

lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.678 (Lemon Reg. 378, 34 F.R. 9380) are hereby amended to read as follows:

§ 910.678 Lemon Regulation 378.

- (b) Order. (1) * * *
- (ii) District 2: 358,050 cartons.

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

Dated: June 20, 1969.

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

[F.R. Doc. 69-7485; Filed, June 24, 1969; 8:49 a.m.]

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

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On June 7, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 9078) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1969, and ending February 28, 1970, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regu-

latory 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 Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1969, through February 28, 1970, will amount to \$253,989.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed as follows:

(1) One and one-tenth cent (\$0.011) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Four and two-tenths cents (\$0.042) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) One cent (\$0.01) per California peach box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1969, shall be carried as a reserve in accordance with the applicable provisions of § 917.38 of said marketing agreement and order.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

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 amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (2) the fiscal period began March 1, 1969, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

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

Dated: June 20, 1969.

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

[F.R. Doc. 69-7486; Filed, June 24, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Barley Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

Correction

In F.R. Doc. 69-7140 appearing at page 9540 in the issue of Wednesday, June 18, 1969, the following changes should be made in § 1421.2279(b):

1. Under Iowa, the county following Guthrie which now reads "Mamilton" should read "Hamilton".

2. Under Nebraska, the rate per bushel for Washington County should read "0.83" instead of "\$0.80".

3. Under Wisconsin, the rate per bushel for Wood County should read ".81" instead of ".82".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;

Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. Honolulu, Kauai, and Maui Counties;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Calbarne, Concordia, East Baton Rouge, East Feliciana, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Ouachita, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;

Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Clark, Clay, Codrington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Rockwall, Runnels, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.
(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)
Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.
The amendment adds to the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(d): Indian River County in Florida; Concordia and Red River Parishes in Louisiana; Blaine, Cherry, Hooker, Logan, and McPherson Counties in Nebraska; Cotton County in Okla-

homa; Cass, Clay, and Rockwall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1969.

E. E. SAULMAN,
Director, Animal Health Division,
Agricultural Research Service.

[F.R. Doc. 69-7452; Filed, June 24, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-EA-50]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Reporting Point and Designation, Modification, and Revocation of Jet Routes

On April 9, 1969, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6289) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign segments of Jet Route Nos. 34, 80, 110, and 518; revoke Jet Route No. 12 and segment of Jet Route No. 49; designate Jet Route Nos. 145 and 162; and designate Bellare, Ohio, VORTAC high altitude reporting point.

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

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

1. Section 75.100 (34 F.R. 431, 2307, 4856) is amended as follows:

- Jet Route No. 12 is revoked.
- In the caption Jet Route No. 34 "to Front Royal, Va." is deleted and "to

Westminster, Md." is substituted therefor, and in the text all after "Cleveland, Ohio;" is deleted and "Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials;" is substituted therefor.

c. In the caption of Jet Route No. 49 "Charleston, W. Va." is deleted and "Phillipsburg, Pa." is substituted therefor, and in the text all before "Albany, N.Y.;" is deleted and "From Phillipsburg, Pa., via Hancock, N.Y.;" is substituted therefor.

d. In the text Jet Route No. 80 all between "Indianapolis, Ind.;" and "Coyle, N.J.;" is deleted and "Bellaire, Ohio;" is substituted therefor.

e. In the text of Jet Route No. 110 all between "Indianapolis, Ind.;" and "Coyle, N.J.;" is deleted and "Bellaire, Ohio;" is substituted therefor.

f. Jet Route No. 145 is added:

Jet Route No. 145 (Charleston, W. Va., to Bellaire, Ohio).
From Charleston, W. Va., to Bellaire, Ohio.

g. Jet Route No. 162 is added:

Jet Route No. 162 (Cleveland, Ohio, to Front Royal, Va.).
From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

h. Jet Route No. 518 is amended to read:

Jet Route No. 518 (Cleveland, Ohio, to Westminster, Md.).
From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

2. Section 71.207 (34 F.R. 4799) is amended by adding "Bellaire, Ohio."

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

Issued in Washington, D.C., on June 17, 1969.

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

[F.R. Doc. 69-7460; Filed, June 24, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-19]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On April 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 6795) stating that the Federal Aviation Administration was considering the realignment of segments of Jet Route No. 30 and No. 149.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 21, 1969, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 5010) is amended as follows:

a. In the text of Jet Route No. 30 "to Front Royal, Va." is deleted and "INT of Appleton 111° and Bellaire, Ohio, 142°

radials; to Front Royal, Va." is substituted therefor.

b. Jet Route No. 149 is amended to read:

Jet Route No. 149 (Casanova, Va., to Fort Wayne, Ind.)

From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

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

Issued in Washington, D.C., on June 17, 1969.

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

[F.R. Doc. 69-7459; Filed, June 24, 1969; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-146]

CUSTOMS CONVENTIONS

The United States on December 3, 1968, deposited instruments of accession to the following Conventions:

Customs Convention on the Temporary Importation of Professional Equipment.
Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.
Customs Convention on the E.C.S. Carnets for Commercial Samples.
Customs Convention on Containers.

