviation Administration published proposed regulations which would designate a Hammonton, N.J., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Hammonton, N.J., 700-foot-floor transition area as follows:

HAMMONTON, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of 39°40'30" N., 74°44'30" W. of Hammonton Municipal Airport, Hammonton, N.J.; within 2 miles each side of the Millville, N.J., VORTAC 051° radial extending from the 5.5-mile-radius area to 7.5 miles northeast of the VORTAC.

[FR Doc.71-6265 Filed 5-4-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-117]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Barley From France

In the FEDERAL REGISTER of July 24, 1970 (35 F.R. 11928), the Acting Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of France on the exportation from France of barley constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of barley from France are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that barley imported directly or indirectly from France, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined or estimated to range between $0.079 and $0.326 per bushel of barley during the period from April 1970 to date. In view of fluctuations in the amount of the bounty or grant, declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of barley from France will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawals from warehouse for consumption of such dutiable barley imported directly or indirectly from France which benefits from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable barley imported directly or indirectly from France which benefits from such bounties or grants and is subject to this order shall be suspended pending declarations of the net amount of the bounties or grants paid. A deposit of the estimated countervailing duty, in the amount of $0.326 per bushel of barley, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such barley.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for France the word "Barley" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: April 30, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6308 Filed 5-4-71;8:52 am]

[T.D. 71-118]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Molasses From France

In the FEDERAL REGISTER of July 24, 1970 (35 F.R. 11928), the Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of France on the exportation from France of molasses constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of molasses from France are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that molasses imported directly or indirectly from France, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined or estimated to have varied between authorized maximums of $0.75 and $1.80 per 100 kilograms of molasses during the period 1968-70. In view of fluctuations in the amount of the bounty or grant, declarations of the net amounts of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of molasses from France will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable molasses imported directly or indirectly from France which benefits from such bounties or grants,

there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable molasses imported directly or indirectly from France which benefits from such bounties or grants and is subject to the order shall be suspended pending declarations of the new amounts of the bounties or grants paid. A deposit of the estimated countervailing duty, in the amount of $1.80 per 100 kilograms of molasses, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such molasses.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for France the word "Molasses" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: April 30, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6309 Filed 5-4-71;8:52 am]

Title 20—EMPLOYEES' BENEFITS

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

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart P—Rights and Benefits Based on Disability

CFR CORRECTION

In § 404.1505 appearing on page 315 of Title 20, Part 400 to End, Revised as of January 1, 1971, the first sentence of paragraph (b) is corrected to read as follows:

§ 404.1505 **Determining medical equivalence.**

* * * * *

(b) Any decision made under § 404.1502, § 404.1504, or § 404.1539 as to whether an individual's impairment or impairments are medically the equivalent of an impairment listed in the appendix to this Subpart P, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Secretary, relative to the question of medical equivalence. * * *

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD PRONE AREAS

List of Flood Hazard Areas; Correction

In the amendment to the List of Flood Hazard Areas, 24 CFR 1915.3, published at 36 F.R. 7854, April 27, 1971, an incorrect effective date was listed for the 13 locations in the States of Arizona, California, Missouri, New Jersey, and Wisconsin. The effective date for those 13 locations is corrected to read April 27, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 30, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6306 Filed 5-4-71;8:51 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications

APRIL 28, 1971.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations on Indian Affairs is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and section 6 of the Act of September 21, 1968 (82 Stat. 861).

Part 41, Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the revision of § 41.3(k). The revision of § 41.3(k) is made to correct an administrative oversight in not notifying descendants of Wisconsin and Kansas Munsee Indians of their eligibility to participate in the distribution of a judgment awarded the Delaware Nation as the result of Indian Claims Commission Docket 337. The disposition of the Docket 337 award is authorized by the Act of September 21, 1968 (82 Stat. 861).

Since this revision imposes a deadline on the filing of enrollment applications, advance notice, and public procedure thereon would be contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (Supp. V, 1965–69).

Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (Supp. V, 1965–69). Accordingly, the amendment will become effective upon the date of publication in the FEDERAL REGISTER (5–5–71).

Section 41.3(k) is amended by adding a new subparagraph designated (4) to establish a new deadline for the filing of applications only by descendants of Munsee Indians. As amended, § 41.3(k) reads as follows:

§ 41.3 **Qualifications for enrollment and the deadline for filing applications.**

* * * * *

(k) Delaware Nation of Indians:

* * * * *

(4) Applications for enrollment as descendants of Kansas and Wisconsin Munsees must be filed with the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Okla. 74401, and must be postmarked no later than June 4, 1971.

* * * * *

ERNEST STEVENS,
Acting Associate Commissioner.

[FR Doc.71-6234 Filed 5-4-71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[20th Gen. Rev. of the Export Regs. (Amdt. 20)]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 370, 371, 372, 373, 374, 376, and 379 of the Code of Federal Regulations are amended as set forth below.

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

Effective date: May 1, 1971.

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

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

1. In § 370.6, paragraph (a) is amended to read as follows:

§ 370.6 Shipments entering foreign trade zones.

* * * * *

(a) *Country group restrictions*—(1) *Country Group W, X, Y, or Z.* Shipments to Country Group W, X, Y, or Z (see Supplement No. 1 to this Part 370 for list of countries in each Country Group) require a validated license if a shipment of similar commodities or technical data of U.S. origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

(2) *Country Group Q.* Shipments to Country Group Q require a validated license (i) if the shipment consists of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), or (ii) if the shipment consists of technical data of a type that may not be exported from the customs territory of the United States to the named destination under the provisions of a general license.

* * * * *

2. Section 370.9 is amended as follows:

§ 370.9 Shipments which transit Country Group Y or Z en route to any other destination.

The export from the United States of commodities or technical data to be unladen from a vessel or aircraft in Country Group Y or Z, or to move in transit through Country Group Y or Z en route to Canada or a destination in Country Group Q, S, T, V, W, or X, is hereby prohibited unless a validated license specifically authorizes the transshipment or intransit shipment, or both, except:

* * * * *

3. In § 370.11(a), subparagraph (4) is amended to read as follows:

§ 370.11 Information to exporters.

* * * * *

(a) *Considerations that may occasion lengthy examination.* * * *

(4) Because of the strategic nature of certain commodities and technical data, the United States and other Free World governments have agreed to control their exports to destinations in Country Groups Q, W, Y, and Z. In certain instances, it is necessary to consult with these other Free World governments before action on an application can be taken.

* * * * *

4. Supplement No. 1 to Part 370 is amended as follows:

Supplement No. 1—Country Groups

For export control purposes foreign countries are separated into eight country groups designated by the symbols "Q," "S," "T," "V," "W," "X" "Y," and "Z." Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name throughout the Export Control Regulations.

COUNTRY GROUP Q

Romania.

COUNTRY GROUP S

* * * * *

COUNTRY GROUP T

* * * * *

COUNTRY GROUP V

* * * * *

COUNTRY GROUP W

Poland.

COUNTRY GROUP X

* * * * *

COUNTRY GROUP Y

* * * * *

COUNTRY GROUP Z

* * * * *

PART 371—GENERAL LICENSES

§ 371.3 [Amended]

5. In § 371.3, paragraph (c) is deleted.

6. In § 371.4(a), subparagraph (3) is redesignated as (4) and a new subparagraph (3) is added to read as follows:

§ 371.4 General License GIT; intransit shipments.

(a) *Scope.*[1] * * *

(3) Commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may not be exported to Country Group Q under this General License GIT.

* * * * *

7. In § 371.5(a), subparagraph (2) is redesignated as (3) and a new subparagraph (2) is added to read as follows:

§ 371.5 General License GLV; shipments of limited value.

(a) *Scope.* * * *

(2) To Country Group Q, provided that that commodity is not identified by the code letter "A" following the Export Control Commodity Number and the net value of a single shipment does not exceed the GLV dollar-value limit specified for the Country Group V; and

* * * * *

8. In § 371.9(a), subparagraph (2) is amended to read as follows:

§ 371.9 General License Ship Stores.

(a) *Scope.* * * *

(2) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group Q, W, Y, or Z or a national of such country.

* * * * *

9. In § 371.10, paragraphs (a) and (b) are amended as follows:

§ 371.10 General License Plane Stores.

(a) *Scope.* * * *

(2) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in, owned or controlled by, or under charter or lease to a country included in Country Group Q, W, Y, or Z (excluding Cuba), or a national of any of these countries.

(b) *Restrictions on petroleum and petroleum products for use on aircraft.* No export of petroleum or petroleum products (including those used as fuel) listed in § 371.9(b)(4) may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft, if the aircraft (1) has called at any point under Far Eastern Communist control[2] during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (2) will call at any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft, (3) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by an agency of the U.S. Government, or (4) is registered in, owned or controlled by, or under charter or lease to a country included in Country Group Q, W, Y, or Z (excluding Cuba), or a national of any of these countries.

10. In § 371.15(c), a new subparagraph (3) is added to read as follows:

§ 371.15 General License GTF-U.S.; goods imported for display at U.S. exhibitions or trade fairs.

* * * * *

(c) *Exports to other destinations.* Such commodities may be exported to any destination other than the country from which imported except:

(1) Commodities imported into the United States pursuant to an International Import Certificate,

(2) Exports to Country Group S, W, X, Y, or Z destinations, or

(3) Exports to Country Group Q of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter).

---

[2] "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liasoning Province); but excluding Outer Mongolia and Republic of China (Taiwan) (Formosa); (2) Communist-controlled areas of Vietnam; and (3) North Korea.

11. In § 371.17 paragraphs (a) and (f) are amended as follows:

§ 371.17 General License GLR; return of certain commodities imported into the United States.

* * * * *

(a) *Commodities sent to the United States for inspection, testing, calibration, or repair.* * * *

(2) The provisions of this paragraph do not apply to:

(i) Exports to Country Group S, W, Y, or Z;

(ii) Exports to Country Group Q of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter);

(iii) Commodities disposed of by U.S. Government agencies under foreign excess property disposal programs;

(iv) Commodities related to nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1 of this subchapter; and

(v) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

* * * * *

(f) *Replacements for defective or unacceptable U.S.-origin parts or equipment.* (1) Any commodity may be exported under the provisions of this general license to replace a defective or unacceptable U.S.-origin part or equipment subject to the following conditions:

(i) No commodity may be exported to Country Group S, W, Y, or Z;

(ii) No commodity shall be exported to replace a defective part or equipment owned or controlled by, or leased or chartered to, a country in Country Group S, W, Y, or Z, or a national of such country;

(iii) No commodity identified by the code-letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be exported to Country Group Q;

(iv) No commodity identified by the code-letter "A" following the export control commodity number on the commodity control list (§ 399.1 of this subchapter) shall be exported to any destination to replace a defective part or equipment owned or controlled by, or leased or chartered to, Country Group Q or any national of Country Group Q;

(v) No commodity shall be exported to replace any part or equipment that is worn out from normal use;

(vi) The replacement commodity shall not be technologically advanced over that replaced;

(vii) The commodity replaced shall have been previously exported under a validated export license;

(viii) The commodity replaced shall either be destroyed abroad or returned to the United States prior to or promptly after, the replacement is exported from the United States;

(ix) The defective commodity shall be replaced free of charge, except for transportation and labor charges;

(x) No replacement part or equipment may be exported under this general license if the replacement is to be incorporated into or used in nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1 of this subchapter; and

(xi) No replacement of any defective part or equipment may be exported under this general license if the replacement is to be incorporated into or used in any electronic, mechanical, or other device, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communication.

* * * * *

12. Section 371.20 is amended to read as follows:

§ 371.20 General License GMS; shipments under the Mutual Security Act.

A general license designated GMS is established, authorizing subject to the provisions of § 371.20, the export of commodities sold by the U.S. Department of Defense to a foreign government, other than the government of a country included in Country Group Q, S, W, Y, or Z, under the provisions of the Mutual Security Act of 1954, Public Law 665, 83d Congress, approved August 26, 1954 (68 Stat. 832), as amended. In addition to entering the symbol "GMS" on the Shipper's Export Declaration (see § 371.2(b)), the MSMS (Mutual Security Military Sales) case number assigned by the Department of Defense to the transaction shall be entered on the Declaration. The following completed destination control statement is required on each copy of the Shipper's Export Declaration, bill of lading, and invoice covering a shipment under this General License GMS:

> These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

The alternative forms of the destination control statement set forth in § 386.6(d) (2) and (3) of this subchapter, are not applicable to such shipments and will not be accepted.

13. In § 371.22(c), subparagraph (1) is amended to read as follows:

§ 371.22 General License GTE; temporary exports.

* * * * *

(c) *Exceptions*—(1) *Destinations.* No commodity may be exported under the provisions of this general license to Country Group S or Z, and only commodities not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be exported to Country Group Q, W, of Y. These exceptions apply also to any vessel, aircraft, or extraterritorial point under ownership, control, lease, or charter by any of the countries mentioned in this § 371.22(c) (1) or to any national thereof.

* * * * *

14. Supplement No. 1 to Part 371 is deleted.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

15. In § 372.2(b), subparagraph (6) is amended to read as follows:

§ 372.2 Types of validated licenses.

* * * * *

(b) *Types.* * * *

(6) A "Service Supply (SL) License" (§ 373.7(d)(1) of this subchapter) authorizes a U.S. exporter or manufacturer to export spare and replacement parts to Country Group T, V, or X (and, in a more limited degree, only replacement parts to Country Group Q, W, or Y) to service equipment made or exported by the licensee or made by his foreign subsidiary.

16. In § 372.8 paragraphs (b) and (c) are amended as follows:

§ 372.8 Special types of individual license applications.

* * * * *

(b) *Commodities transiting Country Group Y or Z en route to any other destination*—(1) *Information required on applications.* A license application to export any commodity that will be unladen from a vessel or aircraft in Country Group Y or Z (or which will move in transit through Country Group Y or Z en route to Canada or a destination in Country Group Q, S, T, W, or X) shall be submitted on Form FC–419. The application shall be prepared in accordance with the instructions contained in Supplement No. 1 to this Part 372, except that where the intermediate consignee in the Group Y or Z country of unlading or transit is unknown at the time of filing the license application, the Group Y or Z country of unlading or transit shall be shown in the "Additional Information" item of the application or on an attachment by a statement such as:

> To be transshipped at (name of transshipment point) and destined to (name of country); or, To be shipped to (name of country of destination) via (name of country).

* * * * *

(c) *Commodities exported for exhibition, demonstration, or testing purposes* * * *

(3) *Return of commodities to the United States.* Where commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in Country Group Q, S, W, Y, or Z, the applicant shall notify the Office of Export Control, in writing. The notice shall include the case number shown on the related U.S. validated export license, the customs import entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any part of the commodities were returned to the United

States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification sent to the Office of Export Control for each partial return until the entire shipment described on the related export license is returned.

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

17. In § 373.4, paragraphs (a), (d), and (e) are amended as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(a) *Definitions.* * * *

(3) *Distributor.* A "distributor" is a subsidiary of the U.S. exporter not located in Country Group Q, S, W, Y, or Z that distributes or sells the U.S. commodities exported under this procedure exclusively to customers located in three or more countries who have been approved by the Office of Export Control; and delivery is (i) from foreign-based stocks; (ii) directly from the United States based on the distributor's instructions, to fill an urgent need or a specialized requirement for a commodity covered by the procedure but not available for shipment from the foreign-based stock; or (ii) directly from the United States to an approved customer for use in repairing equipment originally manufactured by the U.S. exporter.

(4) *Customer.* A "customer" is a person or firm in a country other than Country Group Q, S, W, Y, or Z who is supplied with U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

* * * * *

(d) *Action on application to participate in the foreign-based warehouse procedure.* * * *

(3) *Use of other procedures.* Where a commodity, customer, distributor, or destination is not approved under the Foreign-Based Warehouse Procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country Group Q, S, W, Y, or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(e) *Application for licenses to export under approved form FC–143.* * * *

(2) * * *

(iii) * * *

(a) The commodities are included on the customer's validated Form FC–243 and represent parts and components that are either for use by the distributor's customer to repair equipment originally manufactured by the U.S. exporter or are used by another party exclusively for this purpose. The parts and components may be authorized for reexport only to the countries listed on the customer's validated Form FC–243. Reexports will not be authorized to Country Group Q, S, W, Y, or Z.

(*b*) The commodities will not be used to repair equipment owned or controlled by, or leased or chartered to, a country in Group Q, S, W, Y, or Z or a national thereof.

* * * * *

18. In § 373.5, paragraph (a) is amended to read as follows:

§ 373.5 Periodic Requirements (PRL) License.

* * * * *

(a) *Destinations.* The PRL licensing procedure is applicable to all destinations except Country Groups Q, S, W, X, Y, and Z.

* * * * *

19. In § 373.7, paragraphs (c), (d), (h), (i), and (k) are amended as follows:

§ 373.7 Service Supply (SL) License.

* * * * *

(c) *Destinations.* * * *

(2) *Country Groups Q, W, and Y.* Export and reexport to Country Groups Q, W, and Y may be made only in accordance with the provisions of paragraph (i) of this section. Except as provided in paragraph (i) of this section, no equipment owned or controlled by, or under lease or charter to, a country in Country Group Q, W, or Y or a national of such country may be serviced under the provisions of this SL Procedure.

(d) *Types of service supply authorizations.* Three types of export or reexport authorizations are obtainable under the provisions of this §373.7.

(1) *Exports from the United States.* A U.S. person or firm may obtain a license, valid for twelve months, to export spare and replacement parts to consignees in Country Group T, V, or X for purposes of servicing U.S. equipment unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (h)(3) of this section. Under certain conditions, replacement parts (but not spare parts) may also be exported to Country Groups Q, W, and Y, subject to the provisions set forth in paragraph (i) of this section.

* * * * *

(2) *Reexports authorization by foreign-based service facility.* A service facility located in Country Group T, V, or X may be authorized to use and to reexport spare and replacement parts to consignees in any other destination in County Group T, V, or X to service U.S. equipment, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (h)(3) of this section). If the service facility is approved, reexports are authorized in accordance therewith regardless of any restrictions imposd on reexports under the terms of the other licensing procedures. The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Group T, V, or X. If the foreign-based service facility is under the effective control of the U.S. exporter, it may also be authorized to reexport, upon specific instructions of the U.S. exporter, replacement parts for immediate repair in Country Group Q, W, or Y of U.S. equipment, subject to the provisions of paragraph (i) of this section.

* * * * *

(h) *Action by Office of Export Control on reexports*—(1) *Action by foreign-based service facility.* * * *

(ii) Reexport parts imported from the United States to consignees in Country Group T, V, or X for the purpose of servicing U.S.-origin equipment in the possession of the consignee. If the service facility is under the effective control of the U.S. exporter, it may, upon specific instructions of the exporter, reexport replacement (but not spare) parts to a consigneee in Country Group Q, W, or Y, subject to the special provisions set forth in paragraph (i) of this section.[2] The reexport authorizations described in this § 373.7(h)(1)(ii) normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Control, reexports under an approved Form IA–544 are authorized regardless of any restrictions imposed under the terms of any other licensing procedure. In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and qualities of parts in excess of that not needed for the authorized service.

* * * * *

(i) *Special provisions for Country Groups, Q, W, and Y.* An export or reexport may be made to Country Group Q, W, or Y under the provisions of this § 373.7 only if the following conditions and restrictions are compiled with:

(1) The U.S. exporter or a foreign service facility under the U.S. exporter's effective control may export or reexport only replacement parts to a consignee in Country Group Q, W, or Y. Spare parts, as defined in paragraph (a)(8) of this section, may not be exported or reexported to these destinations under the SL Procedure.

(2) The U.S. exporter or the reexporting service facility must have no knowledge or reason to believe that the equipment to be serviced was exported or reexported to the Country Group Q, W, or Y destination without the authorization of the U.S. Government.

(3) The shipment must be for the purpose of servicing equipment originally exported from the United States or obtained from a U.S. subsidiary. Further, the shipment may be made in a total quantity no greater, and a quality no better, than that necessary for this purpose.

(4) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List may not be exported or reexported under this procedure to Country

[2] Further authorization from the Treasury Department is not required for reexports to Country Group W or Y authorized by the Office of Export Control under the SL Procedure.

Group Q, W, or Y if the value of the parts included in a shipment is more than $2,000.[1]

(5) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, regardless of value, may not be exported or reexported to Country Group Q, W, or Y to service equipment also identified on the Commodity Control List by the code letter "A".[1]

(6) Special recordkeeping and reporting requirements for exports and reexports to Country Groups Q, W, and Y must be observed. (See paragraphs (j) and (k) of this section.

* * * * *

(k) *Reports.* Each exporter who has been issued an SL License under the provisions of paragraph (f)(1) of this section shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL License. The report shall cite the license number indicated on the export license and shall show, as a minimum for each consignee, a separate aggregate value for each product group shown on his license (i.e., for each commodity identified by the code letter "A" following the Export Control Commodity Number or related "A" product group, and for each non-"A" product group). Where exports are made to service vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report. If exports of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List have been made to Country Group Q, W, or Y under the SL Procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

* * * * *

20. In § 373.8 paragraph (a) and (c) are amended as follows:

§ 373.8 Aircraft and vessel repair station procedure.

* * * * *

(a) *Definitions.* * * *

(2) *Foreign importer.* As used in this section, a "Foreign Importer" is a person or firm located in any foreign country except Country Group Q, S, W, Y, or Z, that is either:

(i) Engaged in the repair, maintenance, or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) Engaged in supplying U.S.-origin parts, accessories, equipment or components, either exclusively or as parts of a related business, directly to aircraft or vessels for use thereon. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard.

[1] Requests for exceptions to this restriction will be considered under the provisions of paragraph (l) of this section.

(c) *Authorizations and limitation of aircraft and vessel repair station procedure.* (1) A foreign importer is authorized to use U.S.-origin parts in the repair, maintenance, or servicing of any aircraft or vessel, provided the aircraft or leased to a Group Q, S, W, Y, or Z owned or controlled by, or not chartered or leased to a Group Q, S, W, Y, or Z country or any national thereof.

* * * * *

PART 374—REEXPORTS

21. In § 374.3(d)(1), subdivision (i) is amended to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(d) * * *

(1) *Reexports to certain countries—*(i) *Specified destination.* If the reexport is to be made to a destination specified below, regardless of the country to which the commodities were originally shipped from the United States, the documentation set forth below in this § 374.3(d)(1) shall be furnished.

Any destination in Country Group Q, S, W, X, Y or Z (see Supplement No. 1 to Part 370 of this subchapter for the countries included in each country group.)

The following destinations in Country Group V:
Cambodia.
Laos.
Liechtenstein.
Malaysia.
Singapore.
South Africa (Republic of).
Sweden.
Switzerland.
Thailand.
Vietnam (Republic of).
Yugoslavia.

* * * * *

22. In § 374.5, paragraph (a) is amended to read as follows:

§ 374.5 Validity period.

(a) *Limitation on validity period.* Authorizations to reexport to Country Group Q, W, Y, or Z are generally restricted to a limited validity period. Authorizations to reexport or redistribute commodities to Country Group Q, W, Y, or Z, whether authorized on the validated export license or separately, expire on the last day of the 12th month following the month in which the reexport is authorized, unless otherwise specified. The U.S. exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexport authorization.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

23. In § 376.8, paragraphs (a) and (b) are amended as follows:

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

(a) *Spare parts accompanying aircraft.* For an export of aircraft and accompanying spare parts for such aircraft to any destination, except Country Group Q, W, Y, or Z, the applicant may:

* * * * *

(b) *Loan or sale of aircraft equipment, parts, accessories, and components by airlines.* (1) * * *

(ii) The commodities will not be supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to, a country in Country Group Q, S, W, Y, or Z or a national of such country; and

(iii) The commodities will not be supplied for use on any aircraft located in Country Group Q, S, W, Y, or Z.

* * * * *

24. In § 376.9, paragraphs (b) and (c) are amended as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

* * * * *

(b) * * *

(3) * * *

(i) *Country of ultimate destination.* Show country where the vessel or aircraft will take on the commodities or technical data. If, at the time of filing the license application, it is uncertain where the vessel or aircraft will take on the commodities or technical data, but it is known that the commodities or technical data will not be shipped to Country Group Q, S, W, X, Y, or Z, enter the following statement in this item:

Uncertain; however, shipment(s) will not be made to Country Group Q, S, W, X, Y, or Z.

An export license issued under this circumstance will bear the following destination restriction:

Shipment(s) may be made to the named (vessel) (aircraft) at any port in any country except Country Group Q, S, W, X, Y, or Z.

* * * * *

(c) *Exports of petroleum and petroleum products, including bunker fuel, for use on vessels and aircraft departing from the United States.* * * *

(4) * * *

(ii) *Proposed ports of call.* Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (*a*) will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (*b*) is registered in Country Group Q, W, Y, or Z, or (*c*) is under charter to, or under control of, a national of a Group Q, W, Y, or Z, or (*d*) is under charter to, or under control of, a national of a Group Q, W, Y, or Z country, state whether any

commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), included on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter), or subject to the Atomic Energy Act (§ 370.10(e) of this subchapter) are carried on board the vessel or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

* * * * *

25. In § 376.10, paragraphs (a), (b), (c), and (f) are amended as follows:

§ 376.10 Electronic computers and related equipment.

(a) *Applications for computers.* An application for a license to export electronic computers (Export Control Commodity No. 714) to Country Groups Q, W, and Y shall include the following information, as applicable:

* * * * *

(b) *Applications for peripheral equipment.* An application for a license to export peripheral equipment, magnetic recording media (Export Control Commodity Nos. 714 and 891) to Country Groups Q, W, and Y shall include the following information, as applicable:

* * * * *

(c) *Applications for terminal devices remote from computer operating area.* An application for a license to export a terminal device (Export Control Commodity No. 714) to Country Groups Q, W, and Y to be located remote from the computer area shall include the following information:

* * * * *

(f) *Applications for interfaced equipment.* An application for a license to export equipment to Country Groups Q, W, and Y, to be interfaced with an existing computer system should include full particulars of the current system configuration, including make, model number, and quantity of those components which comprise the system. Insofar as is practicable that information which pertains to the current system as is listed in paragraphs (a), (b), and (c) of this section should also be included with the application as well as the applicable data related to the additional equipment that the applicant wishes to export.

PART 379—TECHNICAL DATA

26. In § 379.4, paragraphs (b) and (e) are amended as follows:

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(b) *Country Groups Q, W, and Y restrictions.* No technical data may be exported under this general license to Country Group Q, W, or Y, except:

* * * * *

(e) *Written assurance requirements—(1) Requirement of written assurance for certain data, services, and materials.* No export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product[3] thereof is intended to be shipped, either directly or indirectly, to Country Group Q, W,[4] Y, or Z, except as provided in subdivision (iv) of this subparagraph. However, with respect to exports of technical data listed in subdivision (v) of this subparagraph, the written assurance shall state that neither the technical data nor the direct product thereof[3] is intended to be shipped, either directly or indirectly, to Country Group W, Y, or Z. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement that restricts disclosure of the technical data to use only in a country other than Country Group Q, W, Y, or Z, and prohibits shipment of the direct product[3] thereof by the licensee to Country Group Q, W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported, directly or indirectly, to Country Group Q, W, Y, or Z.

* * * * *

(v) The written assurance set forth in this § 379.4(e)(1) applies only to Country Groups W, Y, and Z, for exports of technical data relating to the following commodities:

* * * * *

(2) * * *

(i) * * *

(*a*) Reexport, directly or indirectly, to Country Group Q, W,[4] Y, or Z, any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below";

* * * * *

(*c*) Export, directly or indirectly, to any destination in Country Group Q, W, or Y, any direct product[3] of the technical data if such direct product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List.

NOTE: In § 379.4(e)(2)(ii), footnote 1 is renumbered as footnote 2. Otherwise, (ii) is unchanged.

(ii) * * *

(*a*) Reexport, directly or indirectly, to Country Group Q, W,[4] Y, or Z the technical data relating to the plant or the major component of a plant;

* * * * *

(*c*) Export, directly or indirectly, to Country Group Q, W, or Y the plant (depending upon which is the direct product of the technical data), or any product of such plant or of such major component, if such product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, or appears in the U.S. Munitions List.

NOTE: * * *

* * * * *

27. In § 379.5 paragraph (e)(1)(vii) and (2) is amended as follows:

§ 379.5 Validated license applications.

* * * * *

(e) *Special provisions.* (1) * * *

(vii) A written statement of assurance from the foreign importer that unless

[3] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct products.

[4] Effective May 1, 1971, County Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

[1] Effective May 1, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

[2] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

prior authorization is obtained from the Office of Export Control, the importer will not knowingly export directly or indirectly to Country Group Q, W, Y, or Z the direct product of the technical data. However, if the U.S. exporter is not able to obtain this statement from the foreign importer, the U.S. exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained.

(2) *Other commodities.*[1] For all license applications to export to any destination, other than Country Group Q,[2] W, Y, or Z, technical data relating to any of the commodities set forth below, an applicant shall attach to the license application a written statement from his foreign importer assuring that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data, directly or indirectly, to Country Group Q, W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer, the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this § 379.5(e)(2) are applicable to technical data concerning the following:

* * * * *

28. In § 379.6, paragraph (b) is amended as follows:

§ 379.6 Exports under a validated license.

* * * * *

(b) *Reports on exports.* * * *

(2) *Country Group Q, W, or Y.* With respect to a license used to export technical data to Country Group Q, W, or Y, when the license is returned, as provided in paragraph (a)(2) of this section, the exporter shall submit a statement indicating:

* * * * *

29. In § 379.8, paragraphs (a) and (c) are amended as follows:

§ 379.8 Reexports of technical data and exports of the products manufactured abroad by use of U.S. technical data.

(a) *Prohibited exports and reexports.* * * *

(3) Export or reexport to Country Group Q, W, Y, or Z any foreign produced direct product of U.S. technical data, or any commodity produced by any plant or major component thereof which is a direct product of U.S. technical data, if such direct product or commodity is covered by the provisions of § 379.4(e) or § 379.5(e) (1) or (2).

* * * * *

(c) *Return of reexport authorization.* * * *

(3) *Reexports from Country Group Q, W, or Y.* In addition, if the technical data has been reexported to Country Group Q, W, or Y, the written notice shall specify:

* * * * *

[FR Doc.71-6254 Filed 5-4-71;8:46 am]

[1] See § 379.8(a), which sets forth provisions prohibiting exports and reexports of certain technical data and products manufactured therefrom.

[2] Effective May 1, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remained unchanged.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Sexually Oriented Advertisements

On pages 1468–1470 of the FEDERAL REGISTER of January 30, 1971, the Department published regulations codified as § 124.9 of Title 39, CFR, relating to the compilation, maintenance, and distribution, pursuant to 39 U.S.C. 3010, of a list of names and addresses of persons who have filed statements with the Postal Service, on their own behalf or on behalf of their children, that they wish to receive no sexually oriented advertisements through the mails. The Department gave consideration to the views and comments on these regulations submitted pursuant to a previous notice of proposed rule making, but announced that it would continue to receive and consider written data, views, and comments, treating such matter as suggestions for future rule making.

On pages 5608 and 5609 of the FEDERAL REGISTER of March 25, 1971, the Department published a notice of proposed rule making with respect to a revision of 39 CFR 124.9(e) designed to give mailers of sexually oriented advertisements the option of omitting the words "Sexually Oriented Ad" from the exterior envelope or cover of a mail piece containing such an advertisement if the advertisement is enclosed in a sealed inner envelope conspicuously marked "Sexually Oriented Ad." Comments on the proposed revision have been received and considered by the Department.

In February of 1971 suits were filed against the Department in the U.S. District Courts for the Eastern District of New York and Central District of California by parties who challenged the constitutionality of the Department's regulations and the underlying statute. The Department has given careful consideration to the pleadings, affidavits, briefs, and court orders filed in those suits, reading them as if they were written data, views, and comments submitted under the procedures established by the Administrative Procedure Act.

On April 30, 1971, the U.S. District Court for the Central District of California filed a per curiam memorandum opinion in which the Court concluded that "the protecting of persons against the receiving of unwanted mail is constitutional and * * * reasonable regulations to implement the statute are proper and enforceable." A majority of the Court declared, however, that the regulations codified at 39 CFR 124.9 had not been implemented correctly, since they had not been published in the FEDERAL REGISTER at least 30 days prior to their effective date, as required (subject to certain statutory exceptions) by 5 U.S.C. sec. 553(d).

In the expectation that the Post Office Department would republish and reissue its regulations, a majority of the Court noted its concern over 39 CFR 124.9(d)(1), which provided that the Post Office Department list would be available only by annual subscription; that each subscription would have to be accompanied by a $5,000 deposit; and that the annual subscription price would be determined after each subscription year by prorating the cost of the list among the subscribers, subject to a limit of $10,000 per subscription. The majority opinion suggests that while it is constitutional for the Department to charge a fee for compiling the list, as required by the statute, the fee must be reasonable. The opinion further suggests that the prices charged for publications of the Government Printing Office would be relevant in determining the reasonableness of the Department's fee for the list. A third member of the Court, dissenting in part, noted that the plaintiffs had failed to prove that the cost of the list would be confiscatory or would result in irreparable injury, but expressed the view that no one who sends sexually oriented advertisements only to persons who have specifically requested them should be required to purchase or use the list.

In accordance with the Court's expectation, the Department has decided to revoke § 124.9 in its entirety, and to republish its regulations with such changes as appear appropriate in the light of the various comments and views considered by the Department.

If the republication of the Department's regulations were subject to 5 U.S.C. 553(d), the substantive portions of the regulations would have to be published not less than 30 days in advance of the effective date, except as otherwise provided by the Department for good cause found and published with the rule. The republication of the regulations is not subject to 5 U.S.C. 553(d), because Resolution No. 71–14, adopted by the Board of Governors of the U.S. Postal Service on April 6, 1971, and published at page 7024 of the FEDERAL REGISTER of April 13, 1971, established April 13, 1971, as the effective date of 39 U.S.C. 410(a) (84 Stat. 725); 39 U.S.C. 410(a) provides, among other things, that the provisions of chapter 5 of title 5 of the United States Code shall not apply to the exercise of the powers of the Post Office Department. Moreover, the Department finds that there is good cause for making the regulations effective as of the date of publication, since

(a) All interested parties have had constructive notice of the substance of the regulations since last January;

(b) The Department believes that most interested persons have actual notice of the substance of the regulations; and

(c) To delay the effective date of the new regulations for 30 days might mean that the privacy of people who do not want to receive sexually oriented advertisements through the mail could be invaded with impunity, contrary to the explicit Congressional directions by which the Department is governed.

The Department will continue to receive and retain any further written data, views, and comments concerning these regulations that interested persons may submit hereafter to the Assistant General Counsel, Mailability Division, U.S. Postal Service, Washington, DC 20260, and will give consideration to such matter as suggestions for future rule making.