The Conventions, the texts of which were published in T.D. 69-68, entered into force on March 3, 1969.

Legislation necessary to implement the Conventions in respects not previously authorized under domestic law was enacted in Public Law 90-635, approved October 24, 1968 (T.D. 68-295).

The Customs Convention on the E.C.S. Carnets for Commercial Samples is a companion Convention to the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material (8 UST 1636; TIAS 3920) to which the United States is a party.

On February 11, 1969, there was published in the FEDERAL REGISTER (34 F.R. 1951) a notice of proposed rule making setting forth proposed amendments to the Customs Regulations to give effect to Public Law 90-635 and implement the above-mentioned Customs Conventions. Representations submitted pursuant to the notice have been carefully considered.

The amendments as proposed, with technical and clarifying changes, and the deletion of the requirement for a bond in support of the undertaking provided for in present § 33.11(a), are adopted as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

1. The first sentence of paragraph (d) of § 8.4 is amended by inserting ", or an A.T.A. or E.C.S. carnet issued under Part

33 of this chapter" after "5119-A)", so that the sentence will read as follows:

§ 8.4 Preliminary examination of entry papers; making entry or withdrawal; applicable rate of duty; date of importation.

(d) Entry is made under an appraisal entry (customs Form 7500), a formal consumption entry (customs Form 7501), a combined entry for re-warehouse and withdrawal for consumption (customs Form 7519), an informal entry (customs Form 5119 or 5119-A), or an A.T.A. or E.C.S. carnet issued under Part 33 of this chapter when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, at the port or station with the customs officer designated to receive such entry papers and any duties or taxes required to be paid at the time of making entry have been deposited with the customs officer designated to receive such monies. * * *

2. Paragraph (k) of § 8.6 is amended to read:

§ 8.6 Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.

(k) A nonresident consignee has the right to make entry but the bond, customs Form 7551, 7553, or other appropriate form when required, shall have thereon a resident corporate surety or, when a carnet is used as an entry form, an approved resident guaranteeing association.

(R.S. 251, 77A Stat. 14, secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1484, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

3. Paragraph (a) of § 10.31 is amended by inserting ", unless covered by a carnet provided for in Part 33 of this chapter," after "shall" in the first sentence; by inserting the following new sentence after the second sentence: "When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry," and by changing "collector" in the final sentence to "district director of customs", so that the paragraph will read as follows:

§ 10.31 Entry; bond.

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under Schedule 8, Part 5C, Tariff Schedules of the United States," shall, unless covered by a carnet provided for in Part 33 of this chapter, be made on customs Form 7501, except that, when § 10.36 or § 10.36a is applicable, or the aggregate value of the articles is not over \$250, the form prescribed for

the informal entry of importations by mail, in baggage, or other, as the case may be, may be used. When entry is made on customs Form 7501, it shall be in original only except in the case of entries under item 864.05, in which case a duplicate copy shall be required for statistical purposes. When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry. In addition to the data usually shown on a regular consumption entry, there shall be set forth on each temporary importation bond entry (1) the item number under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the district director of customs to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

§ 10.31 [Amended]

4. Footnote 34 to Part 10, § 10.31 is amended as follows:

a. Paragraph 1 is amended to read:

"1. (a) The articles described in the provisions of this subpart, when not imported for sale or for sale on approval, may be admitted into the United States without the payment of duty, under bond for their exportation within 1 year from the date of importation, which period, in the discretion of the Secretary of the Treasury, may be extended, upon application, for one or more further periods which, when added to the initial 1 year, shall not exceed a total of 3 years, except that (1) articles imported under item 864.75 shall be admitted under bond for their exportation within 6 months from the date of importation and such 6-month period shall not be extended, and (2) in the case of professional equipment and tools of trade admitted into the United States under item 864.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure. For purposes of this headnote, an aircraft engine or propeller, or any part or accessory of either, imported under item 864.05, which is removed physically from the United States as part of an aircraft departing from the United States in international traffic shall be treated as exported.

"(b) For articles admitted into the United States under item 864.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country.

b. Item 864.50 in paragraph 5 is amended to read:

"Item 864.50 Professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents * * *

5. Section 10.31(f) is amended to read:

(f) With the exceptions stated herein, a bond shall be given on customs Form 7563 in an amount equal to double the duties which it is estimated would accrue (or such larger amount as the district director shall state in writing to the entrant is necessary to protect the revenue)

had all the articles covered by the entry been entered under an ordinary consumption entry. In the case of samples solely for use in taking orders entered under item 864.20, Tariff Schedules of the United States, motion-picture advertising films entered under item 864.25, and professional equipment, tools of trade and repair components for such equipment or tools entered under item 864.50, the bond required to be given shall be in an amount equal to 110 percent of the estimated duties determined at the time of entry. A term bond on customs Form 7563-A, a general term bond on customs Form 7595, or, in appropriate cases, a carnet under Part 33 of this chapter, may be given in lieu of the bond on customs Form 7563. Cash deposits in the amount of the bond may be accepted in lieu of sureties. When the articles are entered under item 864.05, 864.20, or 864.50, Tariff Schedules of the United States, without formal entry, as provided for in §§ 10.36 and 10.36a, or the amount of the bond taken under any item of Schedule 8, Part 5C, Tariff Schedules of the United States, is less than \$25, the bond shall be without surety or cash deposit, and the bond shall be modified to so indicate.

6. Section 10.36 is amended as follows: The first sentence of paragraph (a) and the first sentence of paragraph (d) are amended to read:

§ 10.36 Commercial travelers' samples; professional equipment and tools of trade; theatrical effects and other articles.

(a) Samples accompanying a commercial traveler who presents an adequate descriptive list or a special customs invoice, and professional equipment, tools of trade, and repair components for such equipment or tools imported in his baggage for his own use by a nonresident sojourning temporarily in the United States may be entered on the importer's baggage declaration in lieu of formal entry and examination and may be passed under item 864.20 or item 864.50, Tariff Schedules of the United States, at the place of arrival in the same manner as other passengers' baggage. * * *

(d) The privilege of clearance of commercial travelers' samples or professional equipment, tools of trade, and repair components for such equipment or tools imported for his own use by a nonresident sojourning temporarily in the United States on a baggage declaration under bond without surety or cash deposit shall not be accorded to a commercial traveler or such nonresident who, through fraud or culpable negligence, has failed to comply with the provisions of such a bond in connection with a prior arrival. * * *

7. Section 10.37 is amended to read:

§ 10.37 Extension of bonds.

A bond given to assure the exportation of a temporary importation entered under Schedule 8, Part 5C, Tariff Schedules of the United States, may be ex-

tended for not more than two further periods of 1 year each, or such shorter period as may be appropriate, by the district director of customs at the port where the entry was filed, upon written application to such district director on customs Form 3173, provided the articles have not been exported or duly destroyed before the receipt of the application by the district director, and provided liquidated damages have not been assessed under the bond before such receipt. No extension of the period for which a carnet is valid shall be granted.

§ 10.38 [Amended]

8. Section 10.38 is amended as follows: a. Paragraph (a) is amended to read:

(a) Articles entered under a temporary importation bond may be exported at the port of entry or at another port. An application on customs Form 3495 shall be filed in duplicate with the district director of customs a sufficient length of time in advance of exportation to permit the examination and identification of the articles if circumstances warrant such action and, in such event, the applicant shall be notified on a copy of customs Form 3495 where the articles are to be sent for identification. If a carnet was used for entry purposes, the reexportation voucher of the carnet shall be filed, in addition to customs Form 3495, and the carnet shall be presented for certification.

b. Paragraph (c) is amended by changing "duplicate" in the first sentence to "triplicate."

c. Paragraph (d) is amended to read:

(d) If the goods are examined at one port and are to be exported from another port, they shall be forwarded to the port of exportation under a transportation and exportation entry. In such cases customs Form 3495 shall be filed in triplicate. Articles entered under a carnet shall not be examined elsewhere than at the port from which they are to be exported.

d. A new paragraph (g) is added as follows:

(g) Upon the presentation of satisfactory evidence to the district director at the port at which samples were entered under item 864.20, Tariff Schedules of the United States, or professional equipment or tools of trade were entered under item 864.50, that such articles cannot be exported for the reason that they have been seized (other than by seizure at the suit of private persons), the requirement of exportation shall be suspended for the duration of the seizure. The articles shall be exported promptly after release from seizure.

9. Section 10.39 is amended as follows: Paragraph (a) is amended by inserting (a) new sentence immediately after the first sentence, paragraph (d) is revised, and paragraph (e)(3) is amended by adding a sentence at the end.

§ 10.39 Cancellation of bonds.

(a) * * * A completed reexportation counterfoil on a carnet establishes that

the articles covered by the carnet have been exported, and no claim shall be brought against the guaranteeing association under the carnet for failure to export, except under the provisions of § 33.26 of this chapter. * * *

(d) (1) If any article entered under Schedule 8, Part 5C, Tariff Schedules of the United States, except those entered under a carnet, has not been exported or destroyed in accordance with the regulations in this part within the bond period (including any lawful extension), the district director shall make a demand in writing under the bond for the payment of liquidated damages equal to the entire amount of the bond. If the entry covering the articles is charged against a term bond, the demand shall be limited to an amount equal to double the estimated duties applicable to such entry, unless a lower amount is prescribed by § 10.31(f). The demand shall include a statement that a written application for relief from the payment of the full liquidated damages may be filed with the district director within 60 days after the date of the demand.

(2) If articles entered under a carnet have not been exported or destroyed in accordance with the regulations in this part within the carnet period, the district director shall promptly after expiration of that period make demand in writing upon the importer and guaranteeing association for the payment of liquidated damages in the amount of 110 percent of the estimated duties on the articles not exported or destroyed. The guaranteeing association shall have a period of 6 months from the date of claim in which to furnish proof of the exportation or destruction of the articles under conditions set forth in the Convention under which the carnet is issued. If such proof is not furnished within the 6-month period, the guaranteeing association shall forthwith pay the liquidated damages provided for above. The payment shall be refunded if the guaranteeing association within 3 months from the date of payment furnishes the proof referred to above. No claim for payment under a carnet covering a temporary importation may be made against the guaranteeing association more than 1 year after the expiration of the period for which the carnet was valid.