The new § 124.9 published herewith corresponds to the former § 124.9, as amended, subject to the following changes:

(1) Section 124.9(d) provides that printouts of the list will be sold to nonsubscribers as well as subscribers, at a price of one-half of 1 cent per page—a price that corresponds to prices charged by the Government Printing Office.

(2) The amendment to § 124.9(e) suggested in the notice of proposed rule making published at pages 5608 and 5609 of the FEDERAL REGISTER for March 25, 1971, has been adopted, subject to the addition of the words "or cover" following the words "sealed envelope."

(3) Section 124.9(f) has been amended to make it clear that the list need not be purchased and used by persons who mail sexually oriented advertisements only to those who have specifically requested them.

The new § 124.9, as published below, is effective immediately. It supersedes the regulations heretofore published as § 124.9, which regulations are hereby revoked.

(5 U.S.C. 301; 39 U.S.C. 501; 39 U.S.C. 3010 (Public Law 91-375, 84 Stat. 749))

DAVID A. NELSON,
General Counsel.

§ 124.9 Sexually oriented advertisements.

(a) *General.* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. section 3011 and in 18 U.S.C. sections 1735–37.

(2) 39 U.S.C. section 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for insuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by § 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the list.

(b) *Application for listing.* (1) A person may invoke the protection of § 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office to the Office of ADP Management, Finance and Administration Department, U.S. Postal Service, Box 677, Washington, DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Office of ADP Management, Finance and Administration Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. The 30-day period provided by section 3010(b) starts on the day that the person's name and address are placed on the List.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing.* A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of § 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service list.* (1) Copies of the list or portions thereof and periodic amendments thereto shall be available to any person by annual subscription or by purchase of individual issues of the list. A subscription year runs from January 1 through December 31, except that in 1971 the subscription year will be deemed to be from February 1, 1971 through December 31, 1971. Requests for subscriptions, purchase of individual issues, or information on such subscriptions or purchase should be submitted to the Director, Office of Mail Classification, Finance & Administration Department, U.S. Postal Service, Washington, DC 20260. Annual subscribers to the list will receive the list in the form of computer tapes. Blank tapes are to provided by the subscriber for the initial list and updates. Further details on the format of such tapes may be obtained from the Director, Office of Mail Classification. Requests for subscriptions must be accompanied by a certified check for $5,000 payable to the U.S. Postal Service. This money will be applied to the subscription price at the end of the year, and any excess will be refunded to the subscriber. The annual subscription price will be established following each subscription year, and will

represent the net cost (after deduction of receipts from sales of individual issues of the list), prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription price exceed $10,000. Computer tapes of the list will be available only to annual subscribers, but any person whether a subscriber or not, may purchase individual issues of the list in the form of a reduced reproduction of computer print-outs. The price of such print-outs will be one-half of 1 cent per page, payable in cash or by certified check.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope.* Section 3010 (a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad". The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement, if the contents of the mail piece are enclosed in a sealed envelope or cover, inside the exterior envelope or cover, which sealed envelope or cover bears conspicuously the words "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph, if the latter is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

(f) *Violations.* (1) The following is a partial list of conduct which may violate 39 U.S.C. section 3010 or 18 U.S.C. section 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

No person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the Post Office Department list.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the list for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b)(1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed on the List should direct his inquiry to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b)(1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b)(4) of this section has been obtained and shall thereafter be destroyed.

[FR Doc.71-6363 Filed 5-4-71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

PROCEDURE FOR ORDERING SECURITY CABINETS

Section 5A-73.109-1 is amended as follows:

§ 5A-73.109-1 Statement of scope.

* * * * *

(c) Orders from Government contractors or Government grantees who may use this contract after being authorized in writing by a Federal agency in accordance with FPMR 101-26.7 may be accepted under the optional use provisions. The requirement for written authorizations does not apply to purchase orders for security cabinets which may be purchased in accordance with the provisions of FPMR 101-26.407-3.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

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

Dated: April 23, 1971.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[FR Doc.71-6271 Filed 5-4-71; 8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Miscellaneous Amendments

Order. Preparatory to the reprint of the revised edition of Volume VIII of the

Commission's rules and regulations, minor editorial changes were made in Parts 31 and 33. These changes are included in the revised edition of Volume VIII which will be available from the Superintendent of Documents, U.S. Government Printing Office after May 13, 1971.

Since these changes are primarily intended to improve the rules from an editorial standpoint, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) are not applicable.

Accordingly, it is ordered, Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and section 0.261(a) of the Commission's rules and regulations, that effective May 12, 1971, Parts 31 and 33 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 29, 1971.

Released: April 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 31 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The headnotes for the following sections are amended to read as follows:

Sec.	
31.176	Accumulated deferred income taxes—accelerated tax depreciation.
31.304	Investment credits—net.
31.308	Operating Federal income taxes deferred—accelerated tax depreciation.

2. The letter "s" is deleted from the word "accounts" where indicated in the following sections:

Sec.
31.101:1, Note B.
31.101:2, Note.
31.102, Note A and Note C.
31.117:1, Note.
31.117:2, Note.
31.121, Note B (the second time "accounts" occurs).
31.154:1, Note A.
31.156, Note.
31.157, Note.
31.158:2, Note A.
31.162, Note.

3. In § 31.2–26(b), the word "duplicate" is substituted for the word "triplicate" following the words "a statement in" and preceding the words "that it concurs in."

4. In § 31.211(a), the second sentence is amended by deleting the letter "s" from the word "lands".

5. In § 31.231(b), the second sentence is amended by deleting the letter "s" from the word "units".

6. In § 31.530(b), the first sentence is amended by deleting the comma following the word "estimates".

7. The following sections are amended by capitalizing the word "Note" where it appears in parenthetical statements after a listed item under the heading "Items (Note § 31.01–8)":

Section	*Item*
31.602:1	13th.
31.602:2	3d and 14th.
31.602:3	3d, 13th, and 14th.
31.602:4	3d and 12th.
31.602:5	3d and 11th.
31.602:6	10th and 11th.
31.602:7	1st and 7th.
31.604	9th and 18th.
31.606	1st, 8th, 9th, and 10th.
31.621	2d, 5th, and 7th.
31.622	Paragraph (b), 4th and 6th.
31.629	3d and 4th.
31.630	1st.
31.631	5th and 9th.
31.640	1st and 2d.
31.642	1st, 2d, 3d, 5th, and 7th.
31.645	4th and 7th.
31.649	10th and 11th.
31.663:	
Officers and employees	1st and 4th.
Expenses and supplies	8th.
31.664:	
Officers and employees	2d.
Expenses and supplies	6th.
31.669	2d, 3d, and 5th.
31.673	Paragraph (a) following first sentence.
31.675	5th.
31.704	3d and 13th.

B. Part 33 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The headnotes for the following sections are amended to read as follows:

Sec.	
33.5490	Investment credits—Net.
33.9000	Vehicle and other work equipment expense—Clearing.
33.9100	Supply expense—Clearing.

2. In § 33.81, in the list of Station Equipment (Account 1031) under the heading of Private branch exchanges, the 9th item is amended by capitalizing the word "Account" in the parenthetical material at the end of the item.

[FR Doc.71-6245 Filed 5-4-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1136]

MILK IN GREAT BASIN MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Great Basin marketing area is being considered for one or more of the 1971 months of seasonally high production, beginning with May.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are in the first sentence in § 1136.11(a) and read "there is disposed of on routes fluid milk products, except filled milk, or not less than 50 percent of the fluid milk products approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13, and."

These provisions pertain to the qualification of a distributing plant as a pool plant.

Federated Dairy Farms, a cooperative representing a majority of Great Basin order producers, requested the suspension action for May 1971 and succeeding months pending the effective date of revised pooling provisions. The cooperative alleges that it is primarily responsible for handling the reserve supplies of milk for the Great Basin market. Further, that it also handles, at its pool distributing plant, the surplus production of several other order markets. The cooperative states that without the suspension action, its distributing plant may not qualify as a pool plant for May 1971 and possibly for one or more subsequent months. This is because the reserve supplies of milk for the Great Basin market and the surplus production of other markets handled at such plant are likely to result in increasing its total milk receipts at the plant to the point where less than 50 percent of these receipts would be disposed of on routes.

Signed at Washington, D.C., on April 29, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6241 Filed 5-4-71;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1903]

INSPECTIONS, CITATIONS, AND PROPOSED ASSESSMENT OF PENALTIES

Notice of Proposed Rule Making

The Williams-Steiger Occupational Safety and Health Act of 1970 requires, in part, that every employer covered under the Act furnish to his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm. In addition the Act provides that employers comply with occupational safety and health standards promulgated by the Secretary of Labor. Administration and enforcement of the Act is provided for through a program of inspections, citations, and proposed penalties for violations of the Act by the Department of Labor, with a right of contest before the Occupational Safety and Health Review Commission, and the right of judicial review before the U.S. Courts of Appeals. The Act also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in order to carry out his functions under the Act.

Accordingly, under the authority of section 8(g)(2) of the Act, in order to implement the statutory provisions for inspections, investigations, citations, and proposed assessment of penalties (sections 8, 9, 10, 13, and 17 of the Act) I propose herewith to add a new Part 1903 to Chapter XVII, Title 29 of the Code of Federal Regulations, to read as follows.

Interested persons are accorded 30 days from the date of publication of this proposed rule in the FEDERAL REGISTER to offer written data, views, or arguments to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, DC 20210.

PART 1903—INSPECTIONS, CITATIONS, PROPOSED ASSESSMENT OF PENALTIES

Sec.

AUTHORITY: The provisions of this Part 1903 issued under secs. 8, 9, 10, 13, 17, 84 Stat. 1598, 1601, 1605, 1606; 29 U.S.C. 657, 658, 659, 662, 666.

§ 1903.1 Purpose and scope.

The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) provides, in part, for the promulgation by the Secretary of Labor of occupational safety and health standards covering employment and places of employment in businesses which affect interstate commerce. It further authorizes the Department of Labor to enforce these standards through inspections, investigations, issuance of citations and proposed assessment of penalties for violations. The Act also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees. The Act contains provisions for adjudication of violations and penalties by the Occupational Safety and Health Review Commission, if contested by an employer, and for judicial review. The purpose of this Part 1903 is to provide procedures and policies for enforcement of the inspection, investigation, issuance of citations and proposed assessment of penalty provisions of the Act.

§ 1903.2 Posting of notice.

(a) Every employer subject to the Act shall post a conspicuous notice to be furnished by the Occupational Safety and Health Administration in a prominent place in each factory, plant, establishment, construction site or other area, workplace or environment where work is

performed by an employee informing him of the protections and obligations provided for in the Act, and that further information concerning the Act is available at each Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor.

(b) If the employer has been furnished copies of the Act and/or applicable safety and health standards by the Occupational Safety and Health Administration, they shall be made available to any employee upon request in the factory, plant, establishment, construction site, or other area, workplace, or environment where the requesting employee is employed. If permission to review the Act or standards during working hours is denied, they shall be made available after work on the same day request is made or at another time suitable to the employee.

(c) An employer failing to comply with the provisions of this section may be subject to citation and penalty, as provided in section 17 of the Act.

§ 1903.3 Inspections.

As provided for in section 8 of the Act, Compliance Officers of the Department of Labor are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee of an employer to inspect, within reasonable limits and in a reasonable manner any such places of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, to question privately any employer, owner, operator, agent, or employee, and to review records required under the Act and other pertinent records relating to occupational safety and health. Representatives of the Secretary of Health, Education, and Welfare are authorized to make inspections and to question employers and employees in order to carry out the functions of the Secretary of Health, Education, and Welfare under the Act. Inspections conducted by Department of Labor Compliance Officers and representatives of the Secretary of Health, Education, and Welfare under section 8 of the Act and pursuant to this Part 1903 shall not affect the authority of any State to conduct inspections in accordance with agreements and plans under section 18 of the Act.

§ 1903.4 Advance notice of inspections.

No advance notice shall be given with regard to inspections except as shall be authorized by the Area Director or the Compliance Officer. Advance notice may be given in the danger to enable the employer to abate the danger as quickly as possible; (b) where the inspection will be conducted after regular business hours or in circumstances where special preparations are necessary for an inspection; (c) where reasonably necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection; and (d) in other circumstances where the Area Director, or the Compliance Officer in consultation with the Area Director, determines that the giving of advance notice would enhance the probability of an effective and thorough inspection. Except in unusual circumstances, no notice of inspection shall be given more than 24 hours before an inspection is scheduled to take place. The Act provides in section 17(f) that any person who gives advance notice of any inspection, without authority from the Secretary, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than 6 months, or by both.

§ 1903.5 Conduct of inspections.

(a) Subject to § 1903.3, inspections shall take place at such times and in such places of employment as the Area Director or the Compliance Officer may direct. Where appropriate reinspections may be directed to clarify questions, resolve objections or to ascertain if an employer has complied with an agreement or order to abate, or notice of abatement of a hazardous condition. Compliance Officers when making such inspections shall present their credentials to the highest official of the employer available, explain the nature and purpose of the inspection, and indicate generally the scope of the inspection, those records he wishes to review and employees he wishes to question. However, designation of records or persons at this point shall not preclude access to additional records or questioning of additional persons if required in the opinion of the Compliance Officer.

(b) Compliance Officers shall have authority to take photographs and samples, employ other reasonable investigative techniques, and to question privately any employer, owner, operator, agent, or employee of an establishment.

§ 1903.6 Representatives of employers and employees.

(a) Compliance Officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by employees, each subject to the approval of the Compliance Officer shall be afforded an opportunity to accompany a Compliance Officer during any inspection provided for under this part for the purpose of aiding such inspections. In places of employment where groups of employees are represented by different representatives, a different employee representative for different phases of the inspection is acceptable to the extent it does not interfere with the inspection. In the interest of affording all employees an opportunity to be represented, more than one representative may accompany the Compliance Officer during any phase of the inspection, if the Compliance Officer so directs.

(b) The Compliance Officer is authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly investigation or as required with respect to security matters or trade secrets.

(c) The provisions of §§ 1903.5 and 1903.6 shall be implemented so as to avoid any undue and unnecessary disruption of the normal operations of the employer's plant.

§ 1903.7 Consultation with employees.

During an inspection any employee shall be afforded a reasonable opportunity to consult the Compliance Officer in private. In those cases where there is no authorized employee representative, the Compliance Officer shall consult with a reasonable number of employees concerning matters of safety and health in the workplace. In other circumstances, the Compliance Officer may consult with a reasonable number of employees in each workplace and work area concerning matters of occupational safety and health to the extent necessary for the conduct of an effective investigation. Prior to or during any inspection of a workplace, any employee or representative of employees may notify the Area Director or Compliance Officer of any violation of the Act which they have reason to believe exists in such workplace.

§ 1903.8 Special inspections.

Any employees or representatives of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving written notice to the Area Director or his authorized representative of such violation or danger. Any such notice shall set forth with reasonable particularity the grounds for the notice, whether it concerns an imminent danger and what steps the employee or representative has taken to rectify the condition. The notice shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent by the Area Director or Compliance Officer no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the Department of Labor. If, upon receipt of such notification, the Area Director determines there are reasonable grounds to believe that such violation or danger exists, he shall cause a special inspection to be made as soon as practicable to determine if such violation or danger exists. In such inspections, the Compliance Officer shall not be limited to matters referred to in the request for inspection.

§ 1903.9 Inspection not warranted—failure to issue citation.

If, pursuant to §§ 1903.7 and 1903.8, and sections 8(f)(1) and 8(f)(2) of the Act, the Area Director finds that a citation is not warranted with respect to any notice of violation in writing by an employee or representative of employees received under § 1903.7 or that there are no reasonable grounds for inspection with reference to a request for inspection under § 1903.8, he shall notify such employee(s) or representative(s) in

writing of the reason for not issuing a citation or not conducting such inspection. Such employee(s) or representative(s) shall, upon request, be given an opportunity to seek review of such determination by stating his views in writing to the Regional Administrator. After considering such views in consultation with the Regional Solicitor, the Regional Administrator may issue a citation, order a reinspection, or reverse, affirm or modify the determination of the Area Director. The Regional Administrator shall furnish the employee(s) or representative of employee(s) a written statement of the reasons for the final disposition of the case.

§ 1903.10 Conclusion of inspection.

Upon completion of an inspection provided for under this part, the Compliance Officer shall confer with the employer or his representative and informally advise the employer of apparent safety or health violations disclosed by the investigation. As provided in section 13(c) or 13(a) of the Act, if the Compliance Officer concludes that conditions or practices exist which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through enforcement procedures otherwise provided by the Act and this Part 1903, he shall immediately inform the employer of such danger. If the employer does not immediately abate the danger he shall inform the affected employee(s) of the danger and advise the employer and employee(s) that he is recommending a civil action to restrain or remove such conditions or practices in accordance with the provisions of section 13(a) of the Act.

§ 1903.11 Objection to inspection.

Upon a refusal by any employer to permit a Compliance Officer to enter into any place of employment or any place therein, or with respect to any condition, structure, machine, apparatus, device, equipment, or materials therein, or to review any records, to question any employer, owner, operator, agent, or employee, or to permit a representative of employees to accompany the Compliance Officer during an inspection in accordance with the provision of § 1903.6, the Compliance Officer shall terminate the inspection or he may confine the inspection to other areas, structures, machines, records, or interviews concerning which no objection is raised. The Compliance Officer shall immediately report the refusal and the grounds to the Area Director. The Area Director shall immediately consult with the Regional Administrator and the Regional Solicitor who shall promptly seek appropriate compulsory process.

§ 1903.12 Entry not a waiver of cause of action.

Any permission to enter, interrogate any person(s), or review records shall not constitute a waiver of any cause of action, citation, or penalty under the Act, and Compliance Officers are not authorized to grant any such waiver.

ENFORCEMENT OF VIOLATIONS

§ 1903.13 Citations-notices.

(a) The Area Director shall review the report of inspection of the Compliance Officer. If the report indicates a violation of section 5 of the Act or of any regulation prescribed pursuant to the Act, after consultation with the Regional Solicitor, as appropriate, there shall be issued to such employer, by certified mail, either a citation(s), or a notice of de minimis violation(s). Any citation or notice of de minimis violation shall be issued with reasonable promptness after the termination of the inspection. No citation shall issue after the expiration of 6 months following the occurrence of the violation. Citations shall detail the conditions and circumstances of the violation, and refer to the provisions of the Act, standard, or other rule or order alleged to have been violated. The citation shall also fix a reasonable time for abatement of the violation(s). Where a citation is issued wth reference to a matter covered by a request for inspection under section 8(f)(1) or a notification of violation under section 8(f)(2) copies of the citation or notice of de minimis violations shall also be sent by certified mail to the employee or employee representative who made such request or notification of violation.

(b) The issuance of a citation does not constitute a determination that a violation of the Act has occurred unless there is a failure to contest as provided for in § 1903.17 or, if contested, unless the citation is affirmed by the Commission.

§ 1903.14 Penalties.

After or concurrent with the issuance of a citation and within a reasonable time following the termination of inspection, the Area Director shall notify an employer by certified mail either that no penalty is proposed or the amount of penalty(ies) proposed as provided for under section 17 of the Act.

§ 1903.15 Amount of proposed penalty.

In fixing the amount of any proposed penalty, due consideration shall be given to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations. Penalties shall be proposed for serious violations as provided in section 17(k) of the Act.

§ 1903.16 Posting of notice of citations.

(a) Every employer, upon receipt of a citation under § 1903.13, shall pursuant to section 9(b) of the Act post such notice (unedited) on a bulletin board or prominent place in each working area where a violation is noted in the citation for a period of 15 working days, or until the hazard is abated, whichever is later, or until the Commission issues a final order that the citation should be dismissed. Section 17(i) of the Act provides for civil penalties of up to $1,000 for violations of the posting requirements. The obligation of the employer to post the notice of citation shall not be affected by his filing of a notice of contest under § 1903.17.

(b) An employer receiving a citation may post a notice in the same location where a citation is posted indicating that the citation is being contested before the Commission.

§ 1903.17 Contests before Commission.

Every employer receiving a citation, or notice of proposed penalty has a right to notify the Secretary that he intends to contest such citation or proposed penalty before the Commission. Notice of contest before the Commission regarding any citation, period of abatement set out in the citation, or proposed penalty shall be effected by notification to the appropriate Area Director within 15 working days of receipt by the employer of a notice of a proposed penalty or notice of no penalty. Notice of contest shall specify whether it is directed to the citation itself, to a proposed penalty, to the period established for abatement, or whether it is inclusive of all such issues. The Area Director forthwith shall transmit such notice of contest to the Commission.

§ 1903.18 Failure to correct a violation.

Where a citation fixing a time for abatement of any alleged violation has been issued and there has been no notice of contest to the Commission, or if contested a period of abatement has been fixed in a decision issued in a contested proceeding, and there is reason to believe the employer has failed to correct such violation(s) within the period permitted, the employer shall be notified of such failure and of a proposed assessment of penalty by reason of such failure to abate, as provided for in section 17(d) of the Act. Within 15 working days of receipt of such notice of proposed penalty, the employer shall have the right to notify the Secretary of a contest before the Commission concerning such notice of failure and the proposed penalty assessment, as provided for in section 10(b) of the Act.

§ 1903.19 Failure to contest.

Where the employer fails to file with the Area Director a notice of intention to contest within the period prescribed in §§ 1903.17 and 1903.18, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

§ 1903.20 Informal conferences.

Following the issuance of any citation, notice of proposed penalty, or assessment by the Commission, whether or not a notice of intention to contest has been filed, any employer or employee affected by such citation, notice, or assessment may request an informal conference with the Regional Administrator or his representative and the Regional Solicitor or his representative for the purpose of demonstrating the need for reinspection or otherwise achieving a settlement of the issues. Any such party may be represented by counsel. No such conference, or request for such conference, shall operate as a stay of the 15-day notice of contest requirements of section 10 of the Act or this Part 1903.

§ 1903.21 Employee contests.

Within 15 working days following issuance of a citation fixing a time for the

abatement of a violation, any employee or representative of employees of the employer to whom the citation is issued may file a notice with the Area Director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable. Such notice shall constitute a request for hearing before the Commission on the issue of reasonableness of the time fixed for the abatement of the violation. The Area Director forthwith shall transmit such notice of contest to the Commission.

§ 1903.22 State administration.

Nothing in this Part 1903 shall preempt the authority of any State to conduct inspections, to initiate enforcement proceedings or otherwise to implement the applicable provisions of State law with respect to occupational safety and health standards in accordance with agreements and plans under section 18 of the Act and Parts 1901 and 1902 of this chapter.

§ 1903.23 Definitions.

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970. (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.)

(b) The definitions and interpretations contained in section (2) of the Act shall be applicable to such terms when used in the regulations in this Part 1903.

(c) "Commission" means the Occupational Safety and Health Review Commission established under the Act.

(d) "Working days" means Mondays through Fridays but shall not include Saturdays, Sundays, or Federal holidays. In computing 15 working days, the day of receipt of any notice is not to be included. The last day of the 15 working days is to be included unless it is a Saturday, Sunday, or Federal holiday in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or holiday.

(e) "Compliance Officer" means a Compliance Safety and Health Officer of the Occupational Safety and Health Administration, U.S. Department of Labor.

(f) "Area Director" means the official in charge of an Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor.

(g) "Regional Administrator" means the official in charge of a Region of the Occupational Safety and Health Administration, U.S. Department of Labor.

Signed at Washington, D.C., this 30th day of April 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6275 Filed 5-4-71;8:51 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

Contested Facility Licensing Proceedings

The Atomic Energy Commission has under consideration amendments to Appendix A of its rules of practice, 10 CFR Part 2, a statement of general policy pertaining to the conduct of proceedings for the issuance of licenses for production and utilization facilities for which a hearing is required under section 189 a. of the Atomic Energy Act of 1954, as amended. The proposed amendments would substantially expand that part of Appendix A dealing with contested proceedings.

Appendix A, added to Part 2 in 1966 (31 F.R. 12774), initially dealt primarily with the conduct of hearings in uncontested facility licensing proceedings. It implemented, in large part, the recommendations of a panel appointed by the Commission to study its facility licensing proceedings. Appendix A was amended in 1968 (33 F.R. 8587) to reflect in part the recommendations of a second panel appointed by the Commission to study contested proceedings involving applications to construct and operate nuclear facilities (primarily nuclear power reactors and fuel reprocessing plants).

Since that time, growing concern with the preservation and enhancement of environmental amenities and new legislation reflecting that concern have resulted in increased interest in AEC facility licensing proceedings, and the introduction of new issues in such proceedings. The Commission has responded to the requirements of recent environmental legislation by the publication of an Appendix D to 10 CFR Part 50 of its regulations (35 F.R. 5463, 18469) in implementation of the National Environmental Policy Act of 1969, and by appropriate accommodation of its licensing procedures to the requirements of the Water Quality Improvement Act of 1970.

As noted in Appendix A of Part 2, that statement of general policy reflects the Commission's intent that its facility licensing proceedings be conducted informally and expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. As part of its continuing efforts to minimize delays in its facility licensing proceedings, the Commission has recently instituted the practice, on appropriate occasions, of giving notice of hearing or notice of consideration of licensing action well in advance of the dates traditionally used in the past. The proposed amendments to Appendix A which follow are a further indication of the Commission's intention to adopt from time to time amendments to its regulations which experience in the conduct of facility licensing proceedings indicates as being necessary or desirable in the context of current developments.

The Commission recognizes that contested facility licensing proceedings should be conducted with the objective of developing an adequate record for the resolution of the matters in controversy. The Commission is also of the view that, consistent with that objective, such proceedings should be conducted as expeditiously as possible. This view is based on the fundamental principle that fairness to all parties in such cases and the obligation of administrative agencies to conduct their functions with the greatest possible efficiency and economy require that agency adjudications be conducted without unnecessary delays. In the case of nuclear power reactor licensing proceedings, the growing national need for electric power is an important additional consideration. Various authoritative statements and reports have stressed this nation's urgent need for additional electric power generating capacity.

Consistent with the foregoing, frivolous or captious tactics or other tactics adopted by any of the parties with the primary purpose and effect of delaying the proceeding at any stage will not be permitted to interfere with the efficient conduct of the Commission's licensing function.

Features of the proposed amendments to Appendix A which follow which may be of particular interest are: (1) Provisions emphasizing and expanding the importance of the prehearing conference in expediting the conduct of contested facility licensing proceedings; (2) provisions relating to the burden of going forward with evidence and the burden of proof, on environmental issues, and (3) provisions relating to cross examination.

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 of 10 CFR Part 2 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 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. The title of Appendix A and the fourth paragraph of the prefatory material in Appendix A are amended to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY AND PROCEDURE: CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS FOR PRODUCTION AND UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189a OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

* * * * *

The following Statement of General Policy explains in detail the procedures which the Atomic Energy Commission expects to be followed by atomic safety and licensing boards in the conduct of proceedings relating to the issuance of construction permits for nuclear power and test reactors and other production of utilization facilities for which a hearing is mandatory under section 189a of the Atomic Energy Act of 1954, as amended (the Act).[1] The Statement reflects the Commission's intent that such proceedings be conducted informally and expeditiously and

its concern that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties in such cases, the obligation of administrative agencies to conduct their functions with efficiency and economy, and, in nuclear power reactor licensing proceedings, the growing national need for electric power, require that Commission adjudications be conducted without unnecessary delays.

2. Section VI of the Appendix A of 10 CFR Part 2 is amended to read as follows:

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

(a) *General.* This section sets out certain differences in procedure from those described in sections I–V above, which are required by the fact that the proceeding is a "contested proceeding" at either the construction permit stage or operating license stage. As pointed out at the beginning of this appendix, with respect to both uncontested and contested cases, the Commission considers itself obligated to assure that its facility licensing proceedings are conducted without unnecessary delays.

The Commission expressly recognizes the positive necessity for expediting the decisionmaking process and avoiding undue delays in order to provide adequate electric power on reasonable schedules while at the same time protecting the quality of the environment. It expects that its responsibilities under the Atomic Energy Act of 1954, the National Environmental Policy Act of 1969, and other applicable statutes, as set out below, will be carried out in a manner consistent with this policy in the overall public interest.

In contested proceedings, the principal focus of the board is to concentrate upon the matters in controversy among the parties and to use available techniques of administrative procedure to expedite the hearing process for the resolution of the controverted matters, consistent with the development of an adequate decisional record. This section identifies and explains some of those techniques. Insofar as they are pertinent, the provisions of sections I through V of this Statement of General Policy also apply to a "contested proceeding."

(b) *Issues to be decided by the board.* (1) The board will, if a proceeding becomes a contested proceeding, make findings on the issues specified in the notice. In a contested proceeding for the issuance of a construction permit, the board will, as to matters of radiological health and safety and the common defense and security, determine:

(i) Whether in accordance with the provisions of 10 CFR 50.35(a):

(*a*) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(*b*) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(*c*) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features and components; and

(*d*) On the basis of the foregoing, there is reasonable assurance that:

(*1*) Such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and

(*2*) Taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(ii) Whether the applicant is technically qualified to design and construct the proposed facility;

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

(iv) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In considering those issues, however, the board will, as to matters not in controversy, be neither required nor expected to duplicate the review already performed by the Commission's regulatory staff and the ACRS; the board is authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which are not controverted by any party.

(2) In a proceeding for the issuance of either a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant, any party may, in accordance with paragraph 11 of Appendix D of Part 50 of this chapter, raise as an issue in the proceeding whether the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, the board will give consideration to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need for electric power in the affected region.

This issue does not include (i) radiological effects (which are considered under other issues set out in the notice of hearing) or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises an issue described in this subparagraph, the board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to that issue.[2]

(3) If a proceeding for the issuance of either a construction permit or an operating license becomes a contested proceeding with respect to the antitrust aspects of the application, the matters in controversy between the parties will generally be considered at a separate hearing before an atomic safety and licensing board constituted as described in section VIII of this appendix, or a hearing examiner, in accordance with the procedures described in section VIII. Such a board or hearing examiner will make determinations on the matters specified in paragraph (i) of section VIII of this appendix.

(c) *Discovery.* In contested proceedings the parties may wish to use the discovery techniques permitted by §§ 2.720, 2.740, 2.741, 2.742, and 2.744 to assist in the preparation of the case. Such techniques may, if properly and timely used, aid in the development of an adequate decisional record and expedite the hearing. In no event should the parties be permitted to use those techniques for purposes of delay. The board should exercise its authority under § 2.718 and other provisions of this part, with the objective of having discovery completed before the hearing, insofar as practicable.

(d) *Local public document room.* As in the case of uncontested proceedings, copies of the notice of hearing, the application (updated), the report of the Advisory Committee on Reactor Safeguards, the applicant's summary of the application, the staff safety analysis, the applicant's Environmental Report and the AEC's Detailed Statement developed pursuant to Appendix D of Part 50, and the transcript of the prehearing conference and of the hearing, as they become available, will be placed in an appropriate office near the site of the facility or proposed facility, for the use and information of the public.

(e) *Prehearing conference.* (1) In contested proceedings, the use of the prehearing conference to identify what matters are in controversy and to clarify their relationship to the issues before the board is of primary importance. To the maximum extent possible, the prehearing conference should be used to define the areas in controversy and scope of the proceeding, to secure statements of the position of the parties in respect thereto and to schedule the exchange of exhibits before the date set for hearing. Consideration should be given to (i) requests for documents; (ii) admissibility of evidence; (iii) limitation of the number of witnesses; (iv) the procedures to be followed at the hearing, including the order of presentation of the cases of the parties to the proceeding; (v) the determination of legal issues, to the extent possible, and (vi) specification of the subjects of cross examination.

(2) The board in a contested proceeding may wish to issue an order after the conclusion of the prehearing conference which recites the action taken at the conference and agreements by the parties, defines the matters in dispute, and specifies a schedule for the exchange of exhibits. The order may also specify a date for the hearing later than that specified in the notice of hearing if it appears that discovery and exchange of exhibits cannot be completed before the hearing date set in the notice of hearing. Such rescheduling would be desirable if it can be expected to facilitate the conduct of the hearing.

(f) *Intervention.* (1) As provided in § 2.714, the time for filing petitions for leave to intervene is specified in the notice of hearing. The board has authority to extend the time for good cause shown. Any person seeking leave to intervene after the time specified should be required to set forth with particularity the reasons why it was not possible to file a petition within the time prescribed, to afford a basis for the board to determine whether or not good cause has been shown for the untimely filing. In granting a petition for leave to intervene which is not timely filed, the board may impose such conditions as it deems appropriate to minimize any delay in the proceeding.

(2) Petitions for leave to intervene are required, in accordance with § 2.714, to set forth the interest of the petitioner in the proceeding, how the petitioner's interest may be affected by the proceeding, and the petitioner's contentions in reasonably specific detail. Failure to comply with these requirements may result in the denial of a petition for leave to intervene.

(3) If more than one person who has been granted leave to intervene has substantially the same kind of interest that may be affected by the proceeding, and raises the same

[2] Such an issue may be raised only in proceedings in which the notice of hearing has been published on or after Mar. 4, 1971, unless the notice of hearing specifies otherwise.

basic questions concerning the effect of the granting of the license which may be authorized in the proceeding, the board should encourage appropriate consolidation of their evidence, cross-examination, briefs, proposed findings of fact and conclusions of law and argument. The board may direct such appropriate consolidation in any case where it determines that such action is required for the orderly and timely conduct of the proceedings and can be accomplished without prejudice to the rights of any party.

(g) *Conduct of the hearing.* The board should use its powers under § 2.718 to assure that the hearing is focused upon the matters in controversy among the parties and that the hearing process for the resolution of controverted matters is conducted as expeditiously as possible, consistent with the development of an adequate decisional record.

(1) AEC Rules of Practice contain ample provisions for discovery, and, as indicated in paragraph (c), discovery should be completed before the hearing insofar as practicable. Cross-examination should not be permitted for purposes of discovery.

(2) Legal questions should normally be resolved or argued before the hearing commences. Repetition of argument at the hearing generally serves no useful purpose.

(3) Conferences for the clarification of matters between the board and the parties, or the formulation of more meaningful questions, may be used to expedite the hearing and simplify the record.

(4) The board should ordinarily not adjourn the hearing pending the resolution of legal or other questions. To the extent practicable, the board should continue the hearings on other matters which may be explored without awaiting the resolution of such questions. As in uncontested cases, if the board believes that additional information is required in the presentation of the case, it would be expected to request the applicant or other party to supplement the presentation. If a recess should prove necessary to obtain such additional evidence, the recess should ordinarily be postponed until available evidence has been received.

(h) *Evidence.* (1) In contested cases, as in uncontested cases, the application and the staff safety analysis will be offered in evidence. The applicant and the staff will be expected to have available, as necessary, witnesses competent to testify as to the application and the staff safety analysis, respectively. Pursuant to § 2.732, unless otherwise ordered by the board, the applicant or the proponent of an order has the burden of proof.

(2) The board is encouraged to require the submission, by all parties, of direct testimony in written form and service of copies of such prepared written testimony on all parties at least 5 days in advance of the session of the hearing at which such testimony is to be presented, as authorized by § 2.743(b).

(3) Consistent with section 7(c) of the Administrative Procedure Act (5 U.S.C. 556 (d)), parties may "conduct such cross examination as may be required for a full and true disclosure of the facts". In further keeping with that provision, the board should limit cross examination which is repetitious, captious or inconsequential. Rebuttal testimony in response to expert testimony may be more useful than extended cross examination.

(4) If any party to the proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant raises an issue as to whether the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment, the Applicant's Environmental Report and the Detailed Statement, prepared in accordance with Appendix D of Part 50, will be offered in evidence. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose. The issue and/or evidence discussed in this subparagraph do not include (i) radiological effects or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. Before an issue described in this subparagraph will be considered on the merits, the party raising the issue will be required to make a prima facie showing of the likelihood of a significant, adverse effect on the environment within the context of the foregoing. Once that prima facie showing has been made, the applicant has the burden of proof.

(5) As set out in the Commission's decision In the Matter of Baltimore Gas and Electric Co., Docket Nos. 50-317 and 50-318, the limited grounds for challenging the validity of AEC regulations promulgated under the Atomic Energy Act of 1954 are: (i) whether the regulation is within the Commission's authority, (ii) whether the regulation was promulgated in accordance with applicable procedural requirements, and (iii) as respects radiological safety standards, whether the standards are a reasonable exercise of the broad discretion given to the Commission by the Act for implementation of the radiological safety objectives of the Act. If the board considers that there is a substantial question presented on the record as to the validity of an AEC regulation, the board should certify the question to the Commission for determination prior to making an initial decision.

(i) *Participation by board members.* (1) In contested proceedings, the board will determine controverted matters as well as decide whether the findings required by the Act and the Commission's regulations should be made. Thus, in such proceedings, the board will determine the matters in controversy and may be called upon to make technical judgments of its own on those matters. As to matters which are not in controversy, boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which are not controverted by any party. Thus, the board need not evaluate those matters already evaluated by the staff which are not in controversy.

(2) As noted in subparagraph (h)(4) of this section, in contested proceedings for the issuance of a construction permit or operating license for a nuclear power reactor or fuel reprocessing plant in which a party to the proceeding has raised an issue as to whether the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment, if the issue is raised with respect to aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements shall be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements shall be considered dispositive for this purpose.

If the issue is raised with respect to aspects of environmental quality for which environmental standards and requirements have not been established by authorized Federal, State, and regional agencies, the board will determine the matters in controversy among the parties with regard to that issue.

In any such proceedings, if the likelihood that a significant, adverse effect on the environment would result from the operation of the facility is indicated, the board will consider the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need for electric power in the affected region. The board will not consider, in connection with the issue discussed in this paragraph, (i) radiological effects or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act, both of which are dealt with in separate manners in the proceeding.

(j) *Close of hearing.* In contested proceedings, proposed findings of fact and conclusions of law submitted by the parties may be more detailed than in uncontested proceedings. While brevity in such submissions is encouraged, the proposed findings and conclusions should be such as to reflect the position of the parties submitting them, and the technical and factual basis therefor.

(k) *Briefs and oral argument.* If, at the close of the hearing, the board should have uncertainties with respect to the matters in controversy because of a need for a clearer understanding of the evidence which has already been presented, it is expected that the board would normally invite further argument from the parties—oral or written or both—before issuing its initial decision. If the uncertainties arise from lack of sufficient information in the record, it is expected that the board would normally require further evidence to be submitted in writing with opportunity for the other parties to reply or reopen the hearing for the taking of further evidence, as appropriate; as to either of such courses, it is expected that the applicant would normally be afforded the opportunity to make the final submission.

(l) *Post hearing proceedings, including the initial decision.* (1) In contrast to an uncontested proceeding for the issuance of a construction permit, the board will itself make the findings on the issues specified in § 2.104(b)(1) of Part 2 and state the reasons or basis for its findings. On the basis of those findings, and any findings made as described in subparagraph (2), the initial decision will state the board's determination whether or not a construction permit should be issued and, if so, in what form.

(2) In a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant in which a party has raised an issue as to whether or not the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment, the board, in its initial decision, will make findings of fact on, and resolve, the matters in controversy among the parties with regard to the issue raised. Depending on the resolution of the issue, the board will authorize the issuance of the permit or license, direct its denial, or authorize the issuance of a permit or license appropriately conditioned to protect environmental values.

(3) In a contested case, it is expected that a board will promptly render the initial decision, ordinarily not later than 45 days after its receipt of proposed findings of fact and conclusion of law filed by the parties.

(m) The intra-agency consultation and communications referred to in section V(c) are not permitted in contested proceedings. A board may, however, obtain information from the Chairman or Vice Chairman of the Atomic Safety and Licensing Board Panel for the purpose of identifying relevant decisions or statements of Commission policy. It should also be noted that the provisions of § 2.780 prohibiting intra-agency consultation and communication in contested proceedings are not applicable to matters certified to the Commission or to the Atomic Safety and Licensing Appeal Board under the Commission's rules in §§ 2.720(h) and 2.744 (b) and (e), since those matters are not deemed to involve substantive matters at issue in a proceeding on the record.

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

Dated at Germantown, Md., this 26th day of April 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-6238 Filed 5-4-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Dockets Nos. 19153, 19154]

RENEWAL OF BROADCAST LICENSES

Order Extending Time for Filing Comments; Correction

In the matter of formulating of rules and policies relating to the renewal of broadcast licenses, Docket No. 19153 (RM-1737); in the matter of formulation of policies relating to the broadcast renewal applicant, stemming from the comparative hearing process, Docket No. 19154.

The Order Extending Time for Filing Comments, FCC 71-425, in the above matter, adopted April 14, 1971, and published in the FEDERAL REGISTER on April 28, 1971, 36 F.R. 7972, is corrected to indicate "Commissioner Johnson dissenting" after the phrase "By the Commission".

Released: April 27, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6247 Filed 5-4-71;8:46 am]

[47 CFR Part 73]

[Docket No. 18425]

REMOTE CONTROL OPERATION OF VHF AND UHF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73, Subpart E, of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF television broadcast stations by remote control; Docket No. 18425, RM-1340.

1. On April 27, 1971, the National Association of Broadcasters filed a petition requesting that the deadline for filing comments in response to the further notice of proposed rule making (FCC 71-286) in the above entitled proceeding, now set as April 30, 1971, be moved forward to May 17, 1971.

2. In support of this request, NAB alleges that although it is interested in making possible the remote control of VHF television broadcast station at the earliest possible date, its engineering advisory committee has not been able "to formulate policy on the transmission of test signals" in the period of time which the further notice affords. It states that its committee is working closely with a subcommittee of the Electronic Industries Association on this subject.

3. While we are interested in concluding this proceeding as expeditiously as possible, in the circumstances we find it is in the public interest to make available the additional brief period of time requested by NAB.

4. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is hereby extended from April 30, 1971 to May 17, 1971, and the time for filing reply comments from May 10, 1971, to May 28, 1971.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: April 28, 1971.

Released: April 29, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-6246 Filed 5-4-71;8:46 am]

[47 CFR Parts 73, 74]

[Docket No. 19142]

CHILDREN'S TELEVISION PROGRAMS

Order Extending Time for Filing Comments and Reply Comments; Correction

In the matter of petition of Action for Children's Television (ACT) for rule making looking toward the elimination of sponsorship and commercial content in children's programming and the establishment of a weekly 14-hour quota of children's television programs; Docket No. 19142, RM-1569.

The Order Extending Time for Filing Comments and Reply Comments, FCC 71-426, in the above matter, adopted April 14, 1971, and published in the FEDERAL REGISTER on April 27, 1971, 36 F.R. 7865, is corrected to indicate "Commissioner Johnson dissenting" after the phrase "By the Commission".

Released: April 27, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6248 Filed 5-4-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-29]

INDIAN RIVER (AIWW), FLA.

Drawbridge Operation

The Coast Guard is considering revising the regulations for the Eau Gallie and Melbourne swing span bridges across the Indian River (Atlantic Intracoastal Waterway, Mile 197.4 and 201.2), to increase the closed periods in the morning by 30 minutes. The afternoon closed periods would remain the same. The change is being considered because of an increase in vehicular traffic across these bridges during this period. Minor editorial changes to the regulation will also be required.

Interested persons may participate in this proposed rule making by submitting written data, views or arguments to the Commander, 7th Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identifying the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 7th Coast Guard District.

The Commander, 7th Coast Guard District, will forward any comments received before June 12, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that Part 117 be amended by revising § 117.436 to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.

(a) The draw of the bridge at Titusville shall open on signal, except on Monday through Friday, from 6:45 a.m. to 7:45 a.m. and from 4:15 p.m. to 5:45 p.m., the draw may remain closed.

(b) The draws of the bridges at Eau Gallie and Melbourne shall open on

signal, except on Monday through Friday, from 6:45 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:45 p.m., the draws may remain closed.

(e) The draw of the John F. Kennedy Space Center (NASA) bridge at Addison Point shall open on signal except on Monday through Friday from 6:45 a.m. to 8 a.m. and from 4:15 p.m. to 5:45 p.m., the draw may remain closed.

(d) The draws of each bridge in this section shall open at any time for public vessels of the United States, tow boats with tows, and vessels in an emergency situation upon four blasts of a whistle, horn, or similar device.

(e) The owner of or agency controlling each bridge shall post a copy of this section in such a manner that it can be read from an approaching vessel, on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922)

Dated: April 30, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-6273 Filed 5-4-71;8:48 am]

Federal Aviation Administration

[14 CFR Parts 1, 21, 23, 25, 27, 29, 33]

[Docket No. 11010; Notice No. 71-12]

AIRCRAFT AND AIRCRAFT ENGINES

Proposed Certification Procedures and Type Certification Standards

The Federal Aviation Administration (FAA) is considering amending Parts 1, 21, 23, 25, 27, 29, and 33 of the Federal Aviation Regulations to change the procedural requirements relating to aircraft and aircraft engine certifications, and to update and improve the airworthiness standards applicable to the type certification of aircraft engines, including the standards applicable to engines used on supersonic airplanes. In addition, this notice contains proposed airworthiness standards applicable to aircraft on which the engines are to be installed and proposed changes in definitions.

On June 3-6, 1969, the FAA held an FAA/Industry conference to review the regulations pertaining to the type certification of aircraft engines. The conference agenda included numerous type certification items of possible regulatory significance developed by the FAA and proposals solicited from industry. Those items that the Administrator considers appropriate for immediate rulemaking action are proposed in this notice, together with proposals developed by the FAA and not covered at the conference.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 4, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend Parts 1, 21, 23, 25, 27, 29, and 33 of the Federal Aviation Regulations as follows:

Part 1 proposals:

Proposal 1. Definition of Aircraft Engines (§ *1.1*). Section 1.1 would be amended to change the definition of "Aircraft engine" to read as follows:

§ 1.1 General Definitions.

* * * * *

"Aircraft engine" means an engine that is used or intended to be used in propelling aircraft. It includes any turbosupercharger that is used as well as other appurtenances and accessories necessary for its functioning, but does not include propellers.

* * * * *

EXPLANATION: The installation of a turbosupercharger on an engine has a significant effect on the performance and structure of the power section of an engine. There has been some confusion in the past as to whether or not a turbosupercharger is an appurtenance or accessory. This change to the definition should settle this confusion.

Proposal 2. Definitions (§ *1.1*). Section 1.1 would be amended by adding new definitions: "idle thrust", "rated takeoff augmented thrust", and "rated maximum continuous augmented thrust", and by amending the definitions of "rated takeoff thrust" and "rated maximum continuous thrust" to read as follows:

§ 1.1 General definitions.

* * * * *

"Idle thrust" means the jet thrust obtained with the engine fuel control device set at the stop for the least thrust position at which it can be placed.

* * * * *

"Rated maximum continuous thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

* * * * *

"Rated maximum continuous augmented thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, with fluid injection or with the burning of fuel in a separate combustion chamber within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

* * * * *

"Rated takeoff thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over five minutes for takeoff operation.

"Rated takeoff augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over five minutes for takeoff operation.

* * * * *

EXPLANATION: The terms "idle thrust", "rated takeoff augmented thrust" and "rated maximum continuous augmented thrust" are used in the new proposals for endurance test requirements for engines certificated for use in supersonic aircraft. The terms "rated takeoff augmented thrust" and "rated maximum continuous augmented thrust" differ from the presently defined "rated takeoff thrust" and "rated maximum continuous thrust" in that they include the effect of augmenting the basic thrust output of the engine by injection of water, water-alcohol solution or by the burning of fuel in the main duct, fan duct, or, other separate combustion chamber. The proposal would define these terms and change the definitions of "rated takeoff thrust" and "rated maximum continuous thrust" in order to make the distinction clear.

Part 21 proposals:

Proposal 1. Application for type certificate-engine (§ *21.15*). Section 21.15 would be amended by adding a new paragraph (c) to read as follows:

§ 21.15 Application for type certificate.

* * * * *

(c) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and proposed engine operating limitations. The description of the engine design features must include a stress analysis showing the design safety margin of each turbine engine rotor, spacer, and rotor shaft.

EXPLANATION: While the FAA can obtain under current § 21.21 a description of the engine design features, the engine operating characteristics, and the engine operating limitations, there is a need to obtain this data early in the type certification program. The proposal would require that such data be submitted at the time the application for a type certificate for an engine is filed.

Proposal 2. Flight tests (§ *21.35*). Section 21.35 would be amended by adding a new paragraph (f) to read:

§ 21.35 Flight tests.

* * * * *

(f) The flight tests prescribed in paragraph (b)(2) of this section must include—

(1) For aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft, at least 300 hours of operation with engines that conform to a type certificate; and

(2) For all other aircraft, at least 150 hours of operation.

EXPLANATION: The present rule does not specify the duration of the flight tests. Experience has shown that the usual block testing of engines and experimental flight vehicle testing may not fully simulate engine operation in a prototype aircraft, and rematching and other modifications have been necessary. The proposal would require a minimum of 300 hours of operation for the flight tests for turbine engines of a type not previously used in a type certificated aircraft, and 150 hours of operation for all other aircraft. The FAA believes that the additional time is necessary for aircraft using newly certificated turbine engines to ensure that the engines, when installed in an aircraft do not introduce safety problems, such as engine stall, overheating, fires, or engine control matching or component failures, under actual operating conditions. The use of a full complement of type certificated engines would be required in order to achieve experience directly applicable to service since manufacturers often develop their aircraft using experimental engines which differ from the type certificated model.

Proposal 3. Approval of major changes in type design (*§ 21.97*). Section 21.97 would be amended to read as follows:

§ 21.97 Approval of major changes in type design.

(a) In the case of a major change in type design, the applicant must submit substantiating data and necessary descriptive data for inclusion in the type design.

(b) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

EXPLANATION: There are no specific provisions in present § 21.97 concerning major changes in the type design of aircraft engines. Service experience indicates that there may be cumulative adverse effects, such as increased vibration stresses, changes in acceleration time, and changes in output levels, which are not always evident, resulting from the incorporation of a design change in different versions or configurations of the same engine. The proposal would limit the approval of a design change of an aircraft engine to the specified engine configuration upon which the change is made unless the applicant can show that the change is also compatible with other configurations.

Part 23 proposals:

Proposal 1. General (*§ 23.951*). Section 23.951 would be amended to read as follows:

§ 23.951 General.

(a) Each fuel system must be constructed and arranged to insure a flow of fuel at a rate and pressure established for proper engine functioning under each likely operating condition, including any maneuver for which certification is requested.

(b) Each fuel system must be arranged so that—

(1) No fuel pump can draw fuel from more than one tank at a time; or

(2) There are means to prevent introducing air into the system.

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

EXPLANATION: The current requirements of § 23.951 would be updated consistent with the corresponding requirements of Parts 25, 27, and 29 and the ice protection requirements in present § 23.997 would be transferred to § 23.951 and revised to provide protection from ice accumulation in any component of the fuel system.

Proposal 2. Fuel Strainer or Filter (*§ 23.997*). Section 23.997 would be amended to read as follows:

§ 23.997 Fuel strainer or filter.

There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine driven positive displacement pump, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(a) Be accessible for draining and cleaning and must incorporate a screen or element which is easily removable;

(b) Have a sediment trap and drain;

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself; and

(d) Have the capacity (with respect to operating limitations established for the engine) and the mesh to insure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in Part 33 of this Chapter.

EXPLANATION: The FAA believe that it is essential that the engine be equipped in all cases with a fuel strainer or filter to protect both the fuel metering device and the positive displacement pump.

Proposal 3. Oil Tanks (*§ 23.1013*). Section 23.1013 would be amended by amending paragraph (b)(1), paragraph (c), and paragraph (e), and by adding new paragraph (g) to read as follows:

§ 23.1013 Oil tanks.

* * * * *

(b) * * *

(1) Each oil tank used with a reciprocating engine has an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine has an expansion space of not less than 10 percent of the tank capacity; and

* * * * *

(c) *Filler connection.* Each oil tank filler connection must be marked as specified in § 23.1557(c). Each recessed oil tank filler connection, of an oil tank used with a turbine engine, that can retain any appreciable quantity of oil must have provisions for fitting a drain.

* * * * *

(e) *Outlet.* No oil tank outlet may be enclosed or covered by any screen or guard that might reduce the flow of oil. No oil tank outlet diameter may be less than the diameter of the engine oil pump inlet. Each oil tank used with a turbine engine must have means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system, and must, for tanks used with a turbine engine, have a shutoff valve at the outlet unless the external portion of the oil system (including oil tank supports) is fireproof.

* * * * *

(g) Each oil tank filler cap of an oil tank that is used with a turbine engine must provide an oiltight seal.

EXPLANATION: The proposed changes to § 23.1013 are necessary to provide for oil tanks on turbine engine installations. The present rules do not take into consideration problems involved in oil tank installation on turbine engines.

Proposal 4. Oil Tank Tests (*§ 23.1015*). Section 23.1015 would be amended by adding a new paragraph (c) to read as follows:

§ 23.1015 Oil tank tests.

* * * * *

(c) For pressurized tanks used with a turbine engine, the test pressure may not be less than 5 p.s.i. plus the maximum operating pressure of the tank.

EXPLANATION: The purpose of this proposal is to add a test pressure requirement for oil tanks used with turbine engines.

Proposal 5. Oil Strainer or Filter (*§ 23.1019*). Section 23.1019 would be amended to read as follows:

§ 23.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capacity (with respect to operating limitations established for the engine) and the mesh to insure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass, except those that are installed at an oil tank outlet, must have a means to connect it to the warning means required in § 23.1305(r).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

EXPLANATION: This proposal would introduce comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 23.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 6. Induction system icing protection (*§ 23.1093*). Section 23.1093 would be amended by amending paragraph (b) to read as follows:

§ 23.1093 Induction system icing protection.

* * * * *

(b) Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter, and in snow, both falling and blowing, within the limitations established for the airplane; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: This proposal is considered appropriate in order to require the applicant to provide ice protection with the engine idling. It would also provide for icing protection in both falling and blowing snow. In addition, the indicator requirement in present § 23.1093 would be moved to § 23.1305 which covers instruments.

Proposal 7. Flammable fluid-carrying components (*§ 23.1183*). Section 23.1183 would be amended by amending the heading and paragraph (a) to read as follows:

§ 23.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, must be fire resistant, except that flammable fluid tanks and supports which are part of and attached to the engine must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located so as to safeguard against the ignition of leaking flammable fluid.

* * * * *

EXPLANATION: The present requirement is specifically directed only to lines and fittings that carry flammable fluid. The FAA considers that all components carrying flammable fluid should have fire protection. This is consistent with the proposal covering the certification of aircraft engines.

Proposal 8. Powerplant instruments (*§ 23.1305*). Section 23.1305 would be amended by adding new paragraphs (q), (r), (s), and (t) to read as follows:

§ 23.1305 Powerplant instruments.

* * * * *

(q) For each turbine engine, an indicator to indicate the functioning of the powerplant ice protection system.

(r) For each turbine engine, an indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(s) For each turbine engine, a warning means for each oil strainer or filter that has no bypass, to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(t) An indicator to indicate the functioning of any heater used to prevent ice clogging of fuel system components.

EXPLANATION: The provisions of paragraph (q) would be transferred from present § 23.1093. The indicator and the means proposed in paragraphs (r) and (s) are necessary to implement the requirements of proposed §§ 23.997 and 23.1019, respectively. The indicator proposed in paragraph (t) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 23.951.

Part 25 proposals:

Proposal 1. General (*§ 25.951*). Section 25.951 would be amended by adding a new paragraph (c) to read as follows:

§ 25.951 General.

* * * * *

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

EXPLANATION: The current requirements of §§ 25.977 and 25.997 require a means to prevent ice accumulation on the fuel tank outlet filter and strainer. However, they do not provide protection for ice accumulation in other components of the fuel system. Therefore, it is proposed to delete the ice protection requirements from §§ 25.977 and 25.997 and to upgrade those requirements to cover the entire fuel system.

Proposal 2. Fuel strainer or filter (*§ 25.977*). Section 25.977 would be amended by deleting paragraph (b).

EXPLANATION: The ice protection requirements of present § 25.977(b) would be revised and incorporated in a new § 25.951(c).

Proposal 3. Fuel filter or strainer (*§ 25.997*). Section 25.997 would be amended to read as follows:

§ 25.997 Fuel strainer or filter.

There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine-driven positive displacement pump when an engine-driven positive displacement pump is used, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(a) Be accessible for draining and cleaning;

(b) Have a sediment trap and drain;

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself; and

(d) Have the capacity (with respect to operating limitations established for the engine) and the mesh to ensure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that establishd for the engine in Part 33 of this chapter.

EXPLANATION: The FAA believes that it is now essential that the engine be equipped in all cases with a fuel strainer or filter to protect both the fuel metering device and the positive displacement pump.

Proposal 4. Oil tanks (*§ 25.1013*). Section 25.1013 would be amended by deleting the second sentence of paragraph (a) and amending paragraph (b)(1) and paragraph (e) to read as follows:

§ 25.1013 Oil tanks.

* * * * *

(b) * * *

(1) Each oil tank used with a reciprocating engine must have an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine must have an expansion space of not less than 10 percent of the tank capacity.

* * * * *

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by any screen or guard that would reduce the flow of oil below a safe value at any operating temperature. There must be a shutoff valve at the outlet of each oil tank used with a turbine engine unless the external portion of the oil system (including oil tank supports) is fireproof.

* * * * *

EXPLANATION: The second sentence of present paragraph (a) is more appropriate to the provisions of proposed § 25.1183 and would now be incorporated in that section. The remaining proposed changes to § 25.1013 are necessary for oil tanks in turbine engine installations. The present rules do not take into consideration problems connected with oil tank installations on turbine engines.

Proposal 5. Oil tank tests (§ 25.1015). Section 25.1015 would be amended by amending paragraph (b)(1) to read as follows:

§ 25.1015 Oil tank tests.

* * * * *

(b) * * *

(1) The test pressure—

(i) For pressurized tanks used with a turbine engine, may not be less than 5 p.s.i. plus the maximum operating pressure of the tank instead of the pressure specified in § 25.965(a); and

(ii) For all other tanks, may not be less than 5 p.s.i. instead of the pressure specified in § 25.965(a); and

* * * * *

EXPLANATION: The purpose of this proposal is to add a test pressure requirement for all tanks used with turbine engines.

Proposal 6. Oil strainer or filter (§ 25.1019). Section 25.1019 would be amended to read as follows:

§ 25.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capability (with respect to operating limitations established for the engine) and the mesh to ensure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass except those that are installed at an oil tank outlet must have a means by which it may be connected with the warning means required in § 25.1305(c)(7).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

EXPLANATION: This proposal would introduce comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 25.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 7. Induction system deicing and anti-icing protection (§ 25.1093). Section 25.1093 would be amended by amending paragraph (b) to read as follows:

§ 25.1093 Induction system deicing and anti-icing provisions.

* * * * *

(b) *Turbine engines.* Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust under the icing conditions specified in Appendix C, and in snow, both falling and blowing, within the limitations established for the airplane; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: The FAA believe that it is appropriate in order to require the applicant to provide ice protection with the engine idling. It would also provide for icing protection in both falling and blowing snow. In addition, the indicator requirement in present § 25.1093 would be moved to § 25.1305 which covers instruments.

Proposal 8. Flammable fluid-carrying components (§ 25.1183). Section 25.1183 would be amended by amending the heading and paragraph (a) to read as follows:

§ 25.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, and each component which conveys or contains flammable fluid in a designated fire zone must be fire resistant, except that flammable fluid tanks and supports in a designated fire zone must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located to safeguard against the ignition of leaking flammable fluid.

* * * * *

EXPLANATION: The second sentence of present paragraph (a) of § 25.1013 would be revised and covered under the provisions of § 25.1183. In addition, the provisions of § 25.1183 would be expanded to cover all components carrying flammable fluid, not just lines and fittings.

Proposal 9. Powerplant instruments (§ 25.1305). Section 25.1305 would be amended by adding new subparagraphs (5) through (8) to paragraph (c), and a new subparagraph (3) to paragraph (d) to read as follows:

§ 25.1305 Powerplant instruments.

The following are required powerplant instruments:

* * * * *

(c) *For turbine engine-powered airplanes.* * * *

(5) An indicator to indicate the functioning of the powerplant ice protection system for each engine.

(6) An indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(7) A warning means, for each oil strainer or filter that has no bypass, to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(8) An indicator to indicate the proper functioning of any heater used to prevent ice clogging of fuel system components.

(d) *For turbojet engine-powered airplanes.* * * *

(3) An indicator to indicate rotor system unbalance.

* * * * *

EXPLANATION: Proposed new paragraph (c)(5) is merely a transfer from the current requirements of § 25.1093(b). The indicator and warning means proposed in new paragraphs (c) (6) and (7) are necessary to implement the requirements of proposed §§ 25.997 and 25.1019, respectively. The indicator proposed in new paragraph (c)(8) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 25.951. The rotor system unbalance indicator proposed in new paragraph (d)(3) is necessary since the effect of a rotor system failure can be catastrophic because of the resulting engine unbalance if the flight crew is not provided with an appropriate vibration warning. While present requirements concerning failure of turbine engine installations do not cover the flight crew warning necessary for safety, vibration monitoring systems have been voluntarily installed in most turbine powered transport airplanes currently in operation and special conditions have been issued requiring the indicator on transport category airplanes using turbojet engines. The FAA is aware that to the extent that currently available vibration detectors are not as reliable as engines, this proposal may impose an economic penalty. Nevertheless, the FAA believes that for airplanes using turbojet engines, a vibration indicator is necessary in the interest of safety.

Part 27 proposals:

Proposal 1. General (§ 27.951). Section 27.951 would be amended by adding a new paragraph (c) to read as follows:

§ 27.951 General.

* * * * *

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

EXPLANATION: The current requirements of § 27.997 require a means to prevent accumulation of ice on the fuel filter and strainer. However, they do not provide protection from ice accumulation in other components of the fuel system. It is proposed to transfer the ice protection requirements from present § 27.997 to § 27.951 and to upgrade those requirements to cover the entire fuel system.

Proposal 2. Fuel strainer or filter (§ 27.997). Section 27.997 would be amended to read as follows:

§ 27.997 Fuel strainer or filter.

(a) There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine-driven positive displacement pump, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(1) Be accessible for draining and cleaning and must incorporate a screen or element which is easily removable;

(2) Have a sediment trap and drain;

(3) Be mounted so that its weight is not supported by the connecting lines or by the inlet connections of the strainer or filter itself; and

(4) Have the capacity (with respect to operating limitations established for the engine) and the mesh, to insure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in Part 33 of this chapter.

EXPLANATION: The FAA believes that it is essential that the engine be equipped in all cases with a fuel strainer or filter to protect both the fuel metering device and the positive displacement pump.

Proposal 3. Oil tanks (§ 27.1013). Section 27.1013 would be amended by deleting paragraph (b) and amending paragraph (c) to read as follows:

§ 27.1013 Oil tanks.

* * * * *

(b) [Deleted]

(c) Each oil tank used with a reciprocating engine has an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine has an expansion space of not less than 10 percent of the tank capacity.

EXPLANATION: The purpose of the proposed amendment to paragraph (b) is to delete the test pressure requirement which would be included in proposed new § 27.1015. In addition, the proposed amendment to paragraph (c) would establish an expansion space in oil tanks that is related realistically to oil tanks used in turbine engine installations.

Proposal 4. Oil tank tests (new § 27.1015). A new § 27.1015 would be added to read as follows:

§ 27.1015 Oil tank tests.

Each oil tank must be designed and installed so that it can withstand, without leakage, an internal pressure of 5 p.s.i., except that each pressurized oil tank used with a turbine engine must be designed and installed so that it can withstand, without leakage, an internal pressure of 5 p.s.i. plus the maximum operating pressure of the tank.

EXPLANATION: The purpose of this proposal is to add a test pressure requirement for all tanks used with turbine engines.

Proposal 5. Oil strainer or filter (§ 27.1019). Section 27.1019 would be amended to read as follows:

§ 27.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capacity (with respect to operating limitations established for the engine) and the mesh, to insure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass, except those that are installed at an oil tank outlet, must have a means to connect it to the warning means required in § 27.1305(q).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer of filter element completely blocked.

EXPLANATION: The proposal would introduce comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 27.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 6. Induction system icing protection (§ 27.1093). Section 27.1093 would be amended by amending paragraph (b) to read as follows:

§ 27.1093 Induction system icing protection.

* * * * *

(b) *Turbine engines.* Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter, and in snow, both falling and blowing, within the limitations established for the rotorcraft; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: This proposal is considered appropriate in order to require the applicant to provide ice protection with the engine idling. It would also provide for icing protection in both falling and blowing snow. In addition, an indicator requirement would be added to § 27.1305 which covers instruments.

Proposal 7. Flammable fluid-carrying components (§ 27.1183). Section 27.1183 would be amended by amending the heading and paragraph (a) to read as follows:

§ 27.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, must be fire resistant, except that flammable fluid tanks and supports which are part of and attached to the engine must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located so as to safeguard against the ignition of leaking flammable fluid.

* * * * *

EXPLANATION: The present requirement is specifically directed only to lines and fittings that carry flammable fluid. The FAA considers that all components carrying flammable fluid should have fire protection. This is consistent with the proposed requirement in Part 33 of this chapter.

Proposal 8. Powerplant instruments (§ 27.1305). Section 27.1305 is amended by adding new paragraphs (p), (q), (r), and (s) to read as follows:

§ 27.1305 Powerplant instruments.

* * * * *

(p) For each turbine engine, an indicator to indicate the functioning of the powerplant ice protection system.

(q) For each turbine engine, an indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(r) For each turbine engine, a warning means for each oil strainer or filter that has no bypass to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(s) An indicator to indicate the proper functioning of any heater used to prevent ice clogging of fuel system components.

EXPLANATION: The present airworthiness requirements applicable to airplanes require a means to indicate the functioning of the powerplant ice protection system. Such a

means is necessary for each turbine engine regardless of the type aircraft on which it is used and proposed paragraph (p) would add the requirement to Part 27. The indicator and warning means proposed in paragraphs (q) and (r) are necessary to implement the requirements of proposed §§ 27.997 and 27.1019, respectively. The indicator proposed in paragraph (s) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 27.951.

Part 29 proposals:

Proposal 1. General (§ 29.951). Section 29.951 would be amended by adding a new paragraph (c) to read as follows:

§ 29.951 General.

* * * * *

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

* * * * *

EXPLANATION: The current requirements of § 29.997 require a means to prevent accumulation of ice on the fuel filter. However, they do not provide protection for ice accumulation in other components of the fuel system. It is proposed to transfer the ice protection requirements from present § 29.997 to § 29.951 and to upgrade those requirements to cover the entire fuel system.

Proposal 2. Fuel strainer or filter (§ 29.997). Section 29.997 would be amended to read as follows:

§ 29.997 Fuel strainer or filter.

There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine-driven positive displacement pump, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(a) Be accessible for draining and cleaning and must incorporate a screen or element which is easily removable;

(b) Have a sediment trap and drain;

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself;

(d) Have the capacity (with respect to operating limitations established for the engine) and the mesh to ensure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in Part 33 of this chapter.

EXPLANATION: The FAA believes that it is now essential that the engine be equipped in all cases with a fuel strainer and filter to protect both the fuel metering device and the positive displacement pump.

Proposal 3. Oil tanks (§ 29.1013). Section 29.1013 would be amended by deleting the second sentence in paragraph (a) and by amending paragraph (b)(1) and paragraph (e) to read as follows:

§ 29.1013 Oil tanks.

* * * * *

(b) * * *

(1) Each oil tank used with a reciprocating engine has an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine has an expansion space of not less than 10 percent of the tank capacity.

* * * * *

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by a screen or guard that would reduce the flow of oil below a safe value at any operating temperature. There must be a shutoff valve at the outlet of each oil tank used with a turbine engine unless the external portion of the oil system (including oil tank supports) is fireproof.

* * * * *

EXPLANATION: The second sentence of present paragraph (a) is more appropriate to the provisions of § 29.1183 and would now be incorporated in that section. The remaining proposed changes to § 29.1013 are necessary for all tank installations on turbine engines. The present rules do not take into consideration problems connected with such installations.

Proposal 4. Oil tank test (§ 29.1015). Section 29.1015 would be amended by amending paragraph (b) to read as follows:

§ 29.1015 Oil tank tests.

* * * * *

(b) It meets the requirements of § 29.965, except that instead of the pressure specified in § 29.965(b)—

(1) For pressurized tanks used with a turbine engine, the test pressure may not be less than 5 p.s.i. plus the maximum operating pressure of the tank; and

(2) For all other tanks, the test pressure may not be less than 5 p.s.i.

EXPLANATION: The purpose of this proposal is to add a test pressure requirement for all tanks used with turbine engines.

Proposal 5. Oil strainer or filter (§ 29.1019). Section 29.1019 would be amended to read as follows:

§ 29.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capacity (with respect to operating limitations established for the engine) and the mesh, to ensure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass, except those that are installed at an oil tank outlet, must have a means by which it may be connected with the warning means required in § 29.1305(a)(18).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

EXPLANATION: This proposal introduces comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 29.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 6. Induction system icing protection (§ 29.1093). Section 29.1093 would be amended by amending paragraph (b) to read as follows:

§ 29.1093 Induction system icing protection.

* * * * *

(b) *Turbine engines.* Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter, and in snow, both falling and blowing, within the limitations established for the rotorcraft; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: This proposal is considered appropriate in order to require the applicant to provide ice protection with the engine idling. It would provide for icing protection in both falling and blowing snow. In addition, the indicator requirement in present § 29.1093 would be moved to § 29.1305 which covers instruments.