(e) * * *

(3) * * * Satisfactory documentary evidence of exportation, in the case of carnets, would include the particulars regarding importation or reimportation entered in the carnet by the customs authorities of another contracting party, or a certificate with respect to importation or reimportation issued by those authorities, based on the particulars shown on a voucher which was detached from the carnet on importation or reimportation into their territory, provided it is shown that the importation or reimportation took place after the exportation which it is intended to establish.

10. Section 10.41a is amended as follows: Paragraph (a) is amended, footnote 38 is amended, and new footnote 38a is added. Paragraph (b) is added, paragraphs (e) and (h) are amended, and paragraph (i) is added to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

(a) (1) Lift vans, cargo vans, shipping tanks, skids, pallets, caulk boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic are hereby designated as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. The Commissioner of Customs is authorized to designate as instruments of international traffic, in decisions to be published in the weekly Customs Bulletin, such additional articles or classes of articles as he shall find should be so designated. Such instruments may be released without entry or the payment of duty, subject to the provisions of this section.

(2) Repair components for a particular container of foreign production which is an instrument of international traffic may be entered, or withdrawn from warehouse, for consumption without the deposit of duty if the person making the entry or withdrawal from warehouse files therewith his declaration that the repair component was imported to be used in the repair of a particular container of foreign production which is an instrument of international traffic, and the district director of customs is satisfied that the importer of the repair component had the declared intention at the time of importation. Liquidation of the entry covering the repair component shall be suspended until proof of use is furnished or the time allowed for the production thereof has expired. Upon satisfactory proof of the use of the repair component, the entry shall be liquidated free of duty. When such proof is not filed within 3 years from the date of entry or any extension of the period of the bond (see § 25.18(b) of this chapter), the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.²⁸

(3) As used in this section, "instruments of international traffic" includes the normal accessories and equipment imported with any such instrument

* * * Substantial containers and holders, of products of the United States (including shooks and staves of United States production when returned as boxes or barrels containing merchandise), or if of foreign production and previously imported and duty (if any) thereon paid, or if of a class specified by the Secretary of the Treasury as instruments of international traffic, and repair components for a particular container of foreign production which is an instrument of international traffic * * * Free" (Item 808.00, Tariff Schedules of the United States.)

which is a "container" as defined in Article 1 of the Customs Convention on Containers.^{29a}

(b) The reexportation of a container, as defined in Article 1 of the Customs Convention on Containers, which has become badly damaged, shall not be required in the case of a duly authenticated accident if the container (1) is subjected to applicable import duties and import taxes, or (2) is abandoned free of all expense to the Government or destroyed under customs supervision at the expense of the parties concerned, following the procedure outlined in § 15.4(c) of this chapter. Any salvaged parts and materials shall be subjected to applicable import duties and import taxes. Replaced parts which are not reexported shall be subjected to import duties and import taxes except where abandoned free of expense to the Government or destroyed under customs supervision at the expense of the parties concerned.

(e) The person who filed the application for release under paragraph (a) (1) of this section shall promptly notify a district director at a port of entry in the United States as defined in section 401(k), Tariff Act of 1930, as amended, (1) that the container is to be abandoned or destroyed, as described in paragraph (b) of this section, or (2) that the instrument is the subject of a diversion or withdrawal as described in paragraph (d) of this section, in which event he shall file with the district director a consumption entry for the instrument and pay all import duties and import taxes due on the container or instrument at the rate or rates in effect and in its condition on the date of such diversion or withdrawal.

(h) When an instrument of international traffic, as provided in paragraph (a) of this section, is returned to the United States and released in accordance with the provisions of that paragraph, any repairs which may have been made to the instrument while it was abroad are not subject to entry or the payment of duty whether the instrument is of

* * * * * The term 'container' shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

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

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

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

"(iv) So designed to be easy to fill and empty; and

"(v) Having an internal volume of one cubic metre or more.

and shall include the normal accessories and equipment of the container, when imported with the container; the term 'container' includes neither vehicles nor conventional packing; * * * (Article 1, Customs Convention on Containers.)

foreign or domestic manufacture, whether it left the United States empty or loaded, and whether or not the repairs made abroad were in contemplation when the instrument left the United States.

(i) Containers and other articles designated as instruments of international traffic in accordance with this section are nevertheless subject to the application of the coastwise laws of the United States, with particular reference to section 883, title 46, United States Code (see § 4.93 of this chapter).

11. A new § 10.41c is added as follows:

§ 10.41c Containers accepted for transport under customs seal; requirements.