Proposal 7. Flammable fluid-carrying components (§ 29.1183). Section 29.1183 would be amended by amending the heading and paragraph (a) to read as as follows:

§ 29.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and

other component carrying flammable fluid in any area subject to engine fire conditions, and each component which conveys or contains flammable fluid in a designated fire zone, must be fire resistant, except that flammable fluid tanks and supports in a designated fire zone must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located so as to safeguard against the ignition of leaking flammable fluid.

* * * * *

EXPLANATION: The present requirements of § 29.1183 are specifically directed only to lines and fittings that carry flammable fluid. The FAA considers that all components carrying flammable fluid should have fire protection. This is consistent with the proposal covering the certification of engines.

Proposal 8. Powerplant instruments (*§ 29.1305*). Section 29.1305(a) would be amended by adding new subparagraphs (16), (17), (18), and (19) to read as follows:

§ 29.1305 Powerplant instruments.

The following are required powerplant instruments.

(a) For each rotorcraft—

* * * * *

(16) For turbine engines, an indicator to indicate the functioning of the powerplant ice protection system.

(17) An indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(18) For each turbine engine, a warning means for each oil strainer or filter that has no bypass to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(19) An indicator to indicate the proper functioning of any heater used to prevent ice clogging of fuel system components.

* * * * *

EXPLANATION: The present airworthiness requirements applicable to airplanes require a means to indicate the functioning of the powerplant ice protection system. Such a means is necessary for each turbine engine regardless of the type aircraft on which it is used and proposed paragraph (a)(16) would add the requirement to Part 29. The indicator and warning means proposed in paragraphs (a) (17) and (18) are necessary to implement the requirements of proposed §§ 29.997 and 29.1019, respectively. The indicator proposed in paragraph (a)(19) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 29.951.

Part 33 proposals:

Proposal 1. Instructions (*§ 33.5*). Section 33.5 would be amended to read as follows:

§ 33.5 Instructions.

Each applicant must prepare and make available to the Administrator prior to the issuance of the type certificate and to the owner at the time of delivery of the engine, instructions for installing, operating, servicing, and maintaining the engine. The instructions must include at least the following:

(a) *Installation instructions.* (1) The location of engine mounting attachments and the method of attaching the engine to the aircraft.

(2) The location of engine connections that are to be attached to pipes, wires, cables, ducts, and cowling.

(3) An outline drawing of the engine, including overall dimensions.

(b) *Operation instructions.* (1) The operating limitations established by the Administrator.

(2) The power or thrust ratings and procedures for correcting for nonstandard atmosphere.

(3) The recommended procedures, under normal and extreme ambient conditions for—

(i) Starting;

(ii) Operating on the ground; and

(iii) Operating during flight.

(c) *Service instructions.* (1) The techniques and methods of service.

(2) The frequency of service.

(3) The fuel, lubricant, and hydraulic fluid that may be used in the engine.

(d) *Maintenance and inspection instructions.* (1) The techniques and methods of performing inspections.

(2) The frequency of checking, cleaning, lubricating, or adjusting.

(e) *Overhaul and replacement instructions.* (1) The frequency of the overhauls.

(2) The life limits of components requiring replacement.

(3) The techniques and methods of replacing components which have life limits.

(4) The techniques and methods of disassembly and reassembly.

(5) The fits and clearances of each component.

(6) The techniques for testing each component after overhaul or replacement of the component.

EXPLANATION: The present requirement that instructions must be in the form of an approved manual or manuals is unnecessarily restrictive. While the information is essential and should be available at the time the type certificate is issued, experience has shown that it is not necessary to specify the form of the document or that it be in final printed form at the time the type certificate is issued. However, the information should be available for each engine. The proposal would also eliminate the uncertainty which exists concerning the nature of the instructions required by specifying the instructions which must be provided in all cases.

Proposal 2. Engine ratings and operating limitations (*§ 33.7*). Section 33.7 would be amended to read as follows:

§ 33.7 Engine ratings and operating limitations.

(a) Engine ratings and operating limitations are established by the Administrator and included in the engine certificate data sheet specified in § 21.41 of this chapter, including ratings and limitations based on the operating conditions and information specified in this section, as applicable, and any other information found necessary for safe operation of the engine.

(b) For reciprocating engines, ratings and operating limitations are established relating to—

(1) Horsepower or torque, r.p.m., maniold pressure, and time at critical pressure altitude and sea level pressure altitude for—

(i) Maximum continuous power (high blower);

(ii) Maximum continuous power (low blower);

(iii) Takeoff power (high blower); and

(iv) Takeoff power (low blower).

(2) Fuel grade or specification.

(3) Oil grade or specification.

(4) Temperature of the—

(i) Cylinder head;

(ii) Cylinder barrel;

(iii) Oil at the oil inlet; and

(iv) Turbosupercharger turbine wheel inlet gas.

(5) Pressure of—

(i) Fuel at the fuel inlet; and

(ii) Oil at the main oil gallery.

(6) Accessory drive torque and overhang moment.

(7) Component life.

(8) Turbosupercharger turbine wheel r.p.m.

(c) For turbine engines, ratings and operating limitations are established relating to—

(1) Horsepower, torque, or thrust, r.p.m., gas temperature, and time for—

(i) Maximum continuous power or thrust (augmented);

(ii) Maximum continuous power or thrust (unaugmented);

(iii) Takeoff power or thrust (augmented);

(iv) Takeoff power or thrust (unaugmented);

(v) 30-minute power; and

(vi) 2½-minute power.

(2) Fuel designation or specification.

(3) Oil grade or specification.

(4) Hydraulic fluid specification.

(5) Temperature of—

(i) Oil at the oil inlet;

(ii) Induction air at the inlet face of a supersonic engine, including steady state operation and transient over-temperature and time allowed;

(iii) Hydraulic fluid of a supersonic engine;

(iv) Fuel at a location on a supersonic engine that is specified by the applicant; and

(v) External surfaces of the engine.

(6) Pressure of—

(i) Fuel at the fuel inlet;

(ii) Oil at the main oil gallery;

(iii) Induction air at the inlet face of a supersonic engine, including steady state operation and transient overpressure and time allowed; and

(iv) Hydraulic fluid.

(7) Accessory drive torque and overhang moment.

(8) Component life.

(9) Fuel filtration.

(10) Oil filtration.

(11) Bleed air.

(12) Internal cooling air flow.

(13) The number of start-stop stress cycles approved for each rotor disc and spacer.

(14) Inlet air distortion at engine inlet.

(15) Transient rotor shaft overspeed r.p.m., and number of overspeed occurrences.

(16) Transient gas overtemperature, and number of overtemperature occurrences.

(17) Engine rotor windmilling rotational r.p.m.

(18) Time for first overhaul.

EXPLANATION: The proposal would replace the general statement in the present rule with a listing of the parameters for which operating limitations are established. In addition, the operating limitations would be included in the engine certificate data sheet to ensure the limitations are made known to the users of the engine.

Proposal 3. Design features (*§ 33.13*). Section 33.13 would be deleted.

EXPLANATION: Present § 33.13 is superfluous. The regulations contain adequate and appropriate safety standards for aircraft engines. Testing of questionable design features may be required under the provisions of § 21.33 and special conditions may be prescribed under § 21.16 for novel or unusual design features.

Proposal 4. Low-cycle fatigue (*new § 33.14*). A new § 33.14 would be added to read as follows:

§ 33.14 Start-stop cyclic stress (low-cycle fatigue).

Each rotor disc and spacer of the compressor and the turbine must withstand the stress induced by thermal and mechanical loads developed each time the engine is started, accelerated to its maximum rated power or thrust and disc and spacer temperatures stabilized, and stopped and disc and spacer temperatures stabilized. The service life of each disc and spacer must be established and may not be greater than the number of start-stop stress cycles established as an operating limitation in the type certificate, amended type certificate, or supplemental type certificate. The number of start-stop stress cycles established as an operating limitation may not exceed one-third of the number of cycles determined to be the maximum number that each disc and spacer can sustain without failure, except this limit may be increased if at least three discs and three spacers that have been operated through the limiting number of cycles in actual service are tested through twice the number of cycles comprising the increased limit.

EXPLANATION: Experience has shown that start-stop cyclic stress (low-cycle fatigue), if great enough and applied for a large number of cycles causes rotor disc failure. Start-stop cyclic stress is the stress induced in engine parts by the thermal and mechanical loads developed each time the engine is started, accelerated to its maximum rated power or thrust, disc and spacer temperatures stabilized, stopped, and disc and spacer temperature stabilized. The proposal would require an applicant to substantiate the ability of the engine to withstand start-stop cyclic stress applications and to limit the life of engine components to that number of cycles within which the start-stop-cyclic stress will not cause a failure. The proposal would also adopt the procedures set forth in AC 33-3 as the basis for establishing LCF life values. The techniques for establishing LCF life limits for rotor components are complex and may involve a variety of techniques, at times with varying accuracy. While the possibility of error in a safe life determination is not usually critical for initial life limits, it could become critical for extended life limits. Service experience has shown that the possibility of such error can be minimized by the use of the generally accepted procedure of adding test cycles to high-time parts which have been removed from service. The proposed procedure will provide a more uniform basis for determining initial LCF life as well as life extensions.

Proposal 5. Fire prevention (*§ 33.17*). Section 33.17 would be amended to read as follows:

§ 33.17 Fire prevention.

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire.

(b) Except as provided in paragraphs (c), (d), and (e) of this section, each external line, fitting, and other component, which conveys or contains flammable fluid must be fire resistant. Components must be shielded or located to safeguard against the ignition of leaking flammable fluid.

(c) Flammable fluid tanks and supports which are part of and attached to the engine must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid.

(d) For turbine engines type certificated for use in supersonic aircraft, each external component which conveys or contains flammable fluid must be fireproof.

(e) Accumulation of flammable fluid (including vapor) must be prevented by draining and venting the areas of the engines where the fluid can accumulate.

EXPLANATION: The stated reasons in present paragraph (a) are superfluous and would be deleted. Under present paragraph (b) only external lines or fittings that convey flammable fluid are required to be fire resistant. Other external components are also vulnerable to fire and the proposal would add fire prevention requirements covering all components. For engines certificated for use in ignition source. The proposal would also add supersonic aircraft, all components would be required to be fireproof since an engine used in supersonic aircraft presents a fire hazard because its external surface and the compartment surrounding the engine will be sufficiently hot during supersonic flight to be an a drain and vent requirement to ensure that unwanted flammable fluid will not accumulate in the engine and thereby create a fire hazard. Appropriate amendments to the related aircraft airworthiness rules are also proposed in this notice.

Proposal 6. Accessory attachments (*§ 33.25*). Section 33.25 would be amended to read as follows:

§ 33.25 Accessory attachments.

The engine must operate properly with the accessory drive and mounting attachments loaded, and each accessory used only for an aircraft service must be loaded with the limit load specified by the applicant for the engine drive or attachment point. Each engine accessory drive and mounting attachment must be sealed to prevent contamination of or leakage from the engine interior. The design of the engine must allow for the examination, adjustment, or removal of each accessory required for engine operation.

EXPLANATION: The present rule does not require that limit loads for drive and attachments used only for aircraft services be established or that drives and attachments be sealed to prevent contamination of or leakage from the engine interior. These provisions are needed, particularly in the event of an accessory failure that could result in broken parts dropping into the engine or oil leakage.

Proposal 7. Turbine, compressor, and turbosupercharger rotors (*§ 33.27*). Section 33.27 would be amended to read as follows:

§ 33.27 Turbine, compressor, and turbosupercharger rotors.

(a) Turbine, compressor, and turbosupercharger rotors must have sufficient strength to withstand excessive rotor speed, temperature, and vibration.

(b) The design and functioning of engine control devices, systems, and instruments must give reasonable assurance that those engine operating limitations that affect turbine, compressor, and turbosupercharger rotor structural integrity will not be exceeded in service.

(c) Transposition of an air-cooled turbine rotor or failure or blockage of any rotor or stator cooling air passage may not interrupt normal cooling air flow for the rotor.

(d) The turbine rotor, the compressor rotor, and the turbosupercharger rotor sustaining the highest operating stress at the maximum limiting r.p.m., of all such rotors, respectively, in an engine or turbosupercharger, must each be tested—

(1) By a test article fabricated of material having only the minimum quality allowed by each material specification parameter, or, if not so fabricated, with test results corrected to reflect the use of material having such minimum quality;

(2) At its maximum operating temperature, except as provided in subparagraph (4) (v) of this paragraph;

(3) For a period of 5 minutes; and

(4) At a speed of—

(i) 125 percent of its maximum limiting r.p.m. if on a rig and the rotor disc is equipped with either blades or blade weights;

(ii) 120 percent of its maximum limiting r.p.m. if on an engine;

(iii) Maximum limiting r.p.m. if on an engine and the rotor disc section is thinner than specified in the type design so that the operating stress induced at maximum limiting r.p.m. is the same as for a rotor conforming to type design at

120 percent of its maximum limiting r.p.m.;

(iv) 120 percent of its maximum limiting r.p.m. if on a turbosupercharger driven by a hot gas supply from a special burner rig; or

(v) 125 percent of the r.p.m. at which, while cold spinning, the motor disc is subject to the same operating stresses that are induced at the maximum limiting temperature and r.p.m., provided that disc temperature survey data from operating engines and data on hot strength properties of the disc material establish the effect of temperature on stress.

Following the test, each rotor must be within the dimensional limits allowed by the type design for installation in an engine and may not be cracked.

EXPLANATION: Compressor failure produces the same hazards that result from turbine failure and the proposal would extend the present turbine rotor requirement to the compressor. Similarly, since the current regulations do not require specific rotor strength margin for turbosuperchargers, notwithstanding that experience with gas driven rotors indicates the likelihood of hazard to aircraft in the event of rotor failure, turbosuperchargers would be included. The proposal would also eliminate the consequences of cooling stoppage by adding a requirement that if an air-cooled turbine rotor moves from its installed position during operation or if rotor or stator cooling air passages fail or become blocked, the movement, failure, or blockage will not interrupt normal cooling airflow for the rotor stator. Finally, overspeed test requirements are proposed for turbine, compressor, and turbosupercharger rotors.

Proposal 8. Instrument connection marking (new § 33.29). A new § 33.29 would be added to read as follows:

§ 33.29 Instrument connection.

(a) Connections provided for powerplant instruments required by the aircraft airworthiness regulations or necessary to insure operation of the engine in compliance with any new engine limitation must be marked to identify each connection with its corresponding instrument.

(b) A connection must be provided on each turbojet engine for a vibration monitoring indicator system to indicate rotor system unbalance.

EXPLANATION: The proposal would insure that any instrument connection that is provided on the engine is marked to identify it with the proper instrument to be connected when the engine is installed in an aircraft. An unsafe condition could arise if the wrong instrument were attached to a connection. In addition, it is proposed to require a connection on turbojet engines for a vibration monitoring indicator system to indicate rotor system unbalance. The present rules do not cover monitoring rotor system unbalance, however, the use of such equipment has become a safety necessity.

Proposal 9. General (new § 33.42). A new § 33.42 would be added to read as follows:

§ 33.42 General.

Before each endurance test required by this subpart, the adjustment setting and functioning characteristic of each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must be established and recorded.

EXPLANATION: It is necessary to establish the adjustment setting and functioning characteristic of each component before each endurance test in order to comply with the requirements of proposed § 33.55.

Proposal 10. Vibration test (§ 33.43). Section 33.43 would be amended to read as follows:

§ 33.43 Vibration test.

(a) Each engine must undergo a vibration survey to establish the torsional and bending vibration characteristics of the crankshaft and the propeller shaft or other output shaft, over the range of crankshaft speed and engine power, under steady state and transient conditions, from idling speed to either 110 percent of the desired maximum continuous speed rating or 103 percent of the maximum desired takeoff speed rating, whichever is higher. The survey must be repeated with that cylinder not firing that has the most adverse vibration effect. The survey must be conducted using, for airplane engines, the propeller which is used for the endurance test, and using, for other engines, the loading device which is used for the endurance test.

(b) The torsional and bending vibration stresses of the crankshaft and the propeller shaft or other output shaft may not exceed the endurance limit stress of the material from which the shaft is fabricated. If the maximum stress in the shaft cannot be shown to be below the endurance limit by measurement, the vibration frequency and amplitude must be measured. Either the peak amplitude must be eliminated by a change in the type design or the engine must be run at the condition producing the peak amplitude until, for steel shafts, 10½ million stress reversals have been sustained without fatigue failure and, for other shafts, until it is shown that fatigue failure will not occur within the endurance limit stress of the material.

(c) Each accessory drive and mounting attachment must be loaded, with the load imposed by each accessory used only for an aircraft service being the limit load specified by the applicant for the engine drive or attachment point.

EXPLANATION: The proposal would update the present rule by requiring vibration investigation necessary to preclude failures of critical propulsion system components, and by requiring the establishment of stress levels and fatigue strength of primary structural components. The primary structural components of practical interest in a vibration survey are the crankshaft (covered in the present requirement) and the output shaft (also covered if it is simultaneously the crankshaft). The proposed amendment would therefore include the output shaft in order to include those instances where it and the crankshaft were separate components. The requirement would be expanded to include operation with a non-firing cylinder since this could have a critical effect on engine vibration. To eliminate any question of what constitutes a representative propeller, the proposal would require the survey to be conducted using the same propeller that was used during the endurance test in order to minimize the variables between the two tests. While the engine and propeller actually used in a particular installation must be surveyed in the aircraft, the proposed vibration survey would prevent the type certification of an engine that could not be used in any installation because of a bad vibration characteristic with any propeller. The proposal would also take into account other engines, e.g., helicopter engines, which are not fitted for a propeller and should therefore be loaded by whatever device is used in the endurance test. The ultimate purpose of a vibration investigation is to ensure that vibration does not cause a stress of sufficient magnitude during the cyclic reversals to crack the part that is vibrating. However, since it may be impracticable to measure stress in some significant places, such as oil holes, fillets, and corners, the sense of the present rule is retained as an alternative. In those cases, vibration frequency and amplitude would be measured, and either the peak amplitude eliminated by redesign or the engine run long enough at the condition producing the peak to show that the stress, whatever its magnitude, is below the endurance limit.

Proposal 11. Calibration tests (§ 33.45). Section 33.45 would be amended by adding to the last sentence of the present rule the words "with only those accessories installed which are essential for engine functioning"; by designating the present rule, as amended, as paragraph (a); and by adding a new paragraph (b) to read as follows:

§ 33.45 Calibration tests.

* * * * *

(b) A recalibration at sea level conditions must be accomplished on the endurance test engine after the endurance test and any change in power characteristics which occurs between the start and the finish of the endurance test must be determined. Measurements taken during the final portion of the endurance test may be used to comply with the requirements of this paragraph.

EXPLANATION: Excessive deterioration of power may occur during the endurance test. However, the present rule does not specifically require a determination of the power changes. The proposal would require calibration tests before and after the endurance test in order that any changes can be determined. In addition, the proposal would require the power ratings to be determined with only those accessories installed which are essential for engine functioning, thereby including in basic power output the airbleed and accessory power used for aircraft services.

Proposal 12. Endurance tests. (§ 33.49). Paragraph (a) and the heading and lead-in sentence of paragraphs (b) and (c) would be amended, and a new paragraph (e) would be added, to read as follows:

§ 33.49 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test that includes a total of 150 hours of operation (200 hours for turbosupercharged engines, except as provided in paragraph (e)(1)(iv) of this section) and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (e) of this section, as applicable. The runs must be made in the order of periods found appropriate by the Administrator for the particular engine being tested. During the endurance test the engine power and the crankshaft rotational speed must be kept within ±3 percent of the rated values. During the runs at rated takeoff power and at rated maximum continuous power, at least one cylinder head and one cylinder barrel must be operated at not less than the limiting temperature, the other cylinder heads and barrels must be operated at a temperature not lower than 50° F below the limiting temperature, and the oil inlet temperature must be maintained within ±10° F of the limiting temperature. An engine that is equipped with a propeller shaft must be fitted for the endurance test with a propeller that thrust-loads the engine to the maximum thrust which the engine is designed to resist at each applicable operating condition specified in this section. Each accessory drive and mounting attachment must be loaded. The load imposed by each accessory used only for an aircraft service must be the limit load specified by the applicant for the engine drive or attachment point.

(b) *Unsupercharged engines and engines incorporating a gear-driven single-speed supercharger.* For engines not incorporating a supercharger and for engines incorporating a gear-driven single-speed supercharger the applicant must conduct the following runs:

* * * * *

(c) *Engines incorporating a gear-driven two-speed supercharger.* For engines incorporating a gear-driven two-speed supercharger the applicant must conduct the following runs:

* * * * *

(e) *Turbosupercharged engines.* For engines incorporating a turbosupercharger the following apply—

(1) For engines used in airplanes the applicant must conduct the runs specified in paragraph (b) of this section, except—

(i) The entire run specified in paragraph (b)(1) of this section must be made at sea level altitude pressure;

(ii) The portions of the runs specified in paragraph (b) (2) through (7) of this section at rated maximum continuous power must be made at critical altitude pressure and the portions of the runs at other power must be made at 8,000 feet altitude pressure;

(iii) The altitude testing must be accomplished with the engine induction air inlet and exhaust outlet pressure corresponding to the altitude pressure of each test condition; and

(iv) The turbosupercharger used during the 150-hour endurance test must be run on the bench for an additional 50 hours at the limiting turbine wheel inlet gas temperature and rotational speed for rated maximum continuous power operation unless the limiting temperature and speed are maintained during 50 hours of the rated maximum continuous power operation.

(2) For engines used in helicopters the applicant must conduct the runs specified in paragraph (d) of this section, except—

(i) The entire run specified in paragraph (d)(1) of this section must be made at critical altitude pressure;

(ii) The portions of the runs specified in paragraph (d) (2) and (3) of this section at rated maximum continuous power must be made at critical altitude pressure and the portions of the runs at other power must be made at 8,000 feet altitude pressure;

(iii) The entire run specified in paragraph (d)(4) of this section must be made at 8,000 feet altitude pressure;

(iv) The portion of the runs specified in paragraph (d)(5) of this section at 80 percent of rated maximum continuous power must be made at 8,000 feet altitude pressure and the portions of the runs at other power must be made at critical altitude pressure;

(v) The entire run specified in paragraph (d)(6) of this section must be made at critical altitude pressure; and

(vi) The turbosupercharger used during the endurance test must be run on the bench for 50 hours at the limiting turbine wheel inlet gas temperature and rotational speed for rated maximum continuous power operation unless the limiting temperature and speed are maintained during 50 hours of the rated maximum continuous power operation.

EXPLANATION: The present endurance test schedules do not adequately cover exhaust driven turbosupercharged engines. The proposal would establish specific requirements for endurance testing of those engines, and would make appropriate changes to the headings and lead-in sentences of paragraphs (b) and (c) to clearly state their applicability. The FAA also believes that a requirement covering operation at limiting temperature should be added to the present rule to insure that the type test engine has been tested under the limiting temperature conditions. In addition, a proposed amendment to § 1.1 would amend the definition of "aircraft engine" to include the turbosupercharger.

Proposal 13. Teardown inspection (§ 33.55). Section 33.55 would be amended to read as follows:

§ 33.55 Teardown inspection.

After completing the endurance test—

(a) Each engine must be completely disassembled;

(b) Each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must have the same adjustment setting and functioning characteristic that were established and recorded at the beginning of the test; and

(c) Each engine component must conform to the type design and be eligible for incorporation into an engine for continued operation, in accordanee with § 33.5(e).

EXPLANATION: The objective of the teardown inspection is to determine whether the settings of certain adjustable parts change during the test, and to determine whether a part is still conforming to the type design and is eligible for continued use at the end of the test. The proposal would require components, such as fuel controls, pumps, actuators, valves, and ignition units, to have the same adjustment settings and functioning characteristics after the endurance tests as those that were established at the beginning of the test.

Proposal 14. General conduct of block tests (§ 33.57). Section 33.57 would be amended by amending paragraph (b) to read as follows:

§ 33.57 General conduct of block tests.

* * * * *

(b) The applicant may service and make minor repairs to the engine during the block tests in accordance with the service, maintenance, and inspection instructions specified in § 33.5. If the frequency of the service is excessive, or the number of stops due to engine malfunction is excessive, or a major repair, or replacement of a part is found necessary during the block tests or as the result of findings from the teardown inspection, the engine and its parts must be subjected to any additional test the Administrator finds necessary.

* * * * *

EXPLANATION: The proposal would require service and minor repairs to the engine during the block tests to be made in accordance with the instructions specified in proposed new § 33.5. Excessive service (even though of the permitted type), and an excessive number of stops due to engine malfunction (even though it might be possible for all malfunctions to be corrected by minor repairs) may result in an unsatisfactory block test and the proposal would add these items to the present items which constitute grounds for requiring additional unspecified tests.

Proposal 15. Surge and stall characteristics (§ 33.65). Section 33.65 would be amended to read as follows:

§ 33.65 Surge and stall characteristics.

Starting, a change of power or thrust, power or thrust augmentation, inlet air distortion (including that caused by cross-wind), inlet air temperature, or ice ingestion may not cause surge or stall to the extent that flameout, structural failure, overtemperature, or failure of the engine to recover power or thrust will occur at any point in the operating envelope.

EXPLANATION: Numerous questions have arisen concerning the present rule and the proposal would clarify the rule by specifying the operating conditions that may not cause detrimental surge, by describing the effects of detrimental surge, and by also applying the requirement to stalls.

Proposal 16. Bleed air system (new § 33.66). A new § 33.66 would be added to read as follows:

§ 33.66 **Bleed air system.**

The engine must supply bleed air without adverse effect on the engine at the discharge flow condition established as a limitation. If bleed air used for engine anti-icing can be controlled, provision must be made for connecting the bleed air system to a means to indicate the functioning of the aircraft powerplant ice protection system.

EXPLANATION: Bleed of air affects engine performance and operation and it is essential that adverse operational characteristics are not produced at the maximum bleed flow rate. In addition, if bleed air is used for engine anti-icing, it is essential to know that the air is bleeding to the anti-icing system when the system is on. The proposal would require that maximum bleed airflow condition be established as a limitation on the engine and that provision be made to connect the bleed air system to a means that will indicate the functioning of the powerplant anti-icing system.

Proposal 17. Fuel systems (*§ 33.67*) Section 33.67 would be amended to read as follows:

§ 33.67 **Fuel system.**

(a) Each fuel system must supply a flow of fuel at a rate and pressure established for proper engine functioning under each operating condition required by this Part. Each fuel control adjusting means that may not be manipulated while the fuel control device is mounted on the engine must be inaccessible. All other fuel control adjusting means must be accessible and marked to indicate the function of the adjustment. Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

(b) There must be a fuel strainer or filter between the engine fuel inlet opening and the inlet of either the fuel metering device or the engine-driven positive displacement pump, whichever comes first. In addition—

(1) Each filter or strainer must be accessible for draining and cleaning and must incorporate a screen or element which is easily removable.

(2) Each filter or strainer must have a sediment trap and drain.

(3) Each filter or strainer must be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter.

(4) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel must be specified. The applicant must demonstrate that foreign particles passing through the specified filtering means do not impair engine fuel system functioning.

(5) Each filter or strainer must have the capacity (with respect to operating limitations established to insure proper service) and the mesh to insure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in subparagraph (4) of this paragraph.

(6) The bypass of each filter or strainer may not release collected contaminants.

(7) Each filter or strainer must incorporate an indicator that will indicate the occurrence of contamination of the filter or strainer before attainment of contamination to the degree specified in subparagraph (5) of this paragraph.

EXPLANATION: The present fuel and induction system requirements are considered to be inadequate for newly certificated aircraft engines. The proposal would revise and redirect the requirement in order to assure that the features important to safety and reliability are included in the engines. In this connection the design and construction requirement of the present regulation would be replaced by requirements for fuel and induction system qualities that are considered essential for minimum airworthiness. The FAA also believes that it is essential that the engine be equipped in all cases with a fuel strainer or filter to protect the fuel metering device and the positive displacement pump. While the aircraft airworthiness regulations contain such requirements, it has become a common practice for a fuel strainer or filter to be included in the type design of the engine. The proposal would require the engine manufacturer to furnish the filter, and would incorporate into this section the filtration requirements of Part 25, which were adopted in conjunction with the present requirements of Part 33. In addition, an indicator would be required to indicate the occurrence of contaminants and the present icing protection requirements would be set forth in a new § 33.68.

Proposal 18. Induction system icing (*new § 33.68*). A new § 33.68 would be added to read as follows:

§ 33.68 **Induction system icing.**

Each engine, with all icing protection systems operating, must—

(a) Operate throughout the flight power range (including idling) without the accumulation of ice on the engine components that adversely affects engine operation or that causes a serious loss of power or thrust in continuous maximum and intermittent maximum icing conditions as defined in Appendix C of Part 25 of this chapter; and

(b) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: The induction system icing requirements of present § 33.67(c) would be transferred to a new § 33.68 and revised to make it clear that the flight power range includes "idling." The proposal would also require the engine to be capable of idling on the ground for an extended period of time in an atmospheric condition representing supercooled fog.

Proposal 19. Ignition system (*§ 33.69*). Section 33.69 would be amended to read as follows:

§ 33.69 **Ignition system.**

Each engine must be equipped with an ignition system for starting the engine on the ground and in flight. An electric ignition system must have at least two igniters and two separate secondary electric circuits, except that only one igniter is required for fuel burning augmentation systems.

EXPLANATION: Supersonic transports are expected to use an augmentor to accelerate to supersonic cruise speed. The FAA believes that the present rule which requires electric ignition systems to have two igniters for starting the engine on the ground and in flight is necessary for the basic engine. However, safety does not require this rule to be applied to the augmentor, and the proposal would except the augmentor from the general applicability of the present rule.

Proposal 20. Lubrication (*§ 33.71*). Section 33.71 would be amended to read as follows:

§ 33.71 **Lubrication system.**

(a) *General.* Each lubrication system must function properly in the flight attitudes and atmospheric conditions in which an aircraft is expected to operate.

(b) *Oil strainer or filter.* There must be an oil strainer or filter that conveys all the oil that flows through each engine. A separate strainer or filter must be located ahead of each scavenge pump. In addition—

(1) Each strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

(2) The type and degree of oil filtering necessary for protection of the engine oil system against foreign particles in the oil must be specified. The applicant must demonstrate that foreign particles passing through the specified filtering means do not impair engine oil system functioning.

(3) Each strainer or filter must have the capacity (with respect to operating limitations established to ensure proper service) and the mesh to ensure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in subparagraph (2) of this paragraph.

(4) Each strainer or filter, except the strainer or filter at an oil tank outlet or for a scavenge pump must incorporate an indicator that will indicate the occurrence of contamination of the strainer or filter before attainment of contamination of the degree specified in subparagraph (3) of this paragraph.

(5) The bypass of each strainer or filter may not release collected contaminants.

(6) A strainer or filter that has no bypass, except the strainer or filter at an

oil tank outlet or for a scavenge pump, must have provisions for connection with a warning means to warn the pilot of the occurrence of contamination of the screen before attainment of contamination of the degree specified in subparagraph (3) of this paragraph.

(7) Each strainer or filter must be accessible for draining and cleaning.

(c) *Oil tanks.* (1) Each oil tank must have an expansion space of not less than 10 percent of the tank capacity.

(2) It must be impossible to inadvertently fill the oil tank expansion space.

(3) Each recessed oil tank filler connection that can retain any appreciable quantity of oil must have provision for fitting a drain.

(4) Each oil tank cap must provide an oil-tight seal.

(5) Each oil tank filler must be marked with the word "oil" and the tank capacity.

(6) Each oil tank must be vented from the top part of the expansion space, with the vent so arranged that condensed water vapor that might freeze and obstruct the line cannot accumulate at any point.

(7) There must be means to prevent entrance into the oil tank or into any oil tank outlet, of any object that might obstruct the flow of oil through the system.

(8) There must be a shutoff valve at the outlet of each oil tank, unless the external portion of the oil system (including oil tank supports) is fireproof.

(9) Each unpressurized oil tank may not leak when subjected to extreme temperature and an internal pressure of 5 p.s.i., and each pressurized oil tank may not leak when subjected to extreme temperature and an internal pressure that is the sum of 5 p.s.i. and the maximum operating pressure of the tank.

(10) Leaked or spilled oil may not accumulate between the tank and the remainder of the engine.

(11) Each oil tank must have an oil quantity indicator.

(d) *Oil drains.* There must be an accessible oil drain that will drain the entire oil system. The drain must have a manual or automatic means for positive locking in the closed position.

(e) *Oil radiators.* Each oil radiator must withstand, without failure, any vibration, inertia, and oil pressure load to which it is subjected during the block tests.

EXPLANATION: The proposal would introduce comprehensive oil system requirements for turbine engines. Most engine oil systems are integral parts of the engine but a substantial part of the oil system requirements are presently set forth in the aircraft airworthiness regulations. The proposal would incorporate in Part 33 those provisions of the aircraft airworthiness regulations that apply to the engines, except installation requirements. Additional provisions which are considered essential for minimum airworthiness have been added, including a requirement for a strainer or filter ahead of the scavenge pump, a specification of the type and degree of oil filtering that is necessary, filtration capability to meet specifications, an indicator on the strainer or filter to indicate the occurrence of excessive contamination, and a bypass that may not release collected contaminants. These filter provisions correspond to those applied to and proposed for the engine fuel system.

Proposal 21. Hydraulic actuating systems (new § 33.72). A new § 33.72 would be added to read as follows:

§ 33.72 Hydraulic actuating systems.

Each hydraulic actuating system must function properly under all conditions in which the engine is expected to operate. Each filter or screen must be accessible for servicing and each tank must meet the design criteria of § 33.71.

EXPLANATION: The size and complexity of modern engines require the incorporation of hydraulic actuators for nozzle controls and compressor vanes. The proposed requirement would cover the significant characteristics of hydraulic actuating systems.

Proposal 22. Safety analysis (new § 33.75). A new § 33.75 would be added to read as follows:

§ 33.75 Safety analysis.

It must be shown by analysis that any probable malfunction or any probable malfunction of any probable single or multiple failure, or any probable bad operation of the engine will not cause the engine to—

(a) Catch fire;

(b) Burst;

(c) Generate loads greater than those specified in § 33.23; or

(d) Lose the capability of being shut down.

EXPLANATION: Service experience has shown that there is a need for an analysis of the engine to establish that probable engine operating difficulties will not cause serious engine failures. The proposal would insure that design complexities are fully evaluated to eliminate this hazard.

Proposal 23. Foreign object ingestion (new § 37.77). A new § 33.77 would be added to read as follows:

§ 33.77 Foreign object ingestion.

(a) Ingestion of a 4-pound bird, a 4-inch hailstone, a ¼-inch by 1-inch steel bolt, a piece of tire tread, or a broken rotor blade, under the conditions set forth in paragraph (e) of this section, may not cause the engine to—

(1) Catch fire;

(2) Burst;

(3) Generate loads greater than those specified in § 33.23; or

(4) Lose the capability of being shut down.

(b) Ingestion of 3-ounce birds, 1½-pound birds, or mixed gravel and sand, under the conditions set forth in paragraph (e) of this section, may not cause more than a 25 percent power or thrust loss or require the engine to be shut down.

(c) Ingestion of water, ice, or hail (except as provided in paragraph (a) of this section), under the conditions set forth in paragraph (e) of this section, may not cause a power or thrust loss or require the engine to be shut down.

(d) For an engine that incorporates a protective device, compliance with this section need not be demonstrated with respect to specific foreign objects sought to be ingested under the conditions set forth in paragraph (e) of this section, if it is shown that—

(1) Such foreign object or objects are of a size that will not pass through the protective device;

(2) The protective device will withstand the impact of the foreign object or objects; and

(3) The foreign object or objects stopped by the protective device will not obstruct the flow of induction air into the engine.

(e) The prescribed foreign object ingestion conditions are as follows:

Foreign object	Test quantity	Speed of foreign object	Engine operation	Ingestion
Birds:				
3-oz. size	One for each 50 sq. in. of inlet area or fraction thereof up to a maximum of 16 birds. 3-oz. bird ingestion not required if a 1½ lb. bird will pass the inlet guide vanes into the rotor baldes.	Liftoff speed of typical aircraft.	Takeoff	In rapid sequence to simulate a flock encounter.
1½ lb. size	One for the first 300 sq. in. of inlet area plus one each additional 500 sq. in. of inlet area or fraction thereof up to maximum of 10 birds.	Initial climb speed of typical aircraft.	do	Do.
4-lb. size	One if it can enter the inlet	Maximum climb speed.	do	Aimed at critical area.
Ice	Maximum accumulation on inlet cowl and engine face resulting from a 30-second delay in actuating anti-icing system.	Sucked in	Maximum cruise.	To simulate a maximum severity icing encounter at 25° F.
Hail: (0.8 to 0.9 specific gravity).	For subsonic and supersonic engines: With inlet areas of not more than 100 sq. in.: one 1-in. hailstone. With inlet areas of more than 100 sq. in.: one 1-in. and one 2-in. hailstones for each 150 sq. in. of inlet area or fraction thereof. With inlet areas of more than 150 sq. in. (as an additional spearate test): One 4-in. hailstone.	Rough air flight speed of typical aircraft.	Maximum cruise at 15,000 ft. altitude.	In a volley to simulate a hailstone encounter. Except for 4-in. hailstone, one test quantity aimed at random areas over the face of the inlet area plus one test quantity aimed for the critical face area. One 4-in. hailstone aimed for the critical face area.
	For supersonic engines (in addition): 3 hailstones each having a diameter equal to that in a	Supersonic cruise velocity. Alternatively use	Maximum cruise.	Aimed for critical engine face area.

Foreign object	Test quantity	Speed of foreign object	Engine operation	Ingestion
	straight line variation from 1 in. at 35,000 ft. to ¼ in. at 60,000 ft. using diameter corresponding to the lowest supersonic cruise altitude expected.	subsonic velocities with larger hailstones to give equivalent kinetic energy.		
Water	4 percent of engine airflow by weight.	Sucked in	Maximum cruise and flight idle.	For 3 minutes at each engine operation condition as spray to simulate rain.
Mixed gravel and sand. (One part stones with diameter not less than 3/16 nor more than ¼ in. and 7 parts sand.)	¼ lb. for each 150 sq. in. of inlet area or fraction thereof.	do	Takeoff	Over a 15-minute period.
Broken rotor blade: (Compressor or turbine, whichever is more critical, broken at the outermost retention groove or member, or at least 80% of an integral blade.)	One		do	Release from rotor followed by 15-second delay prior to initiating shutdown.[1]
Bolt: ¼-in. by 1-in	do	Sucked in	do	
Tire tread: (Having width and length equal to full width of tread.)	do	do	do	

[1] Blade containment must be demonstrated with a complete engine to evaluate secondary effects of blade loss and to determine blade fragment trajectories, except that in fan engines, the fan assembly may be tested separately for blade containment if it is demonstrated that fan blade or vane debris would not enter the compressor after a fan blade failure.

EXPLANATION: Engine structural damage and functional failure have resulted from the ingestion of foreign objects, and particular attention to these hazards is needed. The proposal would insure that the principal objects of concern, if ingested, would not cause engine structural damage or functional failure greater than that specified.

Proposal 24. Fuel burning thrust augmentor (new § 33.79). A new § 33.79 would be added to read as follows:

§ 33.79 Fuel burning thrust augmentor, including the nozzle.

Each fuel burning thrust augmentor, including the nozzle, must—

(a) Have a maximum probability of adequate cooling of its components;

(b) Provide cutoff of fuel burning thrust augmentor;

(c) Permit on-off cycling;

(d) Be controlled within the intended range of operation;

(e) Minimize the probability that its malfunction or failure will cause the engine to lose more thrust than the augmentor thrust; and

(f) Have controls that function compatibly with the other engine controls and automatically shut off fuel burning thrust augmentor fuel flow if the engine rotor rotational speed drops.

EXPLANATION: Aircraft engines are being developed to utilize a fuel burning thrust augmentor and the proposal would establish minimum requirements for the augmentor.

Proposal 25. Block tests (§ 33.81). Section 33.81 would be amended by deleting the second (final) sentence.

EXPLANATION: The provision concerning controlled air extraction would be deleted consistent with the proposed amendments to §§ 33.43 and 33.83.

Proposal 26. Block tests, general (new § 33.82). A new § 33.82 would be added to read as follows:

§ 33.82 General.

Before each endurance test required by this subpart, the adjustment setting and functioning characteristic of each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must be established and recorded.

EXPLANATION: It is necessary to establish the adjustment setting and function characteristics of each component before each endurance test in order to comply with the requirements of the proposed amendment to § 33.93.

Proposal 27. Vibration test (§ 33.83). Section 33.83 would be amended to read as follows:

§ 33.83 Vibration test.

(a) Each engine must undergo a vibration survey to establish the vibration characteristics of the rotors, rotor shafts, and rotor and stator blades at the maximum inlet air distortion limit, over the range of rotor shaft speeds and engine power or thrust, under steady state and transient conditions, from idling speed to either 110 percent of the desired maximum continuous speed rating or 103 percent of the maximum desired takeoff speed rating, whichever is higher. The survey must be conducted using, for turbopropeller engines, the propeller which is used for the endurance test and using, for other engines, the loading device which is used for the endurance test.

(b) The vibration stresses of the rotors, rotor shafts, and rotor and stator blades may not exceed the endurance limit stress of the material from which these parts are fabricated. If the maximum stress cannot be measured and shown to be below the endurance limit by measurement, the vibration frequency and amplitude must be measured. Either the peak vibration amplitude must be eliminated by a change in the type design or the engine must be run at the condition producing the peak amplitude until, for steel parts, 10½ million stress reversals have been sustained without fatigue failure and, for other parts, until it is shown that fatigue failure will not occur within the endurance limit stress of the material.

(c) Each accessory drive and mounting attachment must be loaded, with the load imposed by each accessory used only for an aircraft service being the limit load specified by the applicant for the engine drive or attachment point.

EXPLANATION: The proposal would update the vibration test requirements for turbine aircraft engines consistent with the proposed amendment to § 33.43 covering reciprocating aircraft engines.

Proposal 28. Calibration tests (§ 33.85). Section 33.85 would be amended by adding to the last sentence of paragraph (a) the words "with no airbleed for aircraft services and with only those accessories installed which are essential for engine functioning", and by amending paragraph (b) to read as follows:

§ 33.85 Calibration tests.

* * * * *

(b) A recalibration at sea level conditions must be accomplished on the endurance test engine after the endurance test and any change in power characteristics which occurs between the start and finish of the endurance test must be determined. Measurements taken during the final portion of the endurance test may be used to comply with the requirements of this paragraph.

EXPLANATION: This proposal for turbine aircraft engines corresponds to the proposed amendment to § 33.45 for reciprocating aircraft engines.

Proposal 29. Endurance test (§ 33.87). Section 33.87 would be amended by deleting paragraphs (b)(7), (c)(7), and (d)(3) and by amending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 33.87 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test that includes a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (e) of this section, as applicable. The following test requirements apply—

(1) The runs must be made in the order or periods found appropriate by the Administrator for the particular engine being tested.

(2) Any automatic engine control that is part of the engine must control the engine during the endurance test except for operations where automatic control is normally overridden by manual control or where manual control is otherwise specified for a particular test run.

(3) Power or thrust, gas temperature, rotor shaft rotational speed, and temperature of external surfaces of the engine must be at least 100 percent of the value associated with the particular engine operation being tested.

(4) The runs must be made using the fuel, lubricant, and hydraulic fluid having the lowest thermal breakdown temperature allowed by the specifications specified in § 33.7(b).

(5) Maximum air bleed for engine and aircraft services must be used during at least one-fifth of the runs.

(6) Each accessory drive and mounting attachment must be loaded. The load imposed by each accessory used only for an aircraft service must be the limit load specified by the applicant for the engine drive or attachment point.

(7) During the runs at any rated power or thrust the gas temperature and the oil inlet temperature must be maintained at the limiting temperature except where the test periods are not longer than 5 minutes and do not allow stabilization. At least one run must be made with fuel, oil, and hydraulic fluid at the minimum pressure limit and at least one run must be made with fuel, oil, and hydraulic fluid at the maximum pressure limit.

(8) Test runs of engines that are cooled internally by air must be made using the internal air flow at which the engine operating limitation is established.

(9) If the number of occurrences of either transient rotor shaft overspeed or transient gas overtemperature is limited, that number of the accelerations required by paragraphs (b), (c), (d), and (e) of this section must be made at the limiting overspeed or overtemperature. If the number of occurrences is not limited, half the required accelerations must be made at the limiting overspeed or overtemperature.

(10) For each engine type certificated for use on supersonic aircraft the following additional test requirements apply—

(i) To change the thrust setting, the engine fuel control device must be moved from the initial position to the final position in not more than one second except for movements into the fuel burning thrust augmentor augmentation position if additional time to confirm ignition is necessary.

(ii) During the runs at any rated augmented thrust the hydraulic fluid temperature must be maintained at the limiting temperature except where the test periods are not long enough to allow stabilization;

(iii) During the simulated supersonic runs the fuel temperature and induction air temperature may not be less than the limiting temperature;

(iv) The endurance test must be conducted with the fuel burning thrust augmentor installed, with the primary and secondary exhaust nozzles installed, and with the variable area exhaust nozzles operated during each run according to the methods specified in § 33.5(b); and

(v) During the runs at thrust settings for maximum continuous thrust and percentages thereof, the engine must be operated with the inlet air distortion at the limit for these thrust settings.

* * * * *

(e) *Supersonic aircraft engines.* For each engine type certificated for use on supersonic aircraft the applicant must conduct the following:

(1) *Subsonic test under sea level ambient atmospheric conditions.* Thirty runs of one hour each must be made, consisting of—

(i) Two periods of 5 minutes at rated takeoff augmented thrust each followed by 5 minutes at idle thrust.

(ii) One period of 5 minutes at rated takeoff thrust followed by 5 minutes at not more than 15 percent of rated takeoff thrust.

(iii) One period of 10 minutes at rated takeoff augmented thrust followed by 2 minutes at idle thrust, except that if rated maximum continuous augmented thrust is lower than rated takeoff augmented thrust five of the 10-minute periods must be at rated maximum continuous augmented thrust.

(iv) Six periods of 1 minute at rated takeoff augmented thrust each followed by 2 minutes, including acceleration and deceleration time, at idle thrust.

(2) *Simulated supersonic test.* Each run of the simulated supersonic test must be preceded by changing the inlet air temperature and pressure from that attained at subsonic condition, to the temperature and pressure attained at supersonic velocity and must be followed by a return to the temperature attained at subsonic condition. Thirty runs of 4 hours each must be made, consisting of—

(i) One period of 30 minutes at the thrust obtained with the engine fuel control set at the position for rated maximum continuous augmented thrust followed by 10 minutes at the thrust obtained with the engine fuel control set at the position for 90 percent of rated maximum continuous augmented thrust. The end of this period in the first five runs must be made with the induction air temperature at the limiting condition of transient overtemperature, but need not be repeated during the periods specified in subdivisions (ii) through (iv) of this subparagraph.

(ii) One period repeating the run specified in subdivision (i) of this subparagraph, except that it must be followed by 10 minutes at the thrust obtained with the engine fuel control set at the position for 80 percent of rated maximum continuous augmented thrust.

(iii) One period repeating the run specified in subdivision (i) of this subparagraph, except that it must be followed by 10 minutes at the thrust obtained with the engine fuel control set at the position for 60 percent of rated maximum continuous augmented thrust and then 10 minutes at not more than 15 percent of rated takeoff thrust.

(iv) One period repeating the runs specified in subdivisions (i) and (ii) of this subparagraph.

(v) One period of 30 minutes with 25 of the runs made at the thrust obtained with the engine fuel control set at the position for rated maximum continuous augmented thrust, each followed by idle thrust and with the remaining five runs at the thrust obtained with the engine fuel control set at the position for rated maximum continuous augmented thrust for 25 minutes each, followed by subsonic operation at not more than 15 percent of rated takeoff thrust and acceleration to rated takeoff thrust for 5 minutes using hot fuel.

(3) *Starts.* One hundred starts must be made, of which 25 starts must be preceded by an engine shutdown of at least 2 hours. At least 10 starts must be normal restarts, each made no later than 15 minutes after engine shutdown. The starts may be made at any time, including the period of endurance testing.

EXPLANATION: The present endurance test requirements are not appropriate for engines certificated for use in supersonic engines. Specific requirements would be added in a new paragraph (e) covering conditions and procedures that are peculiar to this engine, such as: internal air cooling; response to thrust control manipulation; maintenance of fuel burning augmentor gas temperature and hydraulic fluid temperature; and exhaust nozzles. The proposal would also update the present requirements for turbine engines, including provisions concerning the use of automatic engine controls; holding operational parameters to 100 percent of the value associated with the particular engine operation being tested; using fluids with which operation is limited; using maximum airbleed for aircraft services during some of the runs; fully loading accessory drive and mounting attachments; using the specified internal air cooling and maintaining temperatures at their limits.

Proposal 30. Rotor tests (new § 33.88). A new § 33.88 would be added to read as follows:

§ 33.88 Rotor tests.

Each engine must be run for 30 minutes at maximum rated r.p.m. and with the gas temperature 75° F. higher than the maximum limit. Following the run, each rotor must be within the dimensional limits allowed by the type design for installation in an engine and may not be cracked.

EXPLANATION: The current regulations do not require specific rotor strength margins. A review of uncontained rotor disc failures in service indicates the following principal causes of failure: (1) 18 percent—design problems; (2) 25 percent—personnel and maintenance; (3) 16 percent—manufacturing problems; and (4) 14 percent—material discrepancies. The proposed requirement should reduce the possibility of failure in several of these failure categories by providing added strength. The overtemperature test of a complete engine to 75° F. during a 30-minute test run would insure a more significant strength margin for the bladed turbine wheel assembly to withstand the repeated overtemperatures which experience has indicated actually occur.

Proposal 31. Operation test, turbine engines (§ 33.89). The present text of § 33.89 would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 33.89 **Operation test.**

* * * * *

(b) The operation test must include all testing found necessary by the Administrator to demonstrate the effect of extreme ambient temperature and altitude on the engine. The operation test must include several power changes and the operation of the fuel burning thrust augmentor through several complete cycles from ignition to shut off. If a manufacturer's test equipment will not subject an engine to be type certificated for use on supersonic aircraft to the temperatures and altitudes that are encountered in supersonic flight, the engine may be tested at the extreme altitude that is achieved by the available test facility, and the effect of operation on the engines at more extreme altitude estimated if the estimate is supported by an analysis.

EXPLANATION: The proposal would add to the present requirement the factors of extreme ambient temperature, altitude, power changes, and fuel burning thrust augmentor operation. These factors are particularly significant to the operation of engines certificated for use in supersonic aircraft. Since flight tests are not required for the issuance of an engine type certificate and some engine manufacturers do not have test stand equipment that can subject the engine to the temperature and altitudes that are encountered in supersonic flight, the proposal would permit the manufacturer to estimate the effect of these factors on the engine provided the estimate is supported by an analysis.

Proposal 32. Overhaul test (new § 33.90). A new § 33.90 would be added to read as follows:

§ 33.90 **Overhaul test.**

(a) Each engine type certificated for use on airplanes must undergo a test run simulating the conditions in which the engine is expected to operate in service, for a period of the same duration as that established as the limitation on operations prior to the first overhaul under § 33.7, which must include at least two starts for each hour run.

(b) Each engine type certificated for use on rotorcraft must undergo a test run, simulating the conditions in which the engine is expected to operate in service, for a period of the same duration as that established as the limitation on operations prior to the first overhaul under § 33.7, which must include at least four starts for each hour run.

EXPLANATION: The present regulations do not require a direct demonstration of durability. Past practice relied largely upon extrapolation of the results of the 150-hour endurance qualification test, which is an accelerated severity test. Experience with recent new type engines indicates the desirability of a simulated service test to demonstrate the initial period prior to the first overhaul. It is not feasible to require a specific duration for the testing as it can be expected to vary from approximately 500 to 2,000 hours for different types of engines. The FAA believes that the initial overhaul time should be based upon test conditions which simulate actual service experience, and that new type engines qualified in this manner will prove to be more trouble free upon introduction into service. Because cyclic operation is more severe than steady running, and is typical of actual service, the proposal would require two starts per hour of running for airplane engines and four starts per hour of running for helicopter engines to increase the realism of the test.

Proposal 33. Engine component tests (§ 33.91). Section 33.91 would be amended by adding new paragraphs (c) and (d) to read as follows:

§ 33.91 **Engine component tests.**

* * * * *

(c) Each unpressurized oil tank and each unpressurized hydraulic fluid tank may not fail or leak when subjected to extreme temperature and an internal pressure of 5 p.s.i., and each pressurized oil tank and each pressurized hydraulic fluid tank may not fail or leak when subjected to extreme temperature and an internal pressure that is the sum of 5 p.s.i. and the maximum operating pressure of the tank.

(d) For an engine type certificated for use in supersonic aircraft, the systems, safety devices, and external components that may fail because of operation at extreme temperatures must be identified and tested at extreme temperatures and while temperature and other operating conditions are cycled from one extreme to another.

EXPLANATION: Operation at supersonic speed imposes large temperature variations on some parts of the engine under stabilized conditions and during cycling from one extreme to another. The proposal would add a requirement covering those systems, safety devices, and external components of an engine certificated for use in supersonic aircraft that might fail when operated at extreme temperature. In addition, for any engine it is particularly essential that lubricant and hydraulic fluid tanks do not fail at extreme temperature.

Proposal 34. Windmilling tests (new § 33.92). A new § 33.92 would be added to read as follows:

§ 33.92 **Windmilling test.**

(a) Unless means are incorporated in the engine to stop rotation of the engine rotors when the engine is shut down in flight, each engine rotor must be capable of rotating, for 3 hours at the limiting windmilling rotational r.p.m. with no oil in the engine oil system, without the engine—

(1) Catching fire;

(2) Bursting; or

(3) Generating loads greater than those specified for compliance with § 33.23.

(b) An engine incorporating means to stop rotation of the engine rotors when the engine is shut down in flight must be subjected to 25 operations under the following conditions—

(1) Each engine must be shut down while operating at rated maximum continuous thrust.

(2) For engines certificated for use on supersonic aircraft, the temperature of the induction air and the external surfaces of the engine must be held at the maximum limit during the tests required by this paragraph.

EXPLANATION: The present requirements covering control of engine rotation are set forth in Part 25 and thus limited to transport category airplanes. The FAA believes that a basic windmilling requirement should apply to all engines. The proposal would require either satisfactory rotor windmilling without oil or a means to stop rotor windmilling. The proposal would also establish windmilling tests.

Proposal 35. Teardown inspection (§ 33.93). Section 33.93 would be amended to read as follows:

§ 33.93 **Teardown inspection.**

After completing the endurance test each engine must be completely disassembled, and—

(a) Each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must have the same adjustment setting and functioning characteristic that were established and recorded at the beginning of the test, and

(b) Each engine component must conform to the type design and be eligible for incorporation into an engine for continued operation, in accordance with § 33.5(e).

EXPLANATION: This proposal for turbine engines corresponds to the proposed amendment to § 33.55 for reciprocating engines.

Proposal 36. General conduct of block tests (§ 33.99). Section 33.99 would be amended by amending paragraph (b) to read as follows:

§ 33.99 **General conduct of block tests.**

* * * * *

(b) Each applicant may service and make minor repairs to the engine during the block tests in accordance with the service, maintenance, and inspection instructions specified in § 33.5. If the frequency of the service is excessive, or the number of stops due to engine malfunction is excessive, or a major repair, or replacement of a part is found necessary during the block tests or as the result of findings from the teardown inspection, the engine and its parts must be subjected to any additional tests the Administrator finds necessary.

* * * * *

EXPLANATION: The present rule provides that additional tests may be required if major repairs or replacement of parts are found necessary during the block tests or in the teardown inspection. The FAA believes that excessive engine stops due to engine malfunction, even though it may be possible for all malfunctions to be corrected by minor repairs, constitutes grounds for requiring additional testing of the engine and its parts. The proposal would add this provision to the present rule and also require the service and repairs to be made in accordance with the instructions that would be required by proposed § 33.5.

These amendments are 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, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 26, 1971.

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

[FR Doc.71-6255 Filed 5-4-71;8:46 am]

[CFR Part 23]

[Docket No. 11011; Notice 71-13]

NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Proposed Type Certification Standards

The Federal Aviation Administration is considering amending the Federal Aviation Regulations to update and improve the airworthiness standards applicable to airplanes certificated under Part 23 of the regulations.

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 August 4, 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.

In the latter part of 1968 the FAA instituted an extensive review of the airworthiness standards of Part 23 of the Federal Aviation Regulations in the light of worldwide experience with small airplanes. The proposals contained herein are the result of that review. While a majority of the proposals are substantive changes considered necessary in the interest of safety, there are a number of proposals containing editorial and clarifying amendments. Moreover, the FAA believes that in a few instances the present requirements may be relaxed and this notice contains such proposals.

The proposed amendments are arranged in this notice so that an explanation for each proposed change appears below the proposal.

In consideration of the foregoing, it is proposed to amend Part 23 of the Federal Aviation Regulations as follows:

1. Section 23.143(a)(5) would be amended by inserting after the word "off" in the parenthetical statement the words "with the wing flaps extended and retracted."

EXPLANATION: This proposal would make it clear that the requirements of § 23.143(a)(5) apply during landing with wing flaps retracted as well as extended.

2. Section 23.145 would be amended by striking out the reference to "(4), or (5)" and inserting "or (4)" in place thereof in paragraphs (a)(2), (b)(4), and (b)(6) and by amending paragraph (b)(1) and (d) to read as follows:

§ 23.145 Longitudinal control.

* * * * *

(b) * * *

(1) With the power off, flaps retracted and the airplane trimmed at $1.4V_{S1}$ or the minimum trim speed whichever is higher, extend the flaps as rapidly as possible and allow the airspeed to transition from $1.4V_{S1}$ to $1.4V_{SO}$.

* * * * *

(d) It must be possible, with a pilot control force of not more than 10 pounds, to maintain a speed of not more than the speed determined in accordance with § 23.161(c)(4), during a power-off glide with landing gear and wing flaps extended.

* * * * *

EXPLANATION: Consistent with the proposed change to § 23.161 which deletes subparagraph (5), this proposal eliminates reference to that paragraph. In addition, a single speed is proposed in pragraph (b)(1) which should simplify the requirement.

3. A new § 23.153 would be added to read as follows:

§ 23.153 Control during landing.

It must be possible to safely complete a landing without encountering forces in excess of those prescribed in § 23.143(c) following an approach to land while in the landing configuration—

(a) At a speed 5 knots less than that used in accordance with § 23.75 with the airplane in trim or as nearly as possible in trim;

(b) With the trimming control not being moved through the maneuver or the power increased during the landing flare; and

(c) With the thrust settings used in demonstrating compliance with the § 23.75.

EXPLANATION: Because of the advent of the high performance airplanes eligible for certification under Part 23 and the advent of the trimmable stabilizer, it is necessary to amend Part 23 to insure that airplanes certificated under that Part have sufficient flare capability to overcome any excessive sink rate that may develop at a speed 5 knots lower than the normal landing approach speed and to insure that the forces encountered are not excessive.

4. A new § 23.155 would be added to read as follows:

§ 23.155 Elevator control force in maneuvers.

(a) The elevator control force needed to achieve the positive limit maneuvering load factor may not be less than—

(1) For wheel controls, W/100 (where W is the maximum weight) or 15 pounds, whichever is greater, but need not be greater than 50 pounds; or

(2) For stick controls W/140 (where Wis the amximum weight) or 15 pounds, whichever is greater, but need not be greater than 35 pounds.

(b) The requirement of paragraph (a) of this section must be met—

(1) With wing flaps and landing gear retracted;

(2) At 75 percent of maximum continuous power for reciprocating engines or the maximum power or thrust selected by the applicant as an operating limitation for use during cruise; and

(3) In a turn after being trimmed with wings level at the minimum speed at which the required normal acceleration can be achieved without stalling and at V_{NE} or V_{MO}/M_{MO} whichever is appropriate.

(c) Compliance with the requirements of this section may be demonstrated by measuring the normal acceleration that is achieved with the limiting stick force or by establishing the stick force per g. gradient and extrapolating to the appropriate limit.

EXPLANATION: This proposal is considered necessary to insure sufficient control forces to prevent the pilot from overstressing in the new high performance airplanes being certificated under Part 23.

5. A new § 23.157 would be added to read as follows:

§ 23.157 Rate of roll.

(a) *Takeoff.* It must be possible, using a favorable combination of controls, to roll the airplane from a steady 30° banked turn through an angle of 60°, so as to reverse the direction of the turn in a time of 5 seconds for airplanes the maximum weight of which is 6,000 pounds or less and $\frac{W+500}{1,300}$ seconds for airplanes the maximum weight of which is greater than 6,000 pounds, where W is the weight in pounds. This requirement must be met when rolling the airplane in either direction in the following conditions—

(1) Flaps in the takeoff position;

(2) Landing gear retracted;

(3) At maximum takeoff power, and for a multiengine airplane the critical engine inoperative and propeller in the minimum drag position; and

(4) The airplane trimmed at $1.2V_{S1}$ or as nearly as possible in trim for straight flight.

(b) *Approach.* It must be possible, using a favorable combination of controls, to roll the airplane from a steady 30° banked turn through an angle of 60°, so as to reverse the direction of the turn in a time of 4 seconds for airplanes the maximum weight of which is 6,000 pounds or less, and $\frac{W+2,800}{2,200}$ seconds for airplanes the maximum weight of which is greater than 6,000 pounds. This requirement must be met when rolling the airplane in either direction in the following conditions—

(1) Flaps extended;

(2) Landing gear extended;

(3) All engines operating at idle power and at the power for level flight; and

(4) The airplane trimmed at a speed used in determining compliance with § 23.75.

EXPLANATION: The regulations do not now contain a rate of roll requirement. The FAA has found through experience that such a requirement is needed to ensure an adequately responsive airplane in the takeoff and approach configuration.

6. Section 23.161(c) would be amended by deleting subparagraph (5) and by amending subparagraphs (3) and (4) to read as follows:

§ 23.161 Trim.

* * * * *

(c) *Longitudinal trim.* * * *

(3) A power approach with a 3° angle of descent, the landing gear extended, flaps retracted and—

(i) A speed between $1.3V_{S1}$ and $1.5V_{S1}$, for airplanes of 6,000 pounds or less maximum weight; or

(ii) $1.4V_{S1}$ for aircraft of more than 6,000 pounds maximum weight; and

(4) A power approach with a 3° angle of descent, the landing gear extended and—

(i) A speed between $1.3V_{S1}$ and $1.5V_{S1}$ with flaps extended for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight.

* * * * *

EXPLANATION: The deletion of paragraph (c)(5) and the amendment of paragraph (c)(4) are appropriate because § 23.21(a) already requires proof of compliance at appropriate combinations of weight and center of gravity. In addition, reference to § 23.75(a) in paragraph (c)(3)(ii) is inappropriate because this configuration is with flaps retracted whereas the landing distance is measured with flaps extended.

7. Paragraph (a) of § 23.173 would be amended to read as follows:

§ 23.173 Static longitudinal stability.

* * * * *

(a) A pull must be required to obtain and maintain speeds below the specified trim speed and a push required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained, except that speeds requiring a control force in excess of 40 pounds or speeds above the maximum allowable speed or below the minimum speed for steady unstalled flight, need not be considered.

EXPLANATION: The present requirement limits the speed at which the characteristics of the elevator control force must be shown to that speed that can be obtained without excessive control force. This proposal would clarify the requirement by incorporating a specific control force value of 40 pounds.

§ 23.175 [Amended]

8. Section 23.175 would be amended by striking out the parenthetical statement in paragraph (b)(2), by striking out of the parenthetical statement in paragraph (c) the words "nor speeds that require a stick force of more than 40 pounds", by amending paragraph (d) by striking out the words "and the stick force may not exceed 40 pounds," by amending (d)(3) by striking out the words "and (5)", and by amending paragraph (d)(4) by striking out the words "Enough power to maintain a 3° angle of descent" and inserting in place thereof the words "Both power off and enough power to maintain a 3° angle of descent."

EXPLANATION: The proposed elimination of the 40-pound control force limit is consistent with the proposed change to § 23.173 which now incorporates that limit. The amendment to paragraph (d)(4) is necessary because, based on service experience, there must be a stable stick force curve during approach and landing with power off. The present rule requires a stable stick force curve only with power on.

9. Section 23.201 would be amended to read as follows:

§ 23.201 Wings level stall.

(a) For an airplane with independently controlled rolling and directional controls, it must be possible to produce and to correct roll by unreversed use of the rolling control and to produce and to correct yaw by unreversed use of the directional control, up to the time the airplane pitches.

(b) For an airplane with interconnected lateral and directional controls (two controls) and for an airplane with only one of these controls, it must be possible to produce and correct roll by unreversed use of the rolling control without producing excessive yaw, up to the time the airplane pitches.

(c) To establish a wing level stall, the airplane speed must be reduced with the elevator control until the speed is slightly above the stalling speed, then the elevator control must be pulled back so that the rate of speed reduction will not exceed 1 knot per second until a stall is produced, as shown by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery is allowed after the pitching motion has unmistakably developed.

(d) Except where made inapplicable by the special features of a particular type of airplane, the following procedure must be used to measure loss of altitude during a stall:

(1) The loss of altitude encountered in the stall (power on or power off) is the change in altitude (as observed on the sensitive altimeter testing installation) between the altitude at which the airplane pitches and the altitude at which horizontal flight is regained.

(2) If required, the power used during stall recovery must be that which would be used under normal operating conditions in this maneuver. However, the power used to regain level flight may not be applied until flying control is regained.

(e) During the recovery part of the maneuver, it must be possible to prevent more than 15° of roll or yaw by the normal use of controls.

(f) Compliance with the requirements of this section must be shown with—

(1) Wing Flaps—Full up, full down and intermediate, if appropriate.

(2) Landing Gear—Both retracted and extended.

(3) Cowl Flaps—Appropriate to configuration.

(4) Power—Power off and 75 percent maximum continuous power.

(5) Trime—$1.5V_{S1}$ or at the minimum trim speed, which ever is higher.

(6) C. G.—Most critical.

(7) Propeller—Full increase r.p.m. for the power off condition.

10. Section 23.203 would be amended to read as follows:

§ 23.203 Turning flight and accelerated stalls.

(a) *Turning flight stalls.* (1) Establish a steady, curvilinear, coordinated turn in a 30° bank. Stall the airplane by steadily and progressively tightening the turn with the elevator so that the rate of speed reduction will not exceed 1 knot per second until the airplane is stalled or until the elevator has reached its stop.

(2) When the stall has fully developed, it must be possible to regain level flight with normal use of the controls and without excessive loss of altitude, undue pitch up or uncontrollable rolling or spinning tendencies.

(3) Compliance with requirements of this paragraph must be shown with—

(i) Wing Flaps—Retracted and fully extended.

(ii) Landing Gear—Retracted and extended.

(iii) Cowl Flaps—Appropriate to configuration.

(iv) Power—75 percent maximum continuous power on each engine.

(v) Trim—$1.5V_{S1}$ or minimum trim speed whichever is higher.

(vi) C. G.—Most critical.

(b) *Accelerated entry stalls.* (1) Stall the airplane by rapidly increasing the angle of attack so that the rate of speed reduction will be approximately 3–5 knots per second with a continuous increasing normal acceleration.

(2) With the airplane stalled it must be possible to recover to normal level flight without exceeding the maximum permissible speed or the allowable limit load factor. In addition there may be no violent pitch up, wing dropping or tendency to spin and in any case a maximum bank of 90° into the turn and 60° out of turn may not be exceeded.

(3) Compliance with the requirements of this paragraph must be shown with—

(i) Wing flaps—retracted and fully extended and intermediate if appropriate.

(ii) Landing gear—retracted and extended.

(iii) Cowl flaps—appropriate to configuration.

(iv) Power—75 percent maximum continuous power.

(v) Trim—1.5 V_{S1} or minimum trim speed whichever is higher.

(vi) C.G.—Most critical.

11. Section 23.205 would be amended to read as follows:

§ 23.205 Critical engine inoperative stalls.

(a) A multiengine airplane must not display any undue spinning tendency and must be safely recoverable without applying power to the inoperative engine when stalled. The operating engines may be throttled back during the recovery from stall.

(b) Compliance with paragraph (a) of this section must be shown with—

(i) Wing flaps—Retracted.

(ii) Landing gear—Retracted.

(iii) Cowl flaps—Appropriate to level flight critical engine inoperative.

(iv) Power—Critical engine inoperative and the remaining engine(s) at 75 percent maximum continuous power or the power at which the use of maximum control travel just holds the wings laterally level in the approach to stall, whichever is lesser.

(v) Propeller—Normal inoperative position.

(vi) Trim—Level flight, critical engine inoperative.

(vii) C.G.—Most critical.

(c) A multiengine airplane must have stall characteristics that prevent unintentional spin entry.

EXPLANATION: Proposed §§ 23.201, 23.303, and 23.205 are primarily reorganizations of the current requirements. This is designed to facilitate the planning and execution of flight tests. In addition, the requirement that stalls must be shown with 90 percent of maximum continuous power for airplanes having 6,000 pounds or less maximum weight has been reduced to 75 percent of maximum continuous power. Finally, this proposal deletes the current requirement for limited elevator control stalls. Instead, the proposal contains a new accelerated entry stall provision which is considered to be more realistic.