(a) Containers covered by the Customs Convention on Containers shall be accepted for transport under customs seal (see § 18.4 of this chapter), if (1) durably marked with the name and address of the owner, particulars of tare, and identification marks and numbers and (2) constructed and equipped as outlined in Annex 1 to the Customs Convention on Containers as evidenced by an unexpired certificate of approval in the form prescribed by Annex 2 to that Convention or by a metal plate showing design type approval by the competent authority in the country of manufacture. The district director may nevertheless refuse to accept for transport under customs seal a container bearing evidence of approval if, in his opinion, the container does in fact no longer meet the requirements of the Convention.

(b) Containers, except those approved by design type, may be approved by the competent authority of the country in which the owner is resident or established or of the country where the container is used for the first time for transport under customs seal. Containers approved by design type may be approved only by the competent authority of the country of manufacture.

(c) The certificate of approval shall be inserted in a protective frame affixed to one of the outside walls of the container and shall be covered on both sides by transparent plastic sheets hermetically sealed together. The frame shall be so designed as to protect the certificate and make it impossible to extract the certificate without breaking the seal that will be affixed in order to prevent removal of the certificate; it shall also adequately protect the seal. The metal plate showing design type approval shall be affixed by the manufacturer in a clearly visible place on or near one of the doors or other main openings of each container manufactured to the approved design.

(d) Containers which are not approved under the provisions of the Customs Convention on Containers may be accepted for transport under customs seal only if the district director at the port of origin is satisfied that (1) the container can be effectively sealed and (2) no goods can be removed from or introduced into the container without obvious damage to it or without breaking the seal.

12. Paragraph (a) of § 10.68 is amended to read:

§ 10.68 Procedure.

(a) Theatrical scenery, properties, and effects, motion-picture films (including motion-picture films taken aboard a vessel for exhibition only during an outward voyage and returned for the same purpose during an inward voyage on the same or another vessel), and commercial travelers' samples, of domestic or foreign origin, taken abroad may be returned without formal entry and without payment of duty: *Provided*, That prior to exportation of such articles an exportation voucher from a carnet, when applicable, or an application on customs Form 4455 was filed and the merchandise was identified as set forth in § 10.8, governing the exportation of articles sent abroad for repairs. When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry. In the case of commercial travelers' samples taken abroad for temporary use, district directors, in their discretion, may waive examination at the time of exportation, except where exportation involves certification of a carnet. When motion-picture films are to be taken aboard a vessel for exhibition only during an outward voyage and are to be returned for the same purpose during an inward voyage on the same or another vessel, district directors may waive examination and supervision at the time of exportation. In the case of theatrical scenery, properties, and effects taken abroad by rail for temporary use in carload lots in cars sealed by customs officers for entry at any Canadian or Mexican port where U.S. customs officers are stationed, application and examination prior to or at the time of exportation is waived if customs Form 4455 is filed with the U.S. customs officer in the appropriate Canadian or Mexican port, and that officer examines the articles prior to their release from customs custody by the foreign customs officers.

(77A Stat. 14, sec. 14, 67 Stat. 516, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Gen. Hdnote. 11), 1322, 1623, 1624)

PART 25—CUSTOMS BONDS

13. Section 25.1 is amended to read:

§ 25.1 Classes of bonds.

All bonds required to be given under the customs statutes or regulations shall be known as customs bonds and shall consist of two classes: Those approved by the Bureau and those approved by district directors of customs. Carnets provided for in Part 33 of this chapter are guaranteed by separate undertakings with the Government of the United States and, accordingly, are acceptable in appropriate cases without posting of further security under customs statutes or regulations requiring bonds.

14. Paragraph (a)(15) of § 25.4 is amended to read:

§ 25.4 Bonds approved by collectors; form and execution.

(a) * * *

(15) Bond for temporary importations, customs Form 7563, in an amount equal to double the estimated duties as determined at the time of entry (except in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade in which case the bond shall be in an amount equal to 110 percent of such estimated duties).

(80 Stat. 379, R.S. 251, secs. 623, 624, 46 Stat. 759, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1623, 1624)

PART 33—CARNETS

15. Chapter I is amended to add a new Part 33 reading as follows:

Sec.

33.0 Scope.

Subpart A—General Provisions

33.1 Definitions.

33.2 Customs Conventions.

33.3 Carnets.

Subpart B—Issuing and Guaranteeing Associations

33.11 Approval.

33.12 Termination of approval.

Subpart C—Processing of Carnets

33.21 Acceptance.

33.22 Coverage of carnets.

33.23 Maximum period.

33.24 Additions.

33.25 Replacement of carnets.

33.26 Discharge of carnets.

Subpart D—Miscellaneous

33.31 Mail importations.

33.32 Samples for taking orders.

33.33 Action against carnet user.

AUTHORITY: The provisions of this Part 33 issued under R.S. 251, 77A Stat. 14, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1623, 1624.

§ 33.0 Scope.

This part is concerned with the use of international customs documents known as carnets. It also contains provisions concerning the approval of associations to issue carnets in the United States covering merchandise to be exported and to guarantee carnets issued abroad covering merchandise to be imported. The carnet serves simultaneously as a customs entry document and as a customs bond.