12. Paragraph (a) of § 23.307 would be amended to read as follows:

§ 23.307 Proof of structure.

(a) Compliance with the strength and deformation requirements of § 23.305 must be shown for each critical load condition. Structural analysis (static or fatigue) may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made. Dynamic tests, including structural flight tests, are acceptable if the design load conditions have been simulated.

* * * * *

EXPLANATION: This proposal is designed to make it clear that the provision concerning the use of structural analysis applies to both the static strength and fatigue strength requirements.

13. Section 23.427 would be amended to read as follows:

§ 23.427 Unsymmetrical loads.

(a) Horizontal tail surfaces and their supporting structure must be designed for unsymmetrical loads arising from yawing and slipstream effects, in combination with the prescribed flight conditions.

(b) In the absence of more rational data, the following apply:

(1) For airplanes that are conventional in regard to location of engines, wings, tail surfaces, and fuselage shape—

(i) 100 percent of the maximum loading from the symmetrical flight conditions may be assumed on the surface on one side of the plane of symmetry; and

(ii) The following percentage of that loading must be applied to the opposite side:

% = 100–10 (n–1), where n is the specified positive maneuvering load factor, but this value may not be more than 80 percent; or

(2) For airplanes that are not conventional (such as airplanes with horizontal tail surfaces having appreciable dihedral or supported by the vertical tail surfaces) the surfaces and supporting structures must be designed for combined vertical and horizontal surface loads resulting from each prescribed flight condition taken separately.

EXPLANATION: This amendment to § 23.427 is considered necessary in order to cover the new designs with respect to tail surface arrangements.

14. Paragraph (a) of § 23.441 would be amended to read as follows:

§ 23.441 Maneuvering loads.

(a) At speeds up to V_A, the vertical tail surfaces must be designed to withstand the following maneuvers. In computing the tail loads, the yawing velocity may be assumed to be zero:

(1) With the airplane in unaccelerated flight at zero yaw, it is assumed that the rudder control is suddenly displaced to the maximum deflection, as limited by the control stops or by limit pilot forces.

(2) With the rudder deflected as specified in subparagraph (1) of this paragraph, it is assumed that the airplane yaws to the resulting sideslip angle. In lieu of a rational analysis, an overswing angle equal to 1.3 times the static sideslip angle of subparagraph (3) of this paragraph may be assumed.

(3) A yaw angle of 15° with the rudder control maintained in the neutral position (except as limited by pilot strength).

* * * * *

EXPLANATION: This proposal provides the appropriate maneuvering loads for the new high performance airplanes being certificated under Part 23.

15. By amending § 23.445 by adding a new paragraph (c) to read as follows:

§ 23.445 Outboard fins.

* * * * *

(c) The end plate effects of outboard fins must be taken into account in applying the yawing conditions of §§ 23.441 and 23.443 to the vertical surfaces in paragraph (b) of this section.

EXPLANATION: The proposed amendment implements the proposed amendment to § 23.441.

16. A new § 23.507 would be added to read as follows:

§ 23.507 Jacking loads.

(a) The airplane must be designed for the loads developed when the aircraft is supported on jacks at the design maximum weight assuming the following load factors:

(1) For landing gear jacking points at a three-point attitude—

(i) Vertical-load factor of 1.35 times the static reactions; and

(ii) Fore, aft and lateral load factor of 0.4 times the vertical static reactions; and

(2) For primary flight structure jacking points in the level attitude—

(i) Vertical load factor of 1.35 times the static reactions; and

(ii) Fore, aft and lateral load factor of 0.4 times the vertical static reactions.

(b) The horizontal loads at the jack points must be reacted by inertia forces as to result in no change in the vertical loads at the jack points.

(c) The horizontal loads must be considered in all combinations with the vertical load.

EXPLANATION: Since Part 23 airplanes are being designed with provisions for jacking for maintenance purposes, the regulations should provide design loads for such conditions.

17. A new § 23.509 would be added to read as follows:

§ 23.509 Towing loads.

The towing loads of this section must be applied to the design of tow fittings and their immediate attaching structure.

(a) The towing loads specified in paragraph (d) of this section must be considered separately. These loads must be applied at the towing fittings and must act parallel to the ground. In addition—

(1) A vertical load factor equal to 1 must be considered acting at the center of gravity; and

(2) The shock struts and tires must be in their static positions.

(b) For towing points not on the landing gear but near the plane of symmetry of the airplane, the drag and side tow load components specified for the auxiliary gear apply. For towing points located outboard of the main gear, the drag and side tow load components specified for the main gear apply. Where the specified angle of swivel cannot be reached, the maximum obtainable angle must be used.

(c) The towing loads specified in paragraph (d) of this section must be reacted as follows:

(1) The side component of the towing load at the main gear must be reacted by a side force at the static ground line of the wheel to which the load is applied; and

(2) The towing loads at the auxiliary gear and the drag components of the towing loads at the main gear must be reacted as follows:

(i) A reaction with a maximum value equal to the vertical reaction must be applied at the axle of the wheel to which the load is applied. Enough airplane inertia to achieve equilibrium must be applied; and

(ii) The loads must be reacted by airplane inertia.

(d) The prescribed towing loads are as follows, where W is the design maximum weight:

Tow point	Position	Magnitude	Load No.	Direction
Main gear		0.225W per main gear unit.	1	Forward, parallel to drag axis.
			2	Forward, at 30° to drag axis.
			3	Aft, parallel to drag axis.
			4	Aft, at 30° to drag axis.
Auxiliary gear	Swiveled forward	0.3W	5	Forward.
			6	Aft.
	Swiveled aft		7	Forward.
			8	Aft.
	Swiveled 45° from forward	0.15W	9	Forward, in plane of wheel.
			10	Aft, in plane of wheel.
	Swiveled 45° from aft		11	Forward, in plane of wheel.
			12	Aft, in plane of wheel.

EXPLANATION: Service experience indicates that a towing load standard is necessary for Part 23 airplanes. These requirements are consistent with those in Part 25.

18. Paragraph (a) of § 23.571 would be amended to read as follows:

§ 23.571 Pressurized cabin.

* * * * *

(a) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service. Analysis alone is considered acceptable only when it is conservative and applied to simple structures.

* * * * *

19. Paragraph (a)(1) of § 23.572 would be amended to read as follows:

§ 23.572 Wing and associated structure.

(a) * * *

(1) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both, to be able to withstand the repeated loads of variable magnitude expected in service. Analysis alone is acceptable when it is conservative and applied to simple structures.

* * * * *

EXPLANATION: The purpose of the proposed amendments to §§ 23.571 and 23.572 is to make it clear that the use of analysis alone is acceptable only under certain specified circumstances.

20. Paragraph (b) of § 23.701 would be amended to read as follows:

§ 23.701 Flap interconnection.

* * * * *

(b) If an interconnection is used in multiengine airplanes, it must be designed to account for the unsymmetrical loads resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at takeoff power. For single-engine airplanes and multiengine airplanes with no slipstream effects on the flaps, it may be assumed that 100 percent of the critical air load acts on one side and 70 percent on the other.

EXPLANATION: This proposal is necessary to cover the new designs which do not have slipstreams affecting the flaps.

21. Section 23.771 would be amended by striking out the word "and" at the end of paragraph (a) and by redesignating paragraph (b) as paragraph (c) and by adding a new paragraph (b) to read as follows:

§ 23.771 Pilot compartment.

* * * * *

(b) Where the flight crew are separated from the passengers by a partition, an opening or openable window or door must be provided to facilitate communication between flight crew and the passengers.

* * * * *

EXPLANATION: The increasing number of airplanes being certificated under Part 23 which have partitions separating the crew from the passengers makes it necessary to provide means for direct communications between passengers and crew.

22. Section 23.773 would be amended by adding a new paragraph (a)(3) to read as follows:

§ 23.773 Pilot compartment view.

(a) * * *

(3) Internal fogging of the windows covered under subparagraph (1) of this paragraph can be easily cleared by each pilot unless means are provided to prevent fogging.

* * * * *

EXPLANATION: Internal fogging of cockpit windows has become a problem because of the arrangement of the cockpits in new design aircraft. This problem becomes more critical at the higher altitudes for which the newer airplanes are being certificated.

23. Section 23.787 would be amended by amending paragraphs (b) and (c) and by adding new paragraphs (d) and (e) to read as follows:

§ 23.787 Cargo compartments.

* * * * *

(b) There must be means to prevent the contents of any cargo compartment from becoming a hazard by shifting including the protection of any controls, wiring, lines, equipment or accessories whose damage or failure would affect safe operation.

(c) Where the cargo compartment is located aft of the occupants and separated from them by structure, there must be means within the cargo compartment to protect the occupants from injury by the contents of the cargo compartment when the ultimate forward inertia force is 4.5g.

(d) Cargo compartments must be constructed of materials which are at least flame resistant.

(e) Designs which provide for cargo to be carried in the same compartment with the occupants must have means to protect the occupants from injury under the ultimate inertia forces specified in § 23.561(b)(2).

EXPLANATION: This proposal would make it clear that it is not only the cargo shifting that would affect the C.G. of the airplane that is covered by the rule but it is also cargo shifting which could damage essential controls, equipment etc. In addition, for airplanes in which cargo is carried in the passenger compartment the proposal would make the higher inertia forces of § 23.561(b)(2) applicable to the protection of the passengers.

24. Section 23.841 would be amended to read as follows:

§ 23.841 Pressurized cabins.

(a) If certification for operation over 31,000 feet is requested, the airplane must be able to maintain a cabin pressure altitude of not more than 15,000 feet in event of any reasonably probable failure or malfunction in the pressurization system.

(b) Pressurized cabins must have at least the following valves, controls, and indicators, for controlling cabin pressure:

(1) Two pressure relief valves (at least one of which is the normal regulating valve) to automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves must be large enough so that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential is positive when the internal pressure is greater than the external.

(2) Two reverse pressure differential relief valves (or their equivalents) to automatically prevent a negative pressure differential that would damage the structure. However, one valve is enough if it is of a design that reasonably precludes its malfunctioning.

(3) A means by which the pressure differential can be rapidly equalized.

(4) An automatic or manual regulator for controlling the intake or exhaust airflow, or both, for maintaining the required internal pressures and airflow rates.

(5) Instruments to indicate to the pilot the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(6) Warning indicators at the pilot station to indicate when the safe or preset pressure differential and absolute cabin pressure limits are exceeded. Appropriate warning markings on the cabin pressure differential indicator meet the warning requirement for pressure differential limits and an aural or visual signal (in addition to cabin altitude indicating means) meets the warning requirement for absolute cabin pressure limits.

(7) A warning placard for the pilot if the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads.

(8) A means to stop rotation of the compressor or to divert airflow from the cabin if continued rotation of an engine-driven cabin compressor or continued

flow of any compressor bleed air will create a hazard if a malfunction occurs.

EXPLANATION: This proposed change is appropriate because of the increasing number of airplanes being certificated under Part 23 which are designed to operate above 31,000 feet.

25. Section 23.853 would be amended to read as follows:

§ 23.853 Compartment interiors.

For each compartment to be used by the crew or passenger—

(a) The materials must be at least flame-resistant;

(b) If smoking is to be allowed—

(1) There must be an adequate number of self-contained ash trays;

(2) Where the crew compartment is separated from the passenger compartment, there must be an illuminated no smoking sign (or signs) controllable from a flight crew station and readable from each passenger seat to indicate when smoking is prohibited;

(c) If smoking is to be prohibited, there must be a placard so stating; and

(d) Lines, tanks or equipment containing fuel, oil, or other flammable fluids may not be installed in such compartments unless adequately shielded, isolated, or otherwise protected against damage so that any breakage or failure of such an item would not create a hazard.

EXPLANATION: The proposal makes provision for illuminated signs in airplanes having separate compartments. Because of increased complexity of systems carrying flammable fluids, the regulations must provide protection.

26. A new § 23.865 would be added to read as follows:

§ 23.865 Fire protection of flight controls and other flight structure.

Flight controls and other flight structure located in the engine compartment must be constructed of fireproof material or shielded so that it will withstand the effect of a fire.

EXPLANATION: Experience has indicated the need to ensure that flight controls and flight structure in powerplant fire zones remains operable in the event of a fire. The proposal requires this.

27. Section 23.903 would be amended by adding new paragraphs (c), (d), and (e) to read as follows:

§ 23.903 Engines.

* * * * *

(c) The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or the failure or malfunction (including destruction by fire in the engine compartment) of any system that can affect the engine, will not:

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

(2) Require immediate action by any crewmember for continued safe operation of the remaining engines.

(d) Starting and stopping (piston engine): The design of the installation must be such that risk of fire or mechanical damage to the engine or airplane, as a result of starting the engine in any condition in which starting is to be permitted, is reduced to a minimum. Any techniques and associated limitations for engine starting must be established and included in the airplane flight manual or applicable operating placards. For multiengine airplanes, means must be provided for stopping and restarting each engine in flight. For single-engine airplanes, means must be provided for stopping the engine in flight after engine failure if overspeeding might be caused by windmilling of the propeller.

(e) Starting and stopping (turbine engine): Turbine engine installations must comply with the following:

(1) The design of the installation must be such that risk of fire or mechanical damage to the engine or the airplane, as a result of starting the engine in any conditions in which starting is to be permitted, is reduced to a minimum. Any techniques and associated limitations must be established and included in the airplane flight manual or applicable operating placards.

(2) Means must be provided for stopping combustion and rotation of any individual engine which is hazardous to the completion of flight. All those components provided for compliance with this requirement, which are within any engine compartment, on the engine side of the firewall, must be at least fire resistant.

(3) It must be possible to restart an engine in flight. Any techniques and associated limitations must be established and included in the airplane flight manual or applicable operating placards.

(4) It must be demonstrated in flight that when restarting engines following a false start, all fuel or vapor is discharged in such a way that it does not constitute a fire hazard.

EXPLANATION: The full safety potential of multiple engines on an airplane can be realized only if the engines and their associated systems are isolated from each other. However, the current rules do not require isolation except for the fuel systems. Moreover, there are certain hazards associated with the starting or stopping of engines or the control of engine operation, particularly during flight. However, the current rules do not cover these operations. To prevent or minimize risk of either mechanical damage or fire, appropriate techniques and limitations should be observed and set forth in airplane flight manuals or placards.

28. A new § 23.929 would be added to read as follows:

§ 23.929 Propeller and component deicing.

Propellers (except wooden propellers) and other components of complete engine installations must be protected against the accumulation of ice as necessary to enable satisfactory functioning without appreciable loss of power when operated in the icing conditions for which certification is requested.

EXPLANATION: FAR 23 is silent on propeller icing protection. However, as airplanes become more sophisticated, operate in a wider range of environments, and have a higher level of performance, icing encounters are more likely to occur. In order to insure safe operation, protection against propeller icing must be provided.

29. Section 23.939 would be amended by amending the heading and paragraph (b) to read as follows:

§ 23.939 Powerplant operating characteristics.

* * * * *

(b) No hazardous malfunction of the powerplant may occur when the airplane is operated at the negative acceleration within the flight envelope prescribed in § 23.333, that is most critical. This must be shown for the greatest duration expected for that accerelation.

* * * * *

EXPLANATION: The existing rule relates negative acceleration to the fuel system, but experience has shown that all fluid systems of the powerplant installation, including the propeller system, can be affected.

30. By amending paragraph (d) of § 23.967 and by adding a new paragraph (e) to read as follows:

§ 23.967 Fuel tank installation.

* * * * *

(d) No fuel tank may be in the personnel compartment of a multiengine airplane. If a fuel tank is in the personnel compartment of a single-engine airplane, it must be isolated from the personnel compartment by fume and fuel-proof enclosures that are drained and ventilated. A bladder type fuel cell, if used, must have a retaining shell at least equivalent to a metal fuel tank in structural integrity.

(e) Fuel tanks must be designed, located, and installed so as to resist rupture and to retain fuel—

(1) Under the inertia forces prescribed for the emergency landing conditions in § 23.561; and

(2) Under conditions likely to occur when an airplane lands with its landing gear retracted, one landing gear collapsed, or by any engine mounting tearing away.

EXPLANATION: Section 23.967(d) prohibits the use of fuel tanks in personnel compartments of multiengine airplanes but for single engine airplanes prescribes two possible courses of action depending on whether the tanks have a capacity of more than 25 gallons or a lesser capacity. There appears to be no logical reason for providing different protection for tanks above or below the 25-gallon capacity. The restriction previously applied to the situation where tanks have more than 25 gallons capacity, should be applied to all tanks in personnel compartments of single-engine airplanes. For tanks located outside personnel compartments other precautions are necessary. Some of these are already incorporated in the rules but additional requirements are needed to ensure that fuel leakage will not be likely to occur under minor crash landing conditions.

31. A new § 23.979 would be added to read as follows:

§ 23.979 Pressure fueling system.

For pressure fueling systems, the following apply:

(a) Each pressure fueling system fuel manifold connection must have means to prevent the escape of hazardous quantities of fuel from the system if the fuel entry valve fails.

(b) An automatic shutoff means must be provided to prevent the quantity of fuel in each tank from exceeding the maximum quantity approved for that tank. This means must allow checking for proper shutoff operation before each fueling of the tank.

(c) A means must be provided to prevent damage to the fuel system in the event of failure of the automatic shutoff means prescribed in paragraph (b) of this section.

(d) All parts of the fuel system up to the tank which are subjected to fueling pressures must have a proof pressure of 1.33 times, and an ultimate pressure of at least 2 times, the surge pressure likely to occur during fueling.

EXPLANATION: The existing rules do not cover pressure fueling systems because there has been no need for such rules up to this time. The possibility of such systems being used in airplanes must be considered for the future. Since the FAR 25 rule pertaining to pressure fueling systems has been effective, a rule along the same lines with slight modifications should provide adequate requirements to ensure safety for Part 23 airplanes equipped with pressure fueling provisions.

32. A new paragraph (f) would be added to § 23.995 to read as follows:

§ 23.995 Fuel valves and controls.

* * * * *

(f) Each check valve must be constructed, or other provision must be made, to preclude incorrect assembly or connection of the valve.

EXPLANATION: The existing rule requires design features that minimize incorrect installation, but this is applicable to fuel valves with handles, not to check valves. Incorrect installation of check valves has caused engine failures in flight due to fuel starvation.

33. Section 23.1017 would be amended by amending paragraph (b)(1) and by adding a new paragraph (b)(5) to read as follows:

§ 23.1017 Oil lines and fittings.

* * * * *

(b) *Breather lines.* * * *

(1) Condensed water vapor or oil that might freeze and obstruct the line cannot accumulate at any point.

* * * * *

(5) The breather outlet is protected against blockage by ice or foreign matter.

EXPLANATION: The current rules require arrangement of breather lines so that condensed water vapor that might freeze and obstruct the lines cannot accumulate at any point. In the oil breather line it is possible that oil as well as water (condensate) could freeze. Also, the breather outlet could be blocked by ice or other foreign matter, which would be equally hazardous. This proposal speaks to these latter matters.

34. A new paragraph (d) would be added to § 23.1027 to read as follows:

§ 23.1027 Propeller feathering system.

* * * * *

(d) Provision must be made to prevent sludge or other foreign matter from affecting the safe operations of the propeller feathering system.

EXPLANATION: Sludge and other foreign materials have accumulated in propeller feathering systems and prevented feathering. This rule requires provisions to cope with this possibility.

35. A new paragraph (c) would be added to § 23.1093 to read as follows:

§ 23.1093 Induction system icing protection.

* * * * *

(c) The possibility of engine failure resulting from ice shed from the forward part of the airplane must be minimized.

EXPLANATION: Ice shed from airplane surfaces forward of the engine inlet has caused engine failure. This proposal requires consideration of such a possibility.

36. Paragraph (e) of § 23.1141 would be amended and a new paragraph (f) would be added to read as follows:

§ 23.1141 Powerplant controls: general.

* * * * *

(e) No single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

(f) Each powerplant control that is required to be operated in the event of fire must be at least fire resistant.

EXPLANATION: Failures and malfunctions of control systems in reciprocating as well as turbine engines have caused problems in the past. This proposal merely requires evaluation of the powerplant control systems regardless of the type of engine. Section 23.1141 does not require powerplant controls within a fire zone to be fire resistant. In the event of fire, however, certain controls need to be activated to achieve control of the fire. These controls, threfore, need to have sufficient resistance to fire so they can be manipulated to accomplish their functions. Since it is customary practice to make controls fire resistant, this proposal simply makes such practice a requirement.

37. A new § 23.1192 would be added to read as follows:

§ 23.1192 Engine accessory compartment diaphragm.

For air-cooled radial engines, the engine power section and all portions of the exhaust system must be isolated from the engine accessory compartment by a diaphragm that meets the firewall requirements § 23.1191.

EXPLANATION: Service experience in the United States and abroad with air-cooled radial engine installations has proven the value of diaphragms for control of engine fires. The proposed rule requires diaphragms for such engine installations in Part 23 airplanes.

38. A new paragraph (c) would be added to § 23.1163 to read as follows:

§ 23.1163 Powerplant accessories.

* * * * *

(c) Each generator, rated at or more than 6 kilowatts, must be designed and installed to minimize the probability of a fire hazard in the event it malfunctions.

EXPLANATION: The new designs are incorporating generators with the higher power ratings. These generators represent a greater fire hazard in the event they malfunction.

39. A new § 23.1182 would be added to read as follows:

§ 23.1182 Nacelle areas on the safe side of firewalls.

Components, lines, and fittings located on the safe side of the engine-compartment firewall must be constructed of such materials and located at such distances from the firewall that they will not suffer damage sufficient to endanger the airplane if a portion of the inner surface of the firewall is subjected to a flame temperature of not less than 2,000° F. for 15 minutes.

EXPLANATION: The protection that should be provided for components aft of a firewall is not clearly indicated in FAR 23. Some items so located could be of such a nature that a fire forward of the firewall would damage them and endanger the airplane.

40. Paragraph (a) of § 23.1183 would be amended to read as follows:

§ 23.1183 Lines and fittings and components.

(a) Except as provided in paragraph (b) of this section, each component, line, and fitting, carrying flammable fluids, gas, and air in any area subject to engine fire conditions must be fire resistant. Flexible hose assemblies (hose and end fittings) must be approved.

* * * * *

EXPLANATION: Current § 23.1183 only requires that lines and fittings be fire resistant. However, since any component containing flammable fluid could, in the event of failure, contribute to a fire, such components should also be fire resistant.

41. A new paragraph (c) would be added to § 23.1189 to read as follows:

§ 23.1189 Shutoff means.

* * * * *

(c) Power operated valves must have means to indicate to the flight crew when the valve has reached the selected position and must be designed so that the valve will not move from the selected position under vibration conditions likely to exist at the valve location.

EXPLANATION: The existing rule does not speak specifically of power-operated valves, which may be operated electrically by means of a remotely located switch without any feed-back to the operator that the desired operation has been accomplished. The crew must have means to inform them that the desired action has been completed.

42. Paragraph (a)(1) of § 23.1301 would be amended to read as follows:

§ 23.1301 Function and installation.

(a) Each item of installed equipment essential to safe operation must:

(1) Adequately perform its intended function under any foreseeable operating condition.

* * * * *

43. New paragraphs (s) and (t) would be added to § 23.1305 to read as follows:

§ 23.1305 Powerplant instruments.

* * * * *

(s) An oil pressure warning means for each turbine engine.

(t) An induction system air temperature indicator for each engine equipped with a preheater and having induction

air temperature limitations which can be exceeded with preheat.

44. A new § 23.1309 would be added to read as follows:

§ 23.1309 Equipment systems and installations.

(a) Each item of equipment, when performing its intended function, may not adversely affect:

(1) The response, operation, or accuracy of any equipment essential to safe operation; or

(2) The response, operation, or accuracy of any other equipment unless there is a means to inform the pilot of the effect.

(b) The equipment, systems, and installations must be designed to prevent hazards to the airplane in the event of a probable malfunction or failure.

EXPLANATION: Because of the increasing reliance on systems and equipment in the modern, complex, high performance airplanes, the FAA believes that the proposed amendments to §§ 23.1301, 23.1305, and 23.1309 are necessary to insure the reliability of such systems and equipment.

45. Paragraph (a) of § 23.1321 would be amended and a new paragraph (d) would be added to read as follows:

§ 23.1321 Arrangement and visibility.

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

* * * * *

(d) For each airplane of more than 6,000 pounds maximum weight, the flight instruments required by § 23.1303, and, as applicable, by Part 91 of this chapter must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition:

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

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

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

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

EXPLANATION: This proposal is considered necessary because of the increasing complexity of the new high performance airplanes and the increasing volume of air traffic. In addition, the proposed new paragraph (d) is in furtherance of the principle of cockpit standardization.

46. Section 23.1323 would be amended by striking out the word "installational" in paragraph (a) and inserting the word "position" in place thereof.

EXPLANATION: The word "position" is more definitive with respect to airspeed indicating systems.

47. Section 23.1351 would be amended by striking out the word "and" in paragraph (b)(1)(i), and striking out the period and adding the words "; and" at the end of paragraph (b)(1)(ii), and by adding a new paragraph (b)(1)(iii); by striking out the word "and" at the end of paragraph (c)(2), and by striking out the period and adding the words "; and" at the end of paragraph (c)(3), and by adding a new paragraph (c)(4); and by adding a new paragraph (e) to read as follows:

§ 23.1351 General.

* * * * *

(b) *Functions.* * * *

(1) * * *

(iii) So designed that the risk of electrical shock to crew, passengers, and ground personnel is reduced to a minimum.

(c) *Generating system.* * * *

(4) There must be a means to give immediate warning to the flight crew of a failure of any generator.

* * * * *

(e) *Fire resistance.* Electrical equipment must be so designed and installed that in the event of a fire in a designated fire zone, during which the surface of the fire wall adjacent to the fire is heated to 2,000° F. for 5 minutes or to a lesser temperature substantiated by the applicant, the equipment essential to continued safe operation and located outside a fire zone will function satisfactorily and will not create an additional fire hazard.

EXPLANATION: See explanation for Proposal 39.

48. Section 23.1365 would be amended by amending the heading and paragraph (b) to read as follows:

§ 23.1365 Electric cables and equipment.

* * * * *

(b) Each cable and associated equipment that would overheat in the event of circuit overload or fault must be at least flame resistant and may not emit dangerous quantities of toxic fumes.

EXPLANATION: This proposal is considered necessary because of the higher powered electrical systems being installed in Part 23 airplanes. Such systems are more likely to cause heat damage and the emission of toxic fumes in the event of malfunction.

49. Section 23.1419 would be amended to read as follows:

§ 23.1419 Ice protection.

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

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

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

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

(d) When monitoring of the external surfaces of the airplane is required by the flight crew for proper operation of the ice protection equipment, external lighting must be provided which is adequate to enable the monitoring to be done at night.

EXPLANATION: Part 23 has no standards for the performance of ice protection provisions. Because of the increasing use of Part 23 airplanes in all weather operations, the FAA believes it is necessary to establish such standards. These are consistent with the standards in SFAR 23.

50. Paragraph (a) of § 23.1435 would be amended to read as follows:

§ 23.1435 Hydraulic systems.

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each hydraulic system and its elements must withstand, without yielding, the structural loads expected in addition to hydraulic loads.

(2) A means to indicate the pressure in each hydraulic system which supplies two or more primary functions must be provided.

(3) There must be means to insure that the pressure, including transient (surge) pressure, in any part of the system will not exceed safe limit above design operating pressure and to prevent excessive pressure resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to occur.

(4) The minimum design burst pressure must be 2.5 times the operating pressure.

* * * * *

EXPLANATION: This proposal is appropriate because of increased reliance on hydraulic systems and the increasing complexity of such systems in Part 23 airplanes.

51. Section 23.1501 would be amended by striking out the word "and" at the end of paragraph (c)(1) and by striking out the period and by adding the words "; and" at the end of paragraph (c)(2), and by adding a new paragraph (c)(3) to read as follows:

§ 23.1501 General.

* * * * *

(c) * * *

(3) The airspeed limitations must be stated in terms of indicated airspeed exclusive of instrument error.

52. Paragraph (a) of § 23.1545 would be amended to read as follows:

§ 23.1545 **Airspeed indicator.**

(a) Each airspeed indicator must be marked to show indicated airspeed excluding instrument error.

* * * * *

EXPLANATION: Sections 23.1501 and 23.1545 would require the airspeed information to be given to the pilot in terms of indicated airspeed excluding instrument error rather than calibrated airspeed. It is more useful to the pilot and no more difficult to provide than calibrated airspeed.

53. Paragraph (c)(2) of § 23.1557 would be amended to read as follows:

§ 23.1557 **Miscellaneous markings and placards.**

* * * * *

(c) Fuel and oil filler openings. * * *

(2) The word "oil" and the oil tank capacity and, for those aircraft for which no approved airplane flight manual is required, the approved grade and specification of oil. (If an approved airplane flight manual is provided, the approved grade and specification of oil may appear therein).

* * * * *

EXPLANATION: It has come to the FAA's attention that for airplanes that do not have flight manuals, there is a need to provide a marking on or near the oil filler to show the grade and specification of the appropriate oil.

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

Issued in Washington, D.C., on April 27, 1971.

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

[FR Doc.71-6256 Filed 5-4-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-72]

TRANSITION AREA

Proposed Designation

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Dillon transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 2.5 miles each side of Florence VORTAC 046° radial, extending from the 5-mile-radius area to 16 miles northeast of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Dillon County Airport. A prescribed instrument approach procedure to this airport, utilizing the Florence VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on April 26, 1971.

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

[FR Doc.71-6257 Filed 5-4-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-73]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Valdosta, Ga. (Moody AFB), control zone and the Valdosta, Ga. (Valdosta Municipal Airport), transition area and revoke the Valdosta, Ga. (Moody AFB), transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Valdosta (Moody AFB) control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 5 miles each side of Moody VOR 007° radial, extending from the 5-mile-radius zone to 23.5 miles north of the VOR; within 1.5 miles each side of Moody TACAN 180° radial, extending from the 5-mile-radius zone to 4.5 miles south of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Valdosta (Valdosta Municipal Airport) transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

VALDOSTA, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'34" W.); within an 8.5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 5 miles each side of the ILS localizer north course, extending from the 8.5-mile-radius area to 19.5 miles north of the OM; within 5 miles each side of Moody VOR 007° radial, extending from the 8.5-mile-radius area to 24 miles north of the VOR.

The Valdosta (Moody AFB) transition area described in § 71.181 (36 F.R. 2140) would be revoked.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Valdosta terminal in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria. The revocation of Valdosta (Moody AFB) transition area is to simplify charting and the controlled airspace description.

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

Issued in East Point, Ga., on April 27, 1971.

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

[FR Doc.71-6258 Filed 5-4-71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71-WA-15]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate twelve Pacific Gateway routes that would connect the domestic route system with oceanic routes.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

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 airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations as follows:

J-944R MORROW, CALIF., TO GATEWAY CYPRESS

Hector, Calif., 206.2°M/59.5 NM, latitude 34°02'51" N., longitude 117°14'54" W.;
Santa Barbara, Calif., 156.8°M/41.2 NM, latitude 33°49'16" N., longitude 119°39'59" W.;
Santa Barbara, Calif., 231.1°M/153.2 NM., latitude 33°29'00" N., longitude 122°35'00" W.

J-945R CAMERON, ARIZ., TO GATEWAY CYPRESS

Tuba City, Ariz., 145.5°M/9.2 NM, latitude 35°58'37" N., longitude 111°12'21" W.;
Needles, Calif., 329.6°M/30.4 NM, latiude 35°-15'22" N., longitude 114°38'11" W.;
Hector, Calif., 001.9°M/2.2 NM, latitude 34°-49'57" N., longitude 116°26'57" W.;
Santa Barbara, Calif., VORTAC, latitude 34°-30'35" N., longitude 119°46'12" W.;
Santa Barbara, Calif., 231.1°M/153.2 NM, latitude 33°29'00" N., longitude 122°-35'00" W.

J-946R MORROW, CALIF., TO GATEWAY YUCCA

Hector, Calif., 206.2°M/59.5 NM, latitude 34°-02'51" N., longitude 117°14'54" W.;
Los Angeles, Calif., 164°M/33.4 NM, latitude 33°22'30" N., longitude 118°25'08" W.;
Los Angeles, Calif., 203°M/150.9 NM, latitude 31°56'00" N., longitude 120°15'00" W.;
Los Angeles, Calif., 212.4°M/204.6 NM, latitude 31°35'00" N., longitude 121°22'00" W.

J-947R CAMERON, ARIZ., TO GATEWAY PINE

Tuba City, Ariz., 145.5°M/9.2 NM, latitude 35°58'37" N., longitude 111°12'21" W.;
Needles, Calif., 331.8°M/36.8 NM, latitude 35°21'49" N., longitude 114°38'38" W.;
Los Angeles, Calif., 007.5°M/46.8 NM, latitude 34°38'48" N., longitude 118°04'09" W.;
San Luis Obispo, Calif., VORTAC, latitude 35°15'08" N., longitude 120°45'31" W.;
San Luis Obispo, Calif., 226°M/129.2 NM, latitude 34°13'00" N., longitude 123°03'00" W.

J-960R GATEWAY CYPRESS TO PARIA, ARIZ.

Santa Barbara, Calif., 231.1°M/153.2 NM, latitude 33°29'00" N., longitude 122°35'00" W.;
Santa Barbara, Calif., 126.3°M/49.2 NM, latitude 33°51'30" N., longitude 119°10'03" W.;
Hector, Calif., 317.3°M/14.6 NM, latitude 35°-00'49" N., longitude 116°35'59" W.;
Peach Springs, Ariz., 319.1°M/35.2 NM, latitude 36°09'10" N., longitude 113°51'38" W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53'51" N., longitude 111°55'43" W.

J-961R GATEWAY CYPRESS TO PARIA, ARIZ.

Santa Barbara, Calif., 231.1°M/153.2 NM, latitude 33°29'00" N., longitude 122°35'00" W.;
Santa Barbara, Calif., VORTAC, latitude 34°30'35" N., longitude 119°46'12" W.;
Hector, Calif., 248.9°M/33.4 NM, latitude 34°-44'09" N., longitude 117°08'00" W.;
Peach Springs, Ariz., 318.6°M/34.4 NM, latitude 36°08'19" N., longitude 113°51'29" W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53'51" N., longitude 111°55'43" W.

J-962R GATEWAY YUCCA TO PARIA, ARIZ.

Los Angeles, Calif., 212.5°M/204.3 NM, latitude 31°35'00" N., longitude 121°22'00" W.;
Los Angeles, Calif., 163.9°M/32.9 NM, latitude 33°22'30" N., longitude 118°25'08" W.;
Hector, Calif., 248.9°M/33.4 NM, latitude 34°-44'09" N., longitude 117°08'00" W.;
Peach Springs, Ariz., 318.6°M/34.4 NM, latitude 36°08'19" N., longitude 113°51'29" W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53'51" N., longitude 111°55'43" W.

J-963R GATEWAY PINE TO PARIA, ARIZ.

San Luis Obispo, Calif., 226°M/129.2 NM, latitude 34°13'00" N., longitude 123°03'00" W.;
San Luis Obispo, Calif., VORTAC, latitude 35°15'08" N., longitude 120°45'31" W.;
Los Angeles, Calif., 008.3°M/46.1 NM, latitude 34°37'53" N., longitude 118°03'47" W.;
Hector, Calif., 248.9°M/33.4 NM, latitude 34°-44'09" N., longitude 117°08'00" W.;
Peach Springs, Ariz., 318.6°M/34.4 NM, latitude 36°08'19" N., longitude 113°51'29" W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53'51" N., longitude 111°55'43" W.

J-964R COALDALE, NEV., TO GATEWAY APRICOT

Coaldale, Nev., VORTAC, latitude 38°00'12" N., longitude 117°46'10" W.;
Fresno, Calif., 331.7°M/47.8 NM, latitude 37°-40'09" N., longitude 119°59'55" W.;
Oakland, Calif., 203°M/42 NM, latitude 37°-11'16" N., longitude 122°47'08" W.;
Oakland, Calif., 218.6°M/153.5 NM, latitude 36°15'00" N., longitude 124°50'00" W.

J-966R GATEWAY MAPLE TO GABBS, NEV.

Coaldale, Nev., VORTAC, latitude 38°00'12" N., longitude 117°46'10" W.;
Sacramento, Calif., 161.3°M/28 NM, latitude 37°58'37" N., longitude 121°31'56" W.;
Ukiah, Calif., 220.7°M/141.5 NM, latitude 37°48'00" N., longitude 125°49'00" W.

J-966R GATEWAY MAPLE TO GABBS, NEV.

Ukiah, Calif., 220.7°M/141.5 NM, latitude 37°48'00" N., longitude 125°49'00" W.;
Stockton, Calif., 336.4°M/29.1 NM, latitude 38°18'59" N., longitude 121°14'35" W.;
Coaldale, Nev., 322.9°M/35.9 NM, latitude 38°33'55" N., longitude 118°01'55" W.

J-967R GATEWAY APRICOT TO GABBS, NEV.

Oakland, Calif., 144°M/66 NM, latitude 36°-15'00" N., longitude 124°50'00" W.;
Linden, Calif., 140.1°M/24.9 NM, latitude 37°41'30" N., longitude 120°47'56" W.;
Coaldale, Nev., 322.9°M/35.9 NM, latitude 38°33'55" N., longitude 118°01'55" W.

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

Issued in Washington, D.C., on April 29, 1971.

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

[FR Doc.71-6191 Filed 5-4-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PENTAERYTHRITOL FROM ITALY

Antidumping Proceeding Notice

APRIL 26, 1971.

On February 19, 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 pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Italy 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. 100 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).

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

[FR Doc.71-6310 Filed 5-4-71;8:52 am]

PENTAERYTHRITOL FROM JAPAN

Antidumping Proceeding Notice

APRIL 26, 1971.

On February 19, 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 pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Japan 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).

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

[FR Doc.71-6311 Filed 5-4-71;8:52 am]

VINYL ASBESTOS FLOOR TILE FROM CANADA

Antidumping Proceeding Notice

On March 15, 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 vinyl asbestos floor tile from Canada 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).

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

[FR Doc.71-6312 Filed 5-4-71;8:52 am]

Office of the Secretary

TEMPERED SHEET GLASS FROM JAPAN

Determination of Sales at Less Than Fair Value

APRIL 30, 1971.

Information was received on June 20, 1969, that tempered sheet glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of February 5, 1971.

I hereby determine that for the reasons stated below, tempered sheet glass from Japan is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. One exporter was found to be exporting tempered sheet glass to the United States.

Sales to the United States were made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Insufficient quantities of such or similar merchandise were sold in the Japanese home market to furnish a basis for fair value comparisons.

Accordingly, purchase price was compared with the adjusted third country price of such or similar merchandise sold to Canada.

Purchase price was calculated by deducting from the delivered duty-paid price for exportation to the United States the included freight charges, commissions, discounts, marine insurance, and the appropriate U.S. duty charges.

The third country price was calculated on the basis of a c.i.f. Vancouver, duty-paid price, with adjustments made for freight charges, commissions, discounts, marine insurance, Canadian duty charges and packing.

Purchase price was found to be lower than the third country price of such or similar merchandise sold to Canada.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

[FR Doc.71-6313 Filed 5-4-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 4032]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1971.

The Department of Agriculture has filed an application, Serial No. I–4032, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as recreation areas on the Kaniksu National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

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.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

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 it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

KANIKSU NATIONAL FOREST

Lake Pend Oreille Water Influence Zone

T. 55 N., R. 1 E.,
Sec. 12, southwest 450 feet of Mineral Survey No. 2995.

The area described aggregates 6.20 acres, more or less, in Bonner County.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-6235 Filed 5-4-71;8:45 am]

[OR 7308 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 26, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7308 (Wash), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands for rock sources in the Olympic National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2965 (729 Northeast Oregon Street) Portland, OR 97208.

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 essential than the applicant's, and to reach agreement on the concurrent management of the land and their resources.

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

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Pipe Line Rock Pit. No. 2707–1.1

T. 26 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
Sec. 4, a strip of land within the NW¼ NE¼ described as follows:

Beginning at a point approximately 1.1 miles from intersection of Forest Service Roads Nos. 2812 and 2707 along centerline of Road 2707 in NW¼NE¼ sec. 4, said point being S. 63°00′ W., 1,690 feet from northeast corner of said section, thence N. 37°00′ W. 330 feet, thence S. 53°00′ W. 330 feet, thence S. 37°00′ E. 330 feet, thence N. 53°00′ E. 330 feet to point of beginning, containing 2.50 acres.

Townsend Creek Rock Pit No. 2812.2–1.5

T. 27 N., R. 2 W.,
Sec. 32, a strip of land within the NE¼ SW¼ described as follows:

Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 2743 and 2812 along centerline of Road 2812 in NE¼SW¼ sec. 32, said point being N. 57°00′ E. 2,970 feet from southwest corner of said section, thence N. 19°00′ E. 330 feet, thence S. 71°00′ E. 330 feet, thence S. 19°00′ W. 330 feet, thence N. 71°00′ W. 330 feet to point of beginning, containing 2.50 acres.

Cene Rock Pit No. 2765–0.0

T. 27 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
Sec. 16, a strip of land within the SW¼ NW¼ and N½NW¼SW¼ described as follows:

Beginning at the center of intersection of Forest Service Roads Nos. 272 and 2765 in SW¼NW¼ sec. 16, said point being S. 21°00′ E., 2,640 feet from northwest corner of said section, thence south 100 feet, thence west 330 feet, thence north 462 feet, thence east 330 feet, thence south 362 feet to point of beginning, containing 3.50 acres.

Upper Snow Creek Rock Pit No. 2814–2.7

T. 28 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
Sec. 7, a strip of land within the NW¼SE¼ described as follows:

Beginning at a point approximately 2.7 miles from intersection of Forest Service Roads Nos. 2907 and 2814 along centerline of Road 2814 in NW¼SE¼ sec. 7, said point being N. 44°00′ W., 1,901 feet from southeast corner of said section, thence west 300 feet, thence north 300 feet, thence east 300 feet, thence south 600 feet to point of beginning, containing 2.10 acres.

Snow Creek Rock Pit No. 2907.1–5.5

T. 28 N., R. 2 W.,
Sec. 9, a strip of land within the NW¼ NW¼ described as follows:

Beginning at a point approximately 2.5 miles from intersection of Forest Service Roads Nos. 2907 and 2847 along centerline of Road 2907 in NW¼NW¼ sec. 9, said point being S. 42°30′ E., 1,267 feet from the northwest corner of said section, thence S. 83°00′ E., 330 feet, thence N. 07°00′ E., 330 feet, thence N. 83°00′ W., 330 feet, thence S. 07°00′ W., 330 feet to point of beginning, containing 2.50 acres.

Dutchman Rock Pit No. 294.3–7.5

T. 29 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
Sec. 19, a strip of land within the SW¼ NW¼ described as follows:

Beginning at a point in SW¼NW¼ sec 9, said point being N. 15°00′ E., 2,692 feet from section corner common to secs. 19 and 30, T. 29 N., R. 2 W., and secs. 24 and 25, T. 29 N., R. 3 W., thence N. 26°00′ E., 300 feet, thence N. 64°00′ W., 600 feet, thence S. 26°00′ W., 300 feet, thence S. 64°00′ E., 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2849–4.1

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Secs. 3 and 10, a strip of land within the SE¼SW¼ and SW¼SE¼ sec. 3, and NW¼NE¼ and NE¼NW¼ sec. 10, described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in SE¼SW¼ sec. 3, said point being 2,112 feet due east from southwest corner of said section, thence N. 39°00′ E., 330 feet, thence S. 51°00′ E., 330 feet, thence S. 39°00′ W., 330 feet, thence N. 51°00′ W., 330 feet to point of beginning, containing 2.50 acres.

Dungeness Rock Pit No. 295–5.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 7, a strip of land within the SW¼ SE¼ described as follows:

Beginning at a point on the Dungeness Road No. 295, 0.3 mile from intersection of Maynard Ridge Road No. 295 E. in SW¼SE¼ sec. 7, said point being N. 52°00′ W., 2,244 feet from section corner common to secs. 5, 6, 7, and 8, T. 28 N., R. 3 W., thence S. 55°00′ W., 260 feet, thence S. 35°00′ E., 250 feet, thence N. 55°00′ E., 260 feet, thence N. 35°00′ W., 250 feet to point of beginning, containing 1.50 acres.

Trapper Creek Rock Pit No. 2959–3.0

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 12, a strip of land within the NE¼ NE¼ described as follows:

Beginning at a point approximately 1.7 miles from intersection of Forest Service Roads Nos. 2904 and 2959 along centerline of Road 2959 E. in NE¼NE¼ sec. 12, said point being S. 11°00′ W., 990 feet from northeast corner of said section, thence N. 67°00′ W., 330 feet, thence S. 23°00′ W., 330 feet, thence S. 67°00′ E., 330 feet, thence S. 23°00′ E., 330 feet to point of beginning, containing 2.50 acres.

Old Bon Jon Rock Pit No. 2849–2.1

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 14, a strip of land within the SW¼ NE¼ described as follows:

Beginning at a point approximately 2.1 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in SW¼NE¼ sec. 14, said point being N. 19°30′ W., 3,102 feet from southeast corner of said section, thence N. 17°00′ W., 300 feet, thence S. 73°00′ W., 300 feet, thence S. 17°00′ E., 300 feet, thence N. 73°00′ E., 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2849–0.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 24, a strip of land within the NW¼ NW¼ described as follows:

Beginning at a point approximately 0.5 mile from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in NW¼NW¼ sec. 24, said point being S. 06°00′ E., 528 feet from northwest corner of said section, thence N. 70°00′ E., 300 feet, thence S. 20°00′ E., 300 feet, thence S. 70°00′ W., 300 feet, thence N. 20°00′ W., 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2909.1–4.8

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 25, a strip of land within the NW¼ NE¼ described as follows:

Beginning at a point approximately 0.3 mile from intersection of Forest Service Roads Nos. 2852 and 2909.1 along centerline of Road 2909.1 in NW¼NE¼ sec. 25, said point being S. 56°00′ W., 1,452 feet from northeast corner of said section, thence S. 66°00′ W., 350 feet, thence S. 24°00′ E., 350 feet, thence N. 66°00′ E., 650 feet, thence N. 24°00 W., 350 feet to point of beginning, containing 2.80 acres.

Townsend Creek Rock Pit No. 2812.2–17.2

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 26, a strip of land within the SW¼ SE¼ described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2844 and 2812 along centerline of Road 2812 in SW¼SE¼ sec. 26, said point being 2,250 feet due west from the southeast corner of said section, thence N. 40°00′ E., 400 feet, thence N. 50°00′ W., 400 feet, thence S. 40°00′ W., 400 feet, thence S. 50°00 E., 400 feet to point of beginning, containing 3.70 acres.

River Spur Rock Pit No. 2844–1.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 36, a strip of land within the SW¼ NE¼ described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2812 and 2844 along centerline of Road 2844 in SW¼NE¼ sec. 36, said point being S. 45°00′ E., 3,696 feet from the northwest corner of said section, thence north 330 feet, thence east 330 feet, thence south 330 feet, thence west 330 feet to point of beginning, containing 2.50 acres.

Cranberry Rock Pit No. 2983–2.2

T. 29 N., R. 3 W.,
Secs. 19 and 30, a strip of land within the SW¼ of lot 4 (SW¼SW¼SW¼), sec. 19, and NW¼ of lot 1 (NW¼NW¼NW¼), sec. 30, described as follows:

Beginning at a point on the Cranberry Road No. 2983, 2.2 miles east of intersection of Caraco Road No. 2927, said point being N. 53°00′ E., 264 feet from section corner common to secs. 19 and 30, T. 29 N., R. 3 W., and secs. 24 and 25, T. 29 N., R. 4 W., thence S. 47°00′ W., 396 feet, thence S. 43°00′ E., 396 feet, thence N. 47°00′ E., 396 feet, thence N. 43°00′ W., 396 feet to point of beginning, containing 3.60 acres.

Racoon Rock Pit No. 2925C–0.6

T. 29 N., R. 3 W.,
Sec. 23, a strip of land within the N½ NE¼SE¼ and S½SE¼NE¼, described as follows:

Beginning at a point, said point being N. 12°00′ W., 2,521 feet from section corner common to secs. 23, 24, 25, and 26, T. 29 N., R. 3 W., thence S. 64°00′ W., 330 feet, thence N. 26°00′ W., 330 feet, thence N. 64°00′ E., 330 feet, thence S. 26°00′ E., 330 feet to point of beginning, containing 2.50 acres.

Dutchman Rock Pit No. 294.3–8.7

T. 29 N., R. 3 W.,
Sec. 24, E½SE¼SE¼SE¼,

Containing 5 acres.

Hinkle A Rock Pit No. 2991–1.7

T. 29 N., R. 3 W., partially unsurveyed (protraction approved 9–24–63):
Sec. 26, a strip of land within the SE¼ NW¼ and NE¼SW¼, described as follows:

Beginning at a point, said point being S. 52°30′ W., 3,894 feet from section corner common to secs. 23, 24, 25, and 26, T. 29 N., R. 3 W., thence S. 40°00′ W. 330 feet, thence N. 50°00′ W., 330 feet, thence N. 40°00′ E., 330 feet, thence S. 50°00′ E., 330 feet to point of beginning, containing 2.50 acres.

Bear Mountain Rock Pit No. 2979–0.7

T. 29 N., R. 3 W.,
Sec. 29, a strip of land within the SE¼NE¼ described as follows:
Beginning at a point approximately 0.7 mile from intersection of Forest Service Roads Nos. 2909 and 2979 along centerline of Road 2979 in SE¼NE¼ sec. 29, said point of Road 2979 in SE¼NE¼ sec. 29, said point being S. 28°30′ W., 2,244 feet from northeast corner of said section, thence S. 28°00′ W., 300 feet, thence S. 62°00′ E., 462 feet, thence N. 28°00′ E., 300 feet, thence N. 62°00′ W., 462 feet to point of beginning, containing 3.50 acres.

Coho Rock Pit No. 29067–0.2

T. 29 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
Sec. 35, a strip of land within the S½SE¼ described as follows:

Beginning at a point approximately 0.3 mile from intersection of Forest Service Roads Nos. 2904 and 29067 along centerline of Road 29067 in the SE¼SE¼ sec. 35, said point being N. 61°00′ W., 1,320 feet from the southwest corner of said section, thence N. 20°00′ W., 462 feet, thence S. 70°00′ W., 330 feet, thence S. 20°00′ E., 462 feet, thence N. 70°00′ E., 330 feet to point of beginning, containing 3.50 acres.

Canyon Creek Rock Pit No. 2926–6.7

T. 28 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
Sec. 4, a strip of land within the NW¼ SW¼ described as follows:

Beginning at a point on the Canyon Creek Road No. 2926, 2.4 miles from intersection of Ned Mill Road No. 2981, said point being N. 08°00′ E., 2,442 feet from section corner common to secs. 4, 5, 8, and 9, T. 28 N., R. 4 W., thence N. 61°00′ W., 330 feet, thence S. 29°00′ W., 200 feet, thence S. 61°00′ E., 330 feet, thence N. 29°00′ E., 200 feet to point of beginning, containing 1.50 acres.

Camp Handy Rock Pit No. 2825–2.2

T. 28 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
Sec. 36, a strip of land within the NE¼ NE¼ described as follows:

Beginning at a point on the Camp Handy Road No. 2825, 2.2 miles from the intersection of the Dungeness Road No. 295, said point being S. 78°00′ W., 1,056 feet from section corner common to secs. 30 and 31, T. 28 N., R. 3 W., and secs. 25 and 36, T. 28 N., R. 4 W., thence E. 300 feet, thence S. 300 feet, thence W. 300 feet, thence N. 300 feet to point of beginning, containing 2.10 acres.

Caraco Rock Pit No. 2927–1.3

T. 29 N., R. 4 W., unsurveyed (protraction
Sec. 23, a strip of land within the SE¼ SW¼ described as follows:

Beginning at a point on Caraco Creek Road No. 2927, 0.25 mile southwest of intersection of Cranberry Road No. 2983, said point being N. 61°00′ E., 2,442 feet from section corner common to secs. 22, 23, 26, and 27, T. 29 N., R. 4 W., thence S. 54°00′ W., 400 feet, thence S. 36°00′ E., 400 feet, thence N. 54°00′ E., 400 feet, thence N. 36°00′ W., 400 feet to point of beginning, containing 3.80 acres.

McDonald Creek Rock Pit No. 2956–2.7

T. 29 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
Sec. 30, a strip of land within the S½NE¼ and N½SE¼, described as follows:

Beginning at a point on the upper McDonald Creek Road No. 2956, 0.3 mile south of the intersection of McDonald Forks Road No. 2956–B, said point being S. 31°00′ W., 2,640 feet from section corner common to secs. 19, 20, 29, and 30, T. 29 N., R. 4 W., thence N. 21°00′ W., 600 feet, thence S. 78°00′ W., 528 feet, thence S. 22°00′ E., 700 feet, thence N. 65°30′ E., 415 feet to point of beginning, containing 7 acres.

Graywolf Rock Pit No. 2928–0.2

T. 29 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
Sec. 36, a strip of land within the SW¼ NE¼ described as follows:

Beginning at a point on the Graywolf Road No. 2928, 0.2 mile southwest from intersection of Caraco Creek Road No. 2927, said point being S. 34°00′ W., 2,508 feet from section corner common to secs. 25 and 36, T. 29 N., R. 4 W., and secs. 30 and 31, T. 29 N., R. 3 W., thence N. 55°00′ W., 350 feet, thence S. 35°00′ W., 300 feet, thence S. 55°00′ E., 350 feet, thence N. 35°00′ E., 300 feet to point of beginning, containing 2.40 acres.

The areas described aggregate 72.30 acres, 61.30 of which are in Clallam County, and 11 of which are in Jefferson County.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71–6236 Filed 5–4–71;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loan Made Under 1970 Price-Support Programs

Unless demand is made earlier by CCC, warehouse-storage loans under 1970 price-support programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, that CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amounts specified in the Warehouse Note and Security Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

	Maturity date	Final date of repayment
	1971	1971
Barley:[1]		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	Apr. 30
Corn:		
In all States	July 31	Aug. 2
Dry edible beans:		
In all States	May 31	May 31
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31	May 31
In all other States	Apr. 30	Apr. 30
Grain sorghum:[1]		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller	Apr. 30	Apr. 30
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above.	June 30	June 30
In all States except Texas and Oklahoma.	July 31	Aug. 2
Honey:		
In all States	Apr. 30	Apr. 30
Oats:[1]		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30
Rice:		
In all States	Apr. 30	Apr. 30
Rye:		
In all States	Apr. 30	Apr. 30
Soybeans:		
In all States	June 30	June 30
Wheat:[1]		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30

[1] This notice does not apply to loans on barley, grain sorghum, oats, and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended.

[(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective upon publication in the FEDERAL REGISTER (5–5–71).

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71–6283 Filed 5–4–71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23041]

CAYMAN AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 6, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 6, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 29, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71–6266 Filed 5–4–71;8:48 am]

[Docket No. 23302]

HARRISON AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 10, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Dated at Washington, D.C., April 30, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71–6267 Filed 5–4–71;8:48 am]

[Docket No. 22419; Order 71–4–189]

HOUSTON-MONTERREY-MEXICO CITY SERVICE CASE

Order Consolidating and Setting Applications for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1971.

This is one phase of the proceedings involving applications for the establishment of air service of U.S. air carriers between the United States and Mexico under the Air Transport Agreement concluded between the two countries on July 31, 1970. This agreement authorizes, inter alia, air service between the coterminal points Houston and Mission/McAllen/Edinburg, Tex., and the coterminal points Monterrey and Mexico City, Mexico, by a designated U.S.-flag carrier.

By Order 71–3–47, dated March 8, 1971, the Board set down for hearing the application of Texas International Airlines, Inc. (TXI) in Docket 22419 requesting amendment of its certificate of public convenience and necessity for route 82F

so as to authorize it to engage in scheduled air transportation over the above described route.[1] In the same order, the Board stated that it would not consolidate the applications of Braniff Airways, Eastern Air Lines, and National Airlines in Dockets 22416, 22467, and 22645, respectively, as framed, but noted that these carriers were free to move for consolidation of applications conforming to the scope of this proceeding.

Applications for Houston-Mexico City air service were filed by Braniff Airways on March 23, 1971, in Docket 23227 and by National Airlines on March 22, 1971, in Docket 23219. Each carrier filed an appropriate motion to consolidate its application with the application in Docket 22419. The two foregoing applications will be consolidated with the proceedings in Docket 22419 for hearing and decision.

Petitions for leave to intervene in this proceeding have been filed by Pan American and by the Midland/Odessa (Texas) Parties.[2] Each of the foregoing petitioners has sufficient economic interest in this proceeding to justify its participation as a party.

Accordingly, it is ordered, That:

1. The application of Braniff Airways, Inc., Docket 23227 and the application of National Airlines, Inc., Docket 23219, be and they hereby each are consolidated with the proceedings in Docket 22419; and

2. The petitions for leave to intervene in this proceeding filed by Pan American World Airways, Inc., and the Midland/Odessa (Texas) Parties be and they hereby each are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.71-6268 Filed 5-4-71;8:48 am]

[1] As noted in Order 71-3-47, TXI presently has authority to operate between the terminal point Mission/McAllen/Edinburg, Tex., and the terminal point Monterrey, Mexico. In addition, Pan American World Airways (Pan American) has authority to provide service between Houston and Mexico City on its route 136.

[2] The cities of Midland and Odessa, Tex., and the Chambers of Commerce of Midland and Odessa, Tex.

[Docket No. 22628; Order 71-4-187]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority April 29, 1971.

By Order 71-4-51, dated April 9, 1971, action was deferred, with a view toward eventual approval, on a resolution adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, would permit, as regards the special fares for groups of 100 or more originating in Germany, the travel group to include dependents of military personnel and excludes the military and their dependents from the solicitation, payment, and ticketing provisions which normally apply to group transportation.

In deferring action on the agreement, 10 days were granted on which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-4-51 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22366, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

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

[FR Doc.71-6269 Filed 5-4-71;8:48 am]

[Docket No. 20993; Order 71-4-188]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 29, 1971.

By Order 71-4-9, dated April 1, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-4-9 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-25, be and hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

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

[FR Doc.71-6270 Filed 5-4-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 278]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

APRIL 15, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
		580 kHz							
CKXR (Increase in daytime power—PO: 580 kHz, 1 kw., DA-2).	Salmon Arm, British Columbia, N. 50°43'05" W. 119°20'20".	10D/1N	DA-N	U	III	----------			E.I.O. 4.15.72.
		610 kHz							
CHNL (Increase in daytime power—PO: 610 kHz, 1 kw., DA-1).	Kamloops, British Columbia, N. 50°38'50" W. 120°16'15".	10D/1N	DA-N	U	III	----------			E.I.O. 4.15.72.
		1400 kHz							
(New)	Princeton, British Columbia, N. 49°28'28" W. 120°31'10".	1D/0.25N	ND-184	U	IV	150	120	282	E.I.O. 4.15.72.
		1450 kHz							
(New)	Summerland, British Columbia, N. 49°37'33" W. 119°41'06".	1D/0.25N	ND-187	U	IV	150	120	200-288	E.I.O. 4.15.72.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY, *Chief,*
Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71-6249 Filed 5-4-71;8:46 am]

[Dockets Nos. 19234, 19235]

AIRKAMAN OF OMAHA, INC., AND SKY HARBOR AIR SERVICE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Airkaman of Omaha, Inc., Omaha, Nebr., Docket No. 19234, File No. 92–A–L–30; Sky Harbor Air Service, Inc., Omaha, Nebr., Docket No. 19235, File No. 77–A–L–40; for aeronautical advisory station to serve Eppley Airfield, Omaha, Nebr.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Eppley Airfield, Omaha, Nebr., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is qualified.

2. In view of the foregoing: *It is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered,* That to avail themselves of an opportunity to be heard, Airkaman of Omaha, Inc., and Sky Harbor Air Service, Inc., pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: April 21, 1971.

Released: April 28, 1971.

SAFETY AND SPECIAL RADIO SERVICES BUREAU,
[SEAL] IRVING BROWNSTEIN,
Acting Chief.

[FR Doc.71–6250 Filed 5–4–71;8:46 am]

[Dockets Nos. 19239, 19240]

GILLIS AVIATION AND AEROTRONICS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Oxbow Ranch, Inc., doing business as Gillis Aviation, Docket No. 19239, File No. 113–A–L–10; Aerotronics, Inc., Docket No. 19240, File No. 96–A–L–90; for an aeronautical advisory radio station to serve Logan Field, Billings, Mont.

1. The Commission's rules (§ 87.251 (a)), provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the same landing area; i.e., Logan Field, Billings, Mont., and are, therefore, mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearings in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. Relative to the two subject applications, the Commission has received correspondence from, and has corresponded with, Mr. Harry S. Combs, Jr., president of Combs Airways and Mr. Robert A. Palmersheim, general manager of Lynch Flying Service, Inc., at Logan Field. Both of these individuals, on behalf of their firms, have commented with respect to which applicant should be the licensee of an advisory station at Logan Field. We consider these firms to be so called fixed base operators, as referred to in our rules, that provide aviation services at landing areas. They are, therefore, found to be parties in interest and will be permitted to participate as parties in this proceeding.

3. In view of the foregoing: *It is ordered,* That pursuant to the provisions of sections 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered,* That pursuant to § 1.221(d) of the Commission's rules, Combs Airways and Lynch Flying Service are designated as parties in these proceedings.

5. *It is further ordered,* That to avail themselves of an opportunity to be heard, Oxbow Ranch, Inc., Gillis Aviation, Combs Airways, and Lynch Flying Service, pursuant to § 1.1221 (c) and (e) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice. Pursuant to § 1.21 (b) of the Commission's rules, the Chief, Safety and Special Radio Services Bureau is a party in this proceeding and will be served copies of all pleadings, motion, or other filings herein.

Adopted: April 27, 1971.

Released: April 29, 1971.

SAFETY AND SPECIAL RADIO SERVICES BUREAU,
[SEAL] IRVING BROWNSTEIN,
Acting Chief.

[FR Doc.71–6252 Filed 5–4–71;8:46 am]

[Dockets Nos. 19211, 19212]

ERWIN GLADDENBEGK AND CHARLES R. LUTZ

Order Designating Applications for Consolidated Hearing on Stated Issues; Correction

In regard applications of Erwin Gladdenbegk, Shell Lake, Wis., Docket No. 19211, File No. BPH–7192, requests: 95.3 mcs, No. 237; 3 kw.(H); 3 kw.(V); 300 feet; Charles R. Lutz, Shell Lake, Wis., Docket No. 19212, File No. BPH–7262, requests: 95.3 mcs, No. 237; 3 kw.(H); 3 kw.(V); 265 feet.

The order designating the above applications for consolidated hearing, FCC 71–406, adopted April 14, 1971, and published in the FEDERAL REGISTER on April 28, 1971, 36 F.R. 7993, is corrected by changing the second docket number

listed in the heading from "18212" to "19212".

Released: April 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6251 Filed 5-4-71;8:46 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation of detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of request for an extension of an approved agreement filed by:

Mr. J. Scott Morrison, Vice President, Traffic, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Inc., Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., and United States Lines, Inc.

Agreement No. 9899-2 is a request to further extend the approval of the original Agreement for 3 consecutive months from May 24, 1971. The original Agreement permits the parties, all container operators in the North Atlantic trades, to exchange information and to cooperate in developing information concerning intermodal and container operations, practices, and experiences between U.S. Atlantic ports and Atlantic ports of continental Europe, Baltic and Scandinavian ports, Mediterranean ports and ports of the United Kingdom and Eire.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6292 Filed 5-4-71;8:50 am]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation of detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 8628-3 modifies the basic agreement, which covers a through billing arrangement for the movement of general cargo from U.S. ports in Oregon and Washington to ports on the west coast of India and West Pakistan with transshipment at Hong Kong, Singapore, and ports in Malaysia by amending Article 1 thereof to include ports in Japan as additional ports of transshipment.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6293 Filed 5-4-71; 8:50 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Martime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8210-12 modifies the basic agreement in the following respects:

1. Extends the scope of the Conference to include the Atlantic ports of France and deletes the exclusion therefrom of cargo originating in Liechtenstein and Switzerland;

2. Deletes reference to Agreement No. 9498 (Atlantic Container Line) and the special exceptions to articles of the Conference agreement resulting therefrom;

3. Adds language which provides that the members shall have the right to determine the extent to which the Conference tariff will apply to goods originating in specified inland European countries;

4. Increases the number of European ports between which cargo may be forwarded at the expense of the carrying member (i.e., substituted service); and

5. Raises the Conference admission fee from $500 to $2,000.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6294 Filed 5-4-71;8:50 am]

MONTSHIP LINES, LTD., AND GESTIONI ESERCIZIO NAVI SICILLA-G.E.N.S.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts & Nash, 26 Broadway, New York, NY 10004.

Agreement No. 9426-1, between Montship Lines Ltd., and Gestioni Esercizio Navi Sicilla-G.E.N.S., modifies the basic agreement to extend it for an additional three (3) years from and after April 20, 1971, unless sooner terminated in accordance with the provisions of Article 9 thereof.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6295 Filed 5-4-71;8:50 am]

NORFOLK PORT AND INDUSTRIAL AUTHORITY AND CUNARD/O.N.A., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James N. Crumbley, General Manager, Norfolk Port and Industrial Authority, Maritime Tower, Norfolk, VA 23510.

Agreement No. T-2492-1, between the Norfolk Port and Industrial Authority (Port) and Cunard/O.N.A., Ltd. (Cunard), modifies the basic agreement which provides for the use of terminal facilities at Norfolk International Terminal for the operation of Cunard's cruise vessels. The purpose of the modification is to change certain language in the agreement in order to provide for the insertion of Cunard's new corporate name, provide specifically for the operation of the "SS Cunard Adventurer" at the facility, eliminate the requirement for Cunard to berth a vessel four times a month at the facility, and provide for a revised date of submission of Cunard's proposed cruise schedule to the port. All other conditions of the basic agreement remain unchanged.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6296 Filed 5-4-71;8:50 am]

SWEDISH AMERICAN LINE AND OY FINNLINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George F. Galland, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9945 would establish a joint service between the above parties in the trade between Mexican East Coast ports and U.S. Gulf and South Atlantic ports, on the one hand, and Scandinavian, Baltic, United Kingdom, Eire, and Continental ports of Europe within the Bordeaux-Hamburg Range, on the other hand, and by transshipment at ports of Scandinavia, Baltic, United Kingdom, Eire, and in the Bordeaux-Hamburg Range.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6298 Filed 5-4-71;8:50 am]

TMT TRAILER FERRY, INC., AND CARIBBEAN SEA ROAD SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days

after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William C. Rebenack, Traffic Manager, TMT Trailer Ferry, Inc., 215 South Georgia Street, Post Office Box 4787, Jacksonville, FL 32201.

Agreement No. DC-52, between TMT Trailer Ferry, Inc. (TMT), and Caribbean Sea Road Service, Inc. (CSRS), provides for the transportation of cargo under through bills of lading between U.S. gulf ports and ports in the Virgin Islands with transshipment at San Juan, P.R. The through rates and terms of transportation will be combination rates of those separately published by TMT between gulf ports and Puerto Rico and those separately published by CSRS between Puerto Rico and the Virgin Islands. All shipments moving pursuant to this agreement will be transshipped at the CSRS terminal in San Juan. Either party may terminate this agreement upon 30 days' notice to the other party.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6299 Filed 5-4-71;8:50 am]

PUGET SOUND TUG & BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

John Cunningham, Kominers, Fort, Schlefer & Boyer, Tower Building, 1401 K Street NW., Washington, DC 20005.

Application designated Exemption No. 10 is hereby made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereunder for the carriage of general cargo between Houston, Tex., and the Arctic Coast of Alaska between Beechey Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the applications of Foss Launch & Tug Co. and Foss Alaska Line, Inc. (Exemption No. 6); Puget Sound Tug & Barge Co. (Exemption No. 7); and Alaska Barge and Transport, Inc. (Exemption No. 8), which were approved by the Commission April 21, 1971, except that the proposed movement will not include "liquid in bulk".

The proposed service is designed for the movement of general cargo to and from the oil field discovered in 1968 near Prudhoe Bay, Alaska. The northbound cargo will consist primarily of materials and components for constructing a gathering plant at Prudhoe Bay to receive and process crude oil from the North Slope fields. It will also consist of modules, oil field equipment, materials and supplies. On the southbound trip to Houston the cargo will consist of the module trestles, tracked transporters, and drill casing.

The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for the commodities described. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is determined by the ice conditions in Prudhoe Bay. Vessels must arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return South of Point Barrow before the ice returns, which is normally within four to six weeks. Owing to its specialized character, the movement does not lend itself to rate regulation.

This exemption from the requirements of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35 of the Shipping Act, 1916.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6297 Filed 5-4-71;8:50 am]

[Docket No. 71-49]

GULF PUERTO RICO LINES, INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trade; Order of Investigation and Suspension

Gulf Puerto Rico Lines, Inc., has filed with the Federal Maritime Commission various Supplements and Revised Pages (See Appendix A [1]) to its Tariff FMC-F No. 1 to become effective May 2, 1971. These supplements and revised pages increase rates and charges in the subject trade.