Subpart A—General Provisions

§ 33.1 Definitions.

The following are general definitions for the purpose of this Part 33:

(a) *Commissioner*. "Commissioner" means the Commissioner of Customs.

(b) *Issuing association*. "Issuing association" means an association approved by the Commissioner for the issue of carnets in the customs territory of the United States under a Customs Convention to which the United States has acceded.

(c) *Guaranteeing association.* "Guaranteeing association" means an association approved by the Commissioner to guarantee the payment of obligations under carnets covering merchandise entering the customs territory of the United States under a Customs Convention to which the United States has acceded.

(d) *A.T.A. carnet.* "A.T.A. carnet" (Admission Temporaire — Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods.

(e) *E.C.S. carnet.* "E.C.S. carnet" (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the E.C.S. Carnets for Commercial Samples.

§ 33.2 Customs Conventions.

The regulations in this part relate to carnets provided for in the following Customs Conventions:

(a) Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods (hereinafter referred to as A.T.A. Convention).

(b) Customs Convention on the E.C.S. Carnets for Commercial Samples (hereinafter referred to as E.C.S. Convention).

§ 33.3 Carnets.

A carnet issued in conformity with the provisions of a Convention identified in § 33.2 and of the regulations in this part shall serve as an entry document within the scope contemplated by the applicable Convention and as a bond for the performance of acts in compliance with the provisions of such Convention and the customs statutes and regulations which are involved. Such carnet shall (a) show the period for which it is valid, (b) be fully completed in accordance with the provisions of the Convention which provides for its issuance, and (c) include an English translation whenever the goods covered by a carnet are described in another language.

Subpart B—Issuing and Guaranteeing Associations

§ 33.11 Approval.

(a) *Document to be furnished.* Before an association may be approved to serve as issuing association or guaranteeing association or a guaranteeing association spect to carnets authorized under a Customs Convention to which the United States has acceded, such association shall furnish the Commissioner a written undertaking, in a form satisfactory to the Commissioner, to perform the functions and fulfill the obligations specified in the Convention under which carnets are to be issued or guaranteed.

(b) *Publication of notice of approval.* Notice of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

§ 33.12 Termination of approval.

(a) *For cause.* The Commissioner may suspend or revoke the approval previ-

ously given to any issuing association or guaranteeing association for failure or refusal to comply with the duties, obligations, or requirements set forth in its written undertaking on which the approval was based; in the applicable Customs Convention; or in the customs regulations. Before such suspension or revocation, the Commissioner shall give the association a reasonable opportunity to refute the alleged failure of compliance.

(b) *Withdrawal.* To be relieved of future obligations, an approved guaranteeing association must notify the Commissioner, in writing, not less than 6 months in advance of a specified termination date that it will not guarantee the payment of obligations under carnets accepted by district directors of customs after the specified date. The receipt of such notice by the Commissioner will in no way affect the responsibility of the guaranteeing association for payment of claims on carnets accepted by district directors before the designated termination date.

(c) *Notice.* Notice of the suspension or revocation of the approval of an issuing association or a guaranteeing association with respect to a Customs Convention to which the United States has acceded will be published in the FEDERAL REGISTER by the Commissioner.

Subpart C—Processing of Carnets

§ 33.21 Acceptance.

A carnet executed in accordance with § 33.3 shall be accepted provided that when the carnet is presented an association for the guaranteeing of such carnets has been approved in accordance with § 33.11 and such approval has not been terminated as provided for in § 33.12.

§ 33.22 Coverage of carnets.

(a) *A.T.A. carnet.* The A.T.A. carnet is acceptable for goods to be temporarily entered under (1) the Customs Convention on the Temporary Importation of Professional Equipment, or (2) the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material.

(b) *E.C.S. carnet.* The E.C.S. carnet is acceptable for (1) commercial samples, or (2) motion-picture advertising films not exceeding 16 mm. consisting essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues; *Provided*, That the films:

(i) Relate to products or equipment offered for sale or for hire by a person established in the territory of another contracting party;

(ii) Are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and

(iii) Are imported in a packet which contains not more than one copy of each film and which does not form part of a larger consignment of films.

There shall be presented with each E.C.S. carnet covering motion-picture

advertising films a statement showing how each of the foregoing requirements is met.

§ 33.23 Maximum period.

No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

§ 33.24 Additions.

When an A.T.A. or E.C.S. carnet has been issued, no extra item shall be added to the list of goods enumerated on the reverse of the cover of the carnet or on any continuation sheet annexed thereto.

§ 33.25 Replacement of carnets.

In the case of destruction, loss, or theft of an A.T.A. or E.C.S. carnet while the goods which it covers are in the customs territory of the United States, the district director of customs at the port where such goods were imported may, upon request of the association which issued the carnet abroad, accept a replacement document, the validity of which expires on the same date as that of the carnet which it replaces, provided the district director determines that the description of merchandise in the replacement document fully corresponds to the description set forth in the importation voucher from the carnet to be replaced.

§ 33.26 Discharge of carnets.

When a district director of customs has unconditionally discharged a carnet by completion of the appropriate certificate, no claim may be brought against the guaranteeing association for payment under the carnet, unless it can be established that the discharge was obtained improperly or fraudulently, or that there had been a breach of the conditions of temporary importation.

Subpart D—Miscellaneous

§ 33.31 Mail importations.

Carnets shall not be accepted for importations by mail.

§ 33.32 Samples for taking orders.

E.C.S. carnets may be accepted for unaccompanied samples and samples imported by a natural person resident in the customs territory of the United States, as well as for samples imported by a natural person resident in the territory of another contracting party to the E.C.S. Convention.

§ 33.33 Action against carnet user.

In the event of fraud, violation, or abuse of the privileges of a Convention, action may be taken against the users of carnets for applicable duties and charges or liquidated damages, as the case may be. Penalties to which such persons have thereby rendered themselves liable may also be imposed.

Effective date. Since the procedures provided for in these amendments are either optional with or voluntarily undertaken by the parties involved, good cause is found under 5 U.S.C. 553 for making the amendments effective less than 30 days after publication in the FEDERAL

REGISTER. These amendments shall be effective on June 30, 1969.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 17, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 69-7490; Filed, June 24, 1969;
8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

PART 1550—HOUSING FOR THE ELDERLY OR HANDICAPPED

In Title 24, Chapter III, a new Part 1550 is added as follows:

Sec.	
1550.1	Definitions.
1550.2	General policy.
1550.3	Sponsorship.
1550.4	Eligible projects.
1550.5	Loan applications.
1550.6	Loan terms.
1550.7	Loan agreement.
1550.8	Regulatory agreement.
1550.9	Other requirements.
1550.10	Assistance to nonprofit organizations.
1550.11	Refinancing.

AUTHORITY: The provisions of this Part 1550 issued under title II of the Housing Act of 1959, as amended, 12 U.S.C. 1701q; and Secretary's delegation of authority to Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8968, June 29, 1968.

§ 1550.1 Definitions.

As used in this part:

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

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

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

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

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

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

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

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

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

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

§ 1550.2 General policy.

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

§ 1550.3 Sponsorship.

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

§ 1550.4 Eligible projects.

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

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

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

with kitchen facilities and separate bathrooms.

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

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

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

§ 1550.5 Loan applications.

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

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

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

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

§ 1550.6 Loan terms.

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

§ 1550.7 Loan agreement.

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

applicant and the Secretary during the life of the loan.

§ 1550.8 Regulatory agreement.

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

§ 1550.9 Other requirements.

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

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

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

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

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

§ 1550.10 Assistance to nonprofit organizations.

Nonprofit organizations are eligible for financial assistance under section 106 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701x, to cover

costs expected to be incurred in planning and obtaining financing for the rehabilitation or construction of housing projects for elderly or handicapped persons under the Act. Such assistance is in the form of 80 percent interest-free loans to cover such costs directly related to the project as organization expenses, legal fees, consultant fees, preliminary site engineering fees, site options, FHA and FNMA application fees, and construction loan fees. Requests for such assistance should be submitted to the FHA Assistant Commissioner for Multi-Family Housing, 451 Seventh Street, SW., Washington, D.C. 20411.

§ 1550.11 Refinancing.

Projects may be refinanced by mortgages insured under section 236(j) of

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

Effective date. This part shall be effective on June 19, 1969.

LAWRENCE M. COX,
Assistant Secretary for
Renewal and Housing Assistance.

[F.R. Doc. 69-7464; Filed, June 24, 1969;
8:48 a.m.]

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

Section 1915.3 is added to read as follows:

§ 1915.3 List of flood hazard areas.

Each of the following areas as designated on the applicable Federal Insurance Administration Official Flood Hazard Map is identified as a flood plain area which has special flood hazards. In accordance with § 1915.2, the maps on which such areas are designated are available for public inspection at the State and local repositories set forth below.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Fairbanks North Star Borough.	Fairbanks and vicinity.	H 02 039 0770 01	Alaska Department of Natural Resources, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	Fairbanks North Star, Borough Planning Division, Post Office Box 1207, Fairbanks, Alaska 99701. City of Fairbanks, Engineering Department, Post Office Box 790, Fairbanks, Alaska 99701.	June 24, 1969.
Louisiana	Jefferson (Parish).	Metairie	H 22 051 1545 01	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois St., Metairie, La. 70005 (on East Bank). West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	June 24, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; Secretary's designation of Acting Federal Insurance Administrator, 33 F.R. 11794, Aug. 20, 1968)

Effective date. This § 1915.3 shall be effective at the time this document is filed for public inspection at the Office of the Federal Register.

WM. B. ROSS,
Acting Federal Insurance Administrator.

[F.R. Doc. 69-7401; Filed, June 24, 1969; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Ill., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is not permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting of migratory game birds on designated "open" areas concurrent with applicable State and Federal seasons is permitted.