Upon consideration of said supplements, revised pages and protests filed thereto, the Commission is of the opinion that the above designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the various supplements and revised pages to Tariff FMC-F No. 1 are suspended and the use thereof deferred to and including September 1, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Gulf Puerto Rico Lines, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 2, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said

[1] Filed as part of the original document.

tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Gulf Puerto Rico Lines, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the petitioners listed in Appendix B below, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioners be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX B

Edward Schmeltzer, Esq., Mario F. Escudero, Esq., Edward J. Sheppard IV, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, DC 20036. Attorneys for the Commonwealth of Puerto Rico.

Alex C. Cocke, Sr., Consultant, Southern Lumber Exporters Association, 800 International Building, 611 Gravier Street, New Orleans, LA 70130.

Honorable Angel Viera Martinez, Speaker, Commonwealth of Puerto Rico, House of Representatives, Capitol Building, San Juan, PR 00903. (Copy of protest not served on respondent.)

D. L. Smith, Vice President—Sales, IBECK Foods, Inc., 1855 Broadway, New York, NY 10023.

[FR Doc.71-6291 Filed 5-4-71;8:50 am]

[Docket No. 71-45]

INDIAN TOWING CO., INC.

General Increases in Rates in U.S. Atlantic, Gulf and River Ports and Puerto Rico, U.S. Virgin Islands Trade; Order of Investigation and Suspension

Indian Towing Co., Inc., has filed with the Federal Maritime Commission Supplements No. 1 to its Tariffs FMC-F No. 3 and 4 to become effective May 5, 1971. These supplements generally increase the rates and charges in the subject trade.

Upon consideration of said supplements and protest filed thereto, the Commission is of the opinion that the above designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to make such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplements No. 1 to Tariffs FMC-F No. 3 and 4 are suspended and the use thereof deferred to and including September 5, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Indian Towing Co., Inc., consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 6, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Indian Towing Co., Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and the petitioner, The Southern Lumber Exporter's Association, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioner be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6290 Filed 5-4-71;8:50 am]

[No. 71-17]

NONASSESSMENT OF FUEL SURCHARGES ON MILITARY SEALIFT COMMAND (MSC) RATES

Request for Rate Proposals (RFP) Bidding System; Postponement of Filing Dates

APRIL 28, 1971.

This proceeding requires ocean carriers who participate in the carriage of military cargo to show cause why the failure to impose a bunker fuel surcharge

on military cargo while imposing a surcharge on commercial cargo is not in violation of the Shipping Act, 1916. Affidavits of fact, memoranda of law and requests for hearing are currently due May 3, 1971.

Hearing Counsel have now moved for discontinuance of this proceeding. To enable the Commission to dispose of the motion to discontinue prior to receipt of affidavits of fact or memoranda of law, all filing dates in this proceeding are postponed until further notice.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6286 Filed 5-4-71;8:49 am]

[Docket No. 71-36]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Enlargement of Time for Filing

APRIL 28, 1971.

Tariff Rule 1(C)—Local Tariff No. 15—FMC No. 4; Tariff Rule 1(D)—Overland Tariff No. 16.

Counsel for respondents, Pacific Coast Australasian Tariff Bureau and its members, have requested a 30-day enlargement of time within which to respond to the Commission's order in this proceeding. As grounds for the request respondents allege there is no need for expedition and there is a need to ascertain the desires of the Conference members before preparing a response. Hearing Counsel oppose the request on all grounds, emphasizing the lack of need for the Conference to obtain its members views inasmuch as the Conference demonstrated a firm position on the matter even before the proceeding was instituted.

Much of what Hearing Counsel say is well taken. However, under the circumstances a certain enlargement of time appears warranted.

Accordingly, affidavits of fact, memoranda of law and requests for hearing shall be filed on or before May 17, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, on or before June 1, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6287 Filed 5-4-71;8:49 am]

[Docket No. 71-42]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic and Gulf/Puerto Rico Trade; Correction

In the Order of Investigation and Suspension served April 22, 1971, make the following revisions:

(1) The August 25, 1971, date in the second ordering paragraph is corrected to read August 24, 1971.

(2) The August 26, 1971, date in the third ordering paragraph is corrected to read August 25, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6288 Filed 5-4-71;8:49 am]

[Docket No. 71-43]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic and Puerto Rico Trade; Correction

In the Order of Investigation and Suspension served April 22, 1971, make the following revisions:

(1) The August 25, 1971, date in the second ordering paragraph is corrected to read August 24, 1971.

(2) The August 26, 1971, date in the third ordering paragraph is corrected to read August 25, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6289 Filed 5-4-71;8:49 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mercantile Bankshares Corp., Baltimore, Md., for approval of acquisition of 80 percent or more of the voting shares of Bank of Southern Maryland, La Plata, Md.

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 Mercantile Bankshares Corp., Baltimore, Md. (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 Bank of Southern Maryland, La Plata, Md. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Maryland Commissioner of Banking and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 16, 1971 (36 F.R. 5018), 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 United States 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 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, the only multi-bank holding company and sixth largest banking organization in Maryland, controls three banks with aggregate deposits of $229 million, representing 4.6 percent of the total deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board through March 31, 1971.) Upon acquisition of Bank ($23 million in deposits), Applicant would increase its share of deposits to 5.1 percent.

Bank has the largest share of deposits in its area of the four banks operating there, holding 37.9 percent of area deposits. Two branches of the largest bank in the State hold 30.6 percent of area deposits. The third largest share of deposits in the area (21.1 percent) is held by two branches of the seventh largest bank in the State (merger consummated in 1970). The fourth largest organization in the State has received permission to establish a branch in the county. Clearly Bank faces substantial competition from these other banks that are able to offer a full range of banking activities. The closest banking office of any subsidiary of Applicant to Bank is a branch office of Belair National Bank in Bowie, approximately 33 miles north of La Plata. There appears to be no significant competition between Bank and Belair National Bank or any other subsidiary of Applicant and, based on the facts of record, significant competition is unlikely to develop. The Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any revelant area.

Considerations relating to the financial and managerial resources and future prospects, as they relate to Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Affiliation with Applicant would provide Bank with greater depth in management and would alleviate a management succession problem. Although the banking needs of the communities in Bank's service area presently appear to be adequately served, affiliation with Applicant would enhance Bank's ability to offer additional services which are necessary in light of the changing character of the area. Considerations relating to the convenience and needs of the communities in Bank's service area lend some support for 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 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 Richmond pursuant to delegated authority.

By order of the Board of Governors,[1]

April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6160 Filed 5-4-71;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

POINT ROBERTS, WASH.

Public Notice

The International Joint Commission announces that, by similar letters of reference dated April 21, 1971, the Governments of the United States and Canada have requested the Commission, pursuant to Article IX of the Boundary Waters Treaty of January 11, 1909, to investigate and recommend measures to alleviate certain conditions of life of residents of Point Roberts, in the State of Washington, existing by reason of the fact that the only connection by land between Point Roberts and other territory of the United States is through Canada.

The Commission was requested to make a study of all those problems created or magnified by the presence and location of the international boundary at Point Roberts, and to make recommendations for their alleviation. Problems mentioned specifically included:

1. Application of United States and Canadian customs laws and regulations to transportation of goods into and out of Point Roberts;

2. Regulations governing employment in Canada of Point Roberts residents and in Point Roberts of Canadian citizens resident in and around Point Roberts;

3. Problems of health and medical services;

4. Existing arrangements for the supply of electric power and telephone service by Canadian utilities;

5. Problems relating to law enforcement to Point Roberts and transportation of accused persons to detention facilities.

Persons or agencies interested in the subject matter of this reference are invited to inform the Commission of the nature of their interest. At an appropriate time, the Commission will hold public hearings at which there will be convenient opportunity for all interested to be heard.

Copies of the complete text of the reference to the International Joint Commission are available upon request to the Secretaries.

WILLIAM A. BULLARD,
Secretary, U.S. Section,
International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section,
International Joint Commission.

APRIL 29, 1971.

[FR Doc.71-6272 Filed 5-4-71;8:48 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Sherrill. Absent and not voting: Governors Mitchell and Brimmer.

TARIFF COMMISSION

BROOM CORN BROOMS

Report to the President

APRIL 30, 1971.

In accordance with Executive Order 11377 of October 23, 1967 (copy attached), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. Tariff Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1970, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1965 and 1969; and data for competitive brooms for 1968.

Estimated consumption of broom corn brooms. In the judgment of the Commission, consumption in calendar years 1965, 1969, and 1970 of brooms wholly or in part of broom corn was as shown in the table below.

BROOMS WHOLLY OR IN PART OF BROOM CORN: U.S. CONSUMPTION, 1965, 1969, AND 1970

[In dozens]

Type of broom	1965 [1]	1969 [2]	1970
Whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	445,675	445,501
Other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	3,103,345	2,922,524

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 26, 1970.

Basis for the Commission's judgment with respect to broom corn brooms. The Commission estimated consumption of broom corn brooms in 1970 by the same methods it used to estimate consumption in its three previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the Bureau of Customs of the U.S. Treasury Department; data on production and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms are as shown in the table below.

WHISKBROOMS PROVIDED FOR IN TSUS ITEMS 750.26 TO 750.28 AND OTHER BROOMS PROVIDED FOR IN TSUS ITEMS 750.29 TO 750.31: U.S. PRODUCERS' SHIPMENTS, IMPORTS, EXPORTS, AND APPARENT CONSUMPTION, 1965, 1969, AND 1970

[In dozens]

Item	1965 [1]	1969 [2]	1970
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	350,891	327,603
Imports	152,686	96,271	119,654
Exports	765	1,487	1,756
Apparent consumption	470,612	445,675	445,501
	Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,596,457	2,904,935	2,726,017
Imports	296,897	204,844	205,172
Exports	14,359	6,434	8,665
Apparent consumption	2,878,995	3,103,345	2,922,524

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 26, 1970.

Brooms considered competitive with broom corn brooms. As reported to the President on May 23, 1969, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1968[1] and 1970 of the brooms considered to be competitive with broom corn brooms were as shown in the table below.

[1] As reported to the President on May 23, 1969.

BROOMS, COMPETITIVE WITH BROOM CORN BROOMS: ESTIMATED U.S. PRODUCERS' SHIPMENTS, IMPORTS, EXPORTS, AND APPARENT CONSUMPTION, 1968 AND 1970

[In thousands of dozens]

Type of broom	Domestic shipments		Imports		Exports		Apparent consumption	
	1968	1970	1968	1970	1968	1970	1968	1970
Whiskbrooms:								
Plastic fiber	36	26	8	56	(1)	(1)	44	82
Other fiber	59	27	.....	.....	(1)	.....	59	27
Other (upright) brooms:								
Plastic fiber	193	198	131	147	6	5	318	340
Other fiber	95	111	.....	.....	2	2	93	109
Push brooms (16" or less in width)	269	183	.....	11	1	2	268	192

[1] Less than 500 dozen.
SOURCE: Compiled from data furnished by importers and domestic producers.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6300 Filed 5-4-71;8:51 am]

[332-68]

CUSTOMS VALUATION PROCEDURES OF UNITED STATES AND FOREIGN COUNTRIES

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of customs valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6303 Filed 5-4-71;8:51 am]

[332-69]

IMPLICATIONS OF MULTINATIONAL FIRMS ON WORLD TRADE AND INVESTMENT AND U.S. TRADE AND LABOR

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6304 Filed 5-4-71;8:51 am]

[332-67]

NATURE AND EXTENT OF TARIFF CONCESSIONS GRANTED IN U.S. AGREEMENTS

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations among industrialized countries.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6302 Filed 5-4-71;8:51 am]

[332-66]

TARIFF AND NONTARIFF BARRIERS AMONG PRINCIPAL TRADING NATIONS

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the tariff and nontariff barriers imposed by the principal trading nations among industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its

own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6301 Filed 5-4-71;8:51 am]

DEPARTMENT OF LABOR

Office of the Secretary

ORNSTEEN SHOE CO., INC., ET AL.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigations of three petitions for adjustment assistance filed on behalf of workers formerly employed by the following firms, under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify as eligible to apply for adjustment assistance the involved groups of workers.

TEA-W-71—Ornsteen Shoe Co., Inc., Haverhill, Mass.
TEA-W-72—Kleven Shoe Sales Co., Inc., North Brookfield, Mass.
TEA-W-75—Sinclair Shoe Co., Haverhill, Mass.

In view of the Tariff Commission reports, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 14, 1971.

Signed at Washington, D.C., this 29th day of April 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-6307 Filed 5-4-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 30, 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. 42186—*Iron or steel pipe from Newark, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-227), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from Newark, N.J., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 187 to Southwestern Freight Bureau, agent, tariff ICC 4620.

FSA No. 42187—*Liquid caustic soda from Gramercy, La.* Filed by O. W. South, Jr., agent (No. A6250), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, in tank carloads, as described in the application, from Gramercy, La., to specified points in Florida, Tennessee, and Georgia.

Grounds for relief—Market competition.

Tariff—Supplement 186 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6277 Filed 5-4-71;8:48 am]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 30, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-36473 (Deviation No. 1), CENTRAL TRUCK LINES, INC., 3825 Henderson Boulevard, Tampa, FL 33609, filed April 6, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chattanooga, Tenn., over Tennessee Highway 58 to junction Tennessee Highway 153, thence over Tennessee Highway 153 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction Tennessee Highway 61, thence over Tennessee Highway 61 to junction U.S. Highway 25-W at or near Clinton, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 25-W to junction U.S. Highway 25, thence over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to Akron, Ohio, and return over the same route.

No. MC-52310 (Deviation No. 2), BRUCE MOTOR FREIGHT, INC., 3920 Delaware, Post Office Box 623, Des Moines, IA 50303, filed April 6, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa, over Interstate Highway 80 to junction Iowa Highway 1, thence over Iowa Highway 1 to junction U.S.

Highway 151, thence over U.S. Highway 151 via Dubuque, Iowa, and Madison, Wis., to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Des Moines, Iowa, over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction Highway 34, thence over U.S. Highway 34 via Chicago, Ill., to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, Wis., and return over the same route.

No. MC-59488 (Deviation No. 12), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, TX 75701, filed April 6, 1971. Carrier's representative: Lloyd M. Roach, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Paragould, Ark., over Arkansas Highway 135 to junction U.S. Highway 62, thence over U.S. Highway 62 to Corning, Ark., thence over U.S. Highway 67 to Festus, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Paragould, Ark., over Arkansas Highway 25 to the Arkansas-Missouri State line, thence over Missouri Highway 25 to junction Missouri Highway 84, near New Madrid, Mo., thence over U.S. Highways 61 and 62 to junction U.S. Highway 67 near Festus, Mo., thence over U.S. Highway 67 to St. Louis, Mo., and return over the same route.

No. MC-59488 (Deviation No. 13), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, TX 75701, filed April 6, 1971. Carrier's representative: Lloyd M. Roach, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jonesboro, Ark., over U.S. Highway 63 to Hoxie, Ark., thence over U.S. Highway 67 to Festus, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jonesboro, Ark., over Arkansas Highway 1 to Paragould, Ark., thence over Arkansas Highway 25 to the Arkansas-Missouri State line, thence over Missouri Highway 25 to junction Missouri Highway 84, near New Madrid, Mo., thence over U.S. Highways 61 and 62 to junction U.S. Highway 67, near Festus, Mo., thence over U.S. Highway 67 to St. Louis, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6280 Filed 5-4-71;8:49 am]

[Notice 35]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 30, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 128498 (Sub-No. 3) (Republication) filed August 5, 1968, published in the FEDERAL REGISTER issue of August 22, 1968, and republished this issue. Applicant: ROBERT EMANUEL AND MARGARET EMANUEL, a partnership, doing business as: EMANUEL'S EXPRESS, 201 East Township Line Road, Kirklyn, PA. Applicant's representative: Byron R. LaVan, 327 South 17th Street, Philadelphia, PA 19103.

A decision and order of the Commission, Division 1, acting as an Appellate Division, dated April 15, 1971, and served April 22, 1971, finds: that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, restricted to the transportation of shipments weighing 5,000 pounds or less from one consignor at one location to one consignee at another location during a single day. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 2056 (Notice of Filing of Petition for Modification of Certificate), filed April 5, 1971. Petition: HOPLA TRUCKING CO., INC., Edison, N.J. Petitioner's representative: Alexander Markowitz, Post Office Box 793, Vineland, NJ 08360. Petitioner holds Certificate No. MC 114132, authorizing the transportation (1) of general commodities, except livestock, classes A and B explosives, commodities in bulk, and those requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points in Monmouth County, N.J., and (2) of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, points in Essex, Hudson, Bergen, Middlesex, and Union Counties, N.J. By the instant petition, petitioner requests individual consideration, pursuant to the procedure described in the Sixth Supplemental Report in *Commercial Zones and Terminal Areas*, 54 M.C.C. 21, at page 58, of its terminal area at New York, N.Y., to permit terminal area service from and to all points in New Jersey within 5 miles of New York, N.Y., including those points within the 5 miles radius not within the "exempt" zone as defined in *New York, N.Y., commercial zone*, 112 M.C.C. 203. In effect, the relief sought would constitute a modification of petitioner's certificate, and the petition therefore will be treated as a petition for the modification of petitioner's Certificate No. MC 2056. No oral hearing is contemplated in this procedure, and any interested person desiring to participate may file an original and seven copies of written representations, views, or arguments in support of or against the petition on or before June 15, 1971. A copy of each such statement must be served on petitioner's representative.

No. MC 87720 (Sub-No. 87) (Notice of Filing of Petition for Amendment of Permit, in Part, To Change Plant Location of Contracting Shipper), filed April 6, 1971. Petitioner: BASS TRANSPORTATION, CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Petitioner holds a permit in No. MC 87720 (Sub-No. 87), authorizing transportation, as a motor contract carrier, over irregular routes, of: *Paper bags*, from Albion, N.Y., to points in Pennsylvania, Ohio, and Virginia; *kraft wrapping paper and wood pulpboard*, from West Point, Va., to Albion, N.Y.; *paper bags and wrapping paper*, from Buffalo, N.Y., to Philadelphia, Pa., and points in New Jersey and that part of New York, N.Y., commercial zone as defined in *commercial zone and terminal areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (B)(F) of the Act (the "exempt" zone); *burlap bags and paper bags*, from Buffalo, N.Y., to points in Ohio and Michigan, and *returned shipments* of the commodities described hereinabove, from the respective

destination points above, to their respective origin points. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Bemis Co., Inc. By the instant petition, petitioner requests that its permit be modified, in part, by deleting Albion, N.Y., as an origin or destination point and substituting Newtown, Conn. Said authority to be restricted to a service under contract with Bemis. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124964 (Notice of Filing of Petition To Add Name of Shipper), filed April 12, 1971. Petitioner: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Tavares, Fla. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds authority in No. MC 124964 to conduct operations, as a motor contract carrier, over irregular routes, transporting: Such commodities as are handled, used, sold, and dealt in by chain grocery or department stores, from Carlstadt and Paramus, N.J., and New York, N.Y., to points in Broward, Dade, Hillsborough, Orange, and Pinellas Counties, Fla. Returned shipments of the above-named commodities, for the account of Grand Union Co., from points in the five above-specified destination counties in Florida, to Carlstadt and Paramus, N.J., and New York, N.Y. By the instant petition, petitioner seeks permission to add the name of Unity Consolidated, Inc., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128375 (Sub-No. 4) (Notice of Filing of Petition for Modification of Permit), filed April 5, 1971. Petitioner: CRETE CARRIER CORPORATION, Crete, Nebr. Petitioner's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, Nebr. 68501. Petitioner holds authority in Permit MC 128375 (Sub-No. 4), to conduct operations as a motor contract carrier, over irregular routes, transporting: (1) *Animal, poultry and fish feed* (except commodities in bulk and fresh edible meats), from Oxnard, Calif., to points in Washington, Oregon, Wyoming, Nevada, Nebraska, Kansas, Oklahoma, Texas, New Mexico, and Arizona, with no transportation for compensation on return except as otherwise authorized; and (2) *animal, poultry and fish feed and feed ingredients, and supplies and materials* used in the manufacture of animal poultry, and fish feed (except commodities in bulk and fresh edible meats), from points in Washington, Oregon, Idaho, Wyoming, Nevada, Oklahoma, Texas, New Mexico, Arizona, Iowa, and Wisconsin, to Oxnard, Calif., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Allen Products Co., of Allentown, Pa. By the instant petition, petitioner seeks to modify its permit by substituting, Los Angeles, Calif., in lieu of Oxnard, Calif. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129659 (Sub-No. 3) (Notice of filing of Petition To Add Commodity to present Operating Authority), filed March 22, 1971. Petitioner: T–P STORAGE AND LEASING, INC., Clifton, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a permit in No. MC 129659 (Sub-No. 3), authorizing transportation as a motor contract carrier, of: Steel pipe, piling, rails, railway track accessories, and bridge and highway railing, between Newark and Windsor, N.J., Philadelphia, Pa., New Haven, Conn., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co. By the instant petition, petitioner seeks to add the following commodities to the above permit: Pile drivers (pile driver hammers) or pile extractors or pullers, or pile driver extractor or puller cylinders, grips, heads, clamps, pistons, rams, retainers, side straps, or tie rods, separate or combined. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133375 (Sub-No. 3) (Notice of Filing of Petition for Modification of Permit), filed April 16, 1971. Petitioner: CABS UNLIMITED, INC., Mountain View, Calif. Petitioner's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Petitioner holds authority in No. MC 133375 (Sub-No, 3) to conduct operations as a motor contract carrier, over irregular routes, transporting: *Radiopharmaceuticals and radioactive chemicals,* in packages not to exceed 100 pounds, between points in Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, and Yolo Counties, Calif. Restriction: The operations authorized herein are subject to the following conditions: Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Mallinckrodt Nuclear, of St. Louis, Mo., New England Nuclear Corp., of Boston, Mass., and Abbott Laboratories, of North Chicago, Ill. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day. Said operations are restricted to the transportation of traffic having a prior or subsequent movement by air. The permit will expire as of December 5, 1974. By the instant petition, petitioner seeks to modify its permit by adding Domestic Air Express, Inc., San Francisco, Calif., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 56679 (Sub-No. 52), filed April 13, 1971. Applicant: BROWN TRANSPORT CORP., Post Office Box 551, Waynesboro, GA 31566. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities,* (a) between points in Greenville County; (b) between points in Greenville County and points in South Carolina; and (c) from points in Charleston County to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C.; (2) *cotton piece goods,* finished and unfinished, and *empty oil drums,* from points in Cherokee, Spartanburg, and Union Counties to points in Charleston County, S.C.; (3) *canned goods,* from South Carolina canneries to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C.; and (4) *household goods,* between points in South Carolina. NOTE: Applicant states it intends to tack the authority sought with existing authority to provide service between this area, on the one hand, and, on the other, points in Georgia, Tennessee, and North Carolina, and from this area to points in various western and midwestern States to this territory. The instant application is a matter directly related to MC–F–11141, published in the FEDERAL REGISTER issue of April 21, 1971. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other

proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11133. (Correction) (RELIABLE TRUCK LINES, INC.—Purchase (portion)—A-OK MOTOR LINES, INC., SAMUEL KAUFMAN, Trustee in bankruptcy), published in April 14, 1971, issue of the FEDERAL REGISTER on page 7088. This correction to modify prior publication to include and *all points within 15 miles thereof.*

No. MC–F–11141. (Correction) (BROWN TRANSPORT CORP.—*Purchase*—POOL FREIGHT LINES, INC.), published in April 21, 1971, issue of the FEDERAL REGISTER on page 7562, prior notice should have read BROWN TRANSPORT CORP.—*Control and Merge*—POOL FREIGHT LINES, INC.

No. MC–F–11153. Authority sought for purchase by VINCENT J. HERZOG, 200 Delaware Street, Honesdale, PA 18431, of the operating rights of M. K. TREXLER AND W. F. TREXLER, a partnership, doing business as TREXLER BROTHERS, 334 Horton Street, Wilkes-Barre, PA 18703, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: *Uncrated new and used furniture,* as a *common carrier,* over irregular routes, between Wilkes-Barre, Pa., and points and places within 15 miles thereof, on the one hand, and, on the other, points and places in Maryland, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11154. Authority sought for control by CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022, of G. & H. TRUCK LINES, INC., 3804 Walnut Street, Denver, CO, and for acquisition by STANLEY AVERCH, also of Commerce City, CO 80022, of control of G. & H. TRUCK LINES, INC., through the acquisition by CURTIS, INC. Applicants' attorneys: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, Duane W. Acklie and Richard A. Peterson, both of 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Operating rights sought to be controlled: *General commodities,* excepting among others, high explosives, livestock, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Denver and Pueblo, Colo., serving the intermediate points of Colorado Springs, Colo., between Pine Bluffs, Wyo., and Denver, Colo., serving the intermediate and off-route points of Greeley, Colo., and points within 20 miles of Pine Bluffs; *general commodities,* excepting among others, high explosives, household goods and commodities in bulk, over irregular routes, between Pine Bluffs, Wyo., and points within 20 miles thereof, on the one hand, and, on the other, Sidney and Scottsbluff, Nebr.; *meats, meat products, meat byproducts, and dairy products,* as described in sections A and B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Denver, Colo., to Broomfield, Brighton, Eaton, Fort Collins, Fort Lupton, La Salle, Longmont, and Loveland, Colo. CURTIS, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11155. Authority sought for merger into WORSTER-IOWA, INC., Gay Road, Rural Delivery No. 1, North East, PA, of the operating rights and property of POWERS TRANSPORTATION, INC., Highway 71, East, Post Office Box 147, Storm Lake, IA 50588, and for acquisition by WORSTER MOTOR LINES, INC., and in turn by DAVID B. WORSTER, both of Gay Road, Rural Delivery No. 1, North East, PA, of control of such rights and property through the transaction. Applicants' attorney: Joseph F. Mackrell, 23 West 10th Street, Erie, PA 16501. Operating rights sought to be merged: *Canned goods,* and *frozen foods,* and numerous other specified commodities, as a *common carrier,* over irregular routes, from to, and between specified points in the States of Iowa, New York, North Dakota, South Dakota, Nebraska, Ohio, Michigan Minnesota, Wisconsin, Kansas, Missouri, Pennsylvania, Arkansas, Illinois, and Indiana, with certain restrictions, as more specifically described in Docket No. MC–112148 Sub 1 and other subnumbers therunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent the entirety, thereof. WORSTER-IOWA, INC., holds no authority from this Commission. However it is affiliated with WORSTER MOTOR LINES, INC., Gay Road, Post Office Box 110, North East, PA, which is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, West Virginia, District of Columbia, Indiana, Illinois, Michigan, Ohio, Maine, Minnesota, Vermont, New Hampshire, Virginia, South Carolina, Alabama, Wisconsin, Florida, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11156. Authority sought for purchase by KISSICK TRUCK LINES, INC., 1600 Genesee, Post Office Box 5687, Kansas City, MO 64102, of the operating rights of C. KING MOTOR SERVICE, INC., 7416 Jeanene, St. Louis, MO 63116, and for acquisition by TENNYS L. ALKIRE, 5804 Colrain, Kansas City, MO, of control of such rights through the purchase. Applicants' attorney: Lowell L. Knipmeyer, 2804 Power & Light Building, Kansas City, MO 64105. Operating rights sought to be transferred: *General commodities* excepting among others, Classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the St. Louis, Mo.–East St. Louis, Ill., commercial zone, as defined by the Commission in M.C.C. 656. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Iowa, Kansas, Nebraska, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11157. Authority sought for purchase by MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122, of a portion of the operating rights and certain property of SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246, and for acquisition by LEASEWAY TRANSPORTATION CO., and in turn by HUGH O'NEILL, III, W. J. O'NEILL and P. J. O'NEILL all of Cleveland, Ohio 44122, of control of such rights and certain property through the purchase. Applicants' attorneys: John A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114, Roland Rice, 618 Perpetual Building, Washington, DC 20004, and James R. Ziperski, 611 South 28th Street, Milwaukee, WI 53246. Operating rights sought to be transferred: *Cement,* in bulk, and in package, as a *common carrier* over irregular routes, from the plantsite of the Alpha Portland Cement Co., located in or near Jamesville, N.Y., to points in McKean, Potter, Tioga, Bradford, Cameron, Susquehanna, Sullivan, Lycoming, and Clinton Counties, Pa.; *dry cement,* from the plantsite of the Alpha Portland Cement Co., located at or near Cementon, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Vendee is authorized to operate as a common carrier in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, New Jersey, Alabama, Florida, Mississippi, Tennessee, Kansas, Arkansas, Missouri, Oklahoma, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Georgia, District of Columbia, Delaware, Virginia, North Carolina, West Virginia, South Carolina, Louisiana, Nebraska, Texas, Michigan, Washington, Idaho, and Montana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6279 Filed 5–4–71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 30, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits

of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. CC-7086, filed April 16, 1971. Applicant: LONG'S EXPRESS, INC., 2006 Seminary Avenue, Richmond, VA. Applicant's representative: Jno C. Goddin, 200 West Grace Street, Richmond, VA. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property* over regular routes, between Richmond, Va., and Charlottesville, Va., via Interstate Highway 64, serving all access and interchange routes between Interstate Highway 64 and carrier's present authority, including, but not limited to the following: (1) Between the junction of Interstate Highway 64 with Virginia Highway 623 and the junction of U.S. Highway 33 with Virginia Highway 623 via Virginia Highway 623; (2) between the junction of Interstate Highway 64 with Virginia Highway 617 and the junction of Virginia Highway 610 with Virginia Highway 677 via Virginia Highway 617 to and over Virginia Highway 610 to its junction with Virginia Highway 677; (3) between the junction of Interstate Highway 64 with U.S. Highway 522 and Apple Grove, Va., via U.S. Highway 522; (4) between the junction of Interstate Highway 64 with Virginia Highway 605 and the junction of Virginia Highway 605 with Virginia Highway 677 via Virginia Highway 605; (5) between the junction of Interstate Highway 64 with Virginia Highway 659 and Louisa, Va., via Virginia Highway 659; (6) between the junction of Interstate Highway 64 with U.S. Highway 15 and the junction of U.S. Highway 15 with Virginia Highway 22 (Waldrop, Va.) via U.S. Highway 15; and (7) between junction of Interstate Highway 64 with Virginia Highway 616 and the junction of Virginia Highway 22 with Virginia Highway 616 (Keswick, Va.) via Virginia Highway 616. Both Intrastate and interstate authority sought.

HEARING: June 16, 1971, 10 a.m., Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Office of Commerce Counsel, Box 1197, Richmond, VA 23209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71204-CCT, filed April 20, 1971. Applicant: YOUNGLOVE TRANSFER COMPANY, INC., 4803 Hesperides, Tampa, FL 33614. Applicant's attorney: John W. McWhirter, Jr., Cason, McWhirter, Henderson & Stokes, Post Office Box 2150, Tampa, FL 33601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: Commodities in bulk; cement; salt; fertilizer and fertilizer material in bags; petroleum products in packages, cases, cans or drums; Class A explosives; household goods; malt beverages; beer; sodium hypochlorite; building and construction materials and supplies in truckload lots; sugar in truckload lots; empty glass containers and bottles and closures therefor; and lumber; on regular routes and regular schedules between Tampa, all points in Pinellas County, all points in Pasco, Hernando, Citrus, and Sumter Counties, east of Interstate 75 and along U.S. Highways 19, 41, and 98, and State Highways Nos. 50, 44, 490, 491, 495, and 488; applicant also seeks to serve Ocala and all points south and west of Ocala along State Roads 40, 200, and 484 using Interstate 75 as an alternate close door route between Tampa and Ocala. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not known yet. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-6281 Filed 5-4-71;8:49 am]

[Notice 687]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72753. By order of April 29, 1971, the Motor Carrier Board approved the transfer to Elizabeth Ann Gallagher, Pittsburgh, Pa., of the operating rights in Certificate No. MC-75491 issued November 15, 1951, to Thomas V. Gallagher, Pittsburgh, Pa., authorizing the transportation of general commodities, with exceptions, between Pittsburgh, Pa., on the one hand, and, on the other, points in Allegheny County, Pa. Irwin B. Wedner, Suite 500 Plaza Building, 535 Fifth Avenue, Pittsburgh, PA 15219, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 71-6278 Filed 5-4-71; 8:48 am]

[No. 35301]

WEST VIRGINIA INTRASTATE FREIGHT RATES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing that by order dated September 14, 1970, the Commission, Division 2, instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed July 13, 1970, by the common carriers by railroad operating within the State of West Virginia, wherein it was alleged that the State of West Virginia has failed to authorize or to permit increases in rates and charges on commodities moving in intrastate commerce corresponding to increases authorized by this Commission on interstate commerce in Ex Parte No. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, and Ex Parte No. 265, Increased Freight Rates, 1970, 339 I.C.C. 125;

It further appearing, that by order dated February 5, 1971, the Commission, Division 2, broadened the investigation instituted by the Commission, Division 2, on September 14, 1970, to determine whether the failure of the intrastate rates and charges in West Virginia to include increases corresponding to those permitted to be established by the Commission for interstate transportation on November 20, 1970, in Ex Parte No. 267, Increased Freight Rates, 1971, cause unjust discrimination against or places an undue burden on interstate or foreign commerce by reason of the failure of the State to authorize the said increases in intrastate rates and charges;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before May 31, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be

offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before May 20, 1971.

It is further ordered, That on or before June 30, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A below and any additional persons who make known their desire to actively participate on or before May 20, 1971. Attached as Appendix A below is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before May 20, 1971, as well as all persons listed in Appendix A as set forth below. Otherwise, any interested person desiring to participate in this proceding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before July 9, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on July 19, 1971, 9:30 a.m., d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), in the Public Service Commission Hearing Room 215–E, East Wing of the State Capitol Building, Second Floor, Charleston, WV, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of West Virginia be notified of the proceeding by sending a copy of this order by certified mail to the Governor of West Virginia, Charleston, W. Va., and a copy to the Public Service Commission of West Virginia, Charleston, W. Va.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 23d day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Rene J. Gunning, Western Maryland Railway Co., 201 North Charles Street, Baltimore, MD 21201.

Edward R. Gustafson, Penn Central Co., 532 Union Station, Chicago, IL 60606.

Richard W. Kienle, Norfolk & Western Railway Co., 108 North Jefferson Street, Roanoke, VA 24011.

Dwight L. Koerber, The Coal Traffic Bureau, 1447 Oliver Building, Pittsburgh, PA 15222.

John E. Lee, Chief Counsel, Public Service Commission, Capitol Building, Room E–214, Charleston, WV 25305.

William M. Maddox, 730 Coal Building, 1130 17th Street NW., Washington, DC 20036. (For: Appalachian Electric Power Co.)

Charles M. Marshall, Baltimore & Ohio Railroad Co., Law Department, 2 North Charles Street, Baltimore, MD 21201.

G. G. Zizek, Manager of Traffic, FMC Corp., 633 Third Avenue, New York, NY 10017.

[FR Doc.71-6276 Filed 5-4-71;8:48 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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