(2) The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunt-

ing. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest fall State game bird or game animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox, and crows shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

(4) Except with permission in writing obtained from the Refuge Manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wildlife and Fish Refuge during the period from March 1 until the first day of the earliest Fall State game bird or game animal season applicable to the geographic area concerned.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

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

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife,

Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, which ever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1970.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. All fishing is subject to the following conditions:

(1) During the open season from January 1, 1970, through December 31, 1970, and unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable State regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wildlife and Fish Refuge in Carroll County, Ill., is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which

govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective from January 1, 1970, through December 31, 1970.

Dated: June 18, 1969.

R. W. BURWELL,
Regional Director.

[F.R. Doc. 69-7446; Filed, June 24, 1969;
8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards; Tuberculin

On December 3, 1968, a notice of rule making was published in the FEDERAL REGISTER (33 F.R. 17921-17923) proposing to amend Part 73 of the Public Health Service Regulations, by prescribing specific standards of safety, purity, and potency for Tuberculin.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, which included requests for an extension of time to make labeling changes, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER, except that changes in labeling requirements as set forth in § 73.614(b) shall be effective when the manufacturer's current supplies of labels have been exhausted or 1 year from the date of publication of this amendment in the FEDERAL REGISTER, whichever date is earlier.

Part 73 of the Public Health Service Regulations is hereby amended as follows:

1. The table of contents is hereby amended by adding in numerical sequence, the following:

ADDITIONAL STANDARDS: TUBERCULIN

Sec.

- 73.610 Proper name and definition.
- 73.611 U.S. Standard preparations.
- 73.612 Production.
- 73.613 Potency test.
- 73.614 General requirements.
- 73.615 Equivalent methods.

§ 73.86 [Amended]

2. Section 73.86 is hereby amended by deleting the product names, dating periods and storage temperatures for "Tuberculin, Old", "Tuberculin, Patch Test", "Tuberculin, Purified Protein Derivative"

and "Tuberculin, Tine Test", and inserting in lieu thereof, the following:

Tuberculin ---- Old, concentrated: Containing 50 percent glycerin, 5 years.
Old, diluted: 1 year.
Purified Protein Derivative, concentrated: 2 years containing 50 percent glycerin (5° C., 1 year).
Purified Protein Derivative, diluted: 1 year. § 73.84 does not apply.
Purified Protein Derivative, dried: 5 years.
Old, dried on multiple puncture device: 2 years, provided labeling recommends storage at no warmer than 30° C. (30° C., 1 year).

3. The following is hereby added to Part 73, in numerical sequence:

ADDITIONAL STANDARDS: TUBERCULIN

§ 73.610 Proper name and definition.

The proper name of this product shall be Tuberculin, which shall be a preparation derived from *Mycobacterium tuberculosis* or *M. Bovis*.

§ 73.611 U.S. Standard preparations.

(a) The U.S. Standard Tuberculin, Old, shall be used for determining the potency of nonfractionated tuberculin, as prescribed in § 73.613. One U.S. Tuberculin unit is 0.1 ml. of a 1:10,000 dilution of this standard.

(b) The U.S. Standard Tuberculin, Purified Protein Derivative, shall be used in determining the potency of tuberculins made from protein fractions, as prescribed in § 73.613. One U.S. Tuberculin unit is 0.1 ml. of a 1:5,000 dilution of this standard.

§ 73.612 Production.

(a) *Propagation of mycobacteria.* The medium used for production of mycobacteria shall not contain ingredients known to be capable of producing allergenic effects in human subjects.

(b) *Tests for viable mycobacteria.* The culture filtrate from each strain in its most concentrated form shall be shown to be free of viable mycobacteria by the following tests:

(1) *Animal test.* A 1.0 ml. sample of the filtrate shall be injected intraperitoneally into each of at least three healthy guinea pigs weighing between 300 and 400 gm. At least two-thirds of the animals must survive an observation period of at least 6 weeks and must show a normal weight gain. After the observation period the animals shall be necropsied and examined for signs indicative of tuberculosis except that animals that die during the observation period shall be necropsied and examined as soon as feasible after death. The filtrate is satisfactory for Tuberculin manufacture if none of the animals in the test show evidence of tuberculosis infection.

(2) *Culture test.* A 2.0 ml. sample of the filtrate shall be inoculated onto Löwenstein-Jensen's egg medium or

other media demonstrated to be equally capable of supporting growth. A control test on the culture medium shall be conducted simultaneously with the sample under test and shall be shown to be capable of supporting the growth of small numbers of the production strain(s). All the test vessels shall be incubated at a suitable temperature for a period of 6 weeks under conditions that will prevent drying of the medium, after which the cultures shall be examined for evidence of mycobacterial colonies. The filtrate is satisfactory for Tuberculin manufacture if the test shows no evidence of mycobacteria.

§ 73.613 Potency test.

The potency of each lot of Tuberculin shall be estimated from a comparison of the responses obtained by the intradermal injection into sensitized guinea pigs weighing over 500 gm. of a sample of the lot under test and of the appropriate standard preparation. The U.S. Standard Tuberculin, Old, shall be used in determining the potency of tuberculins made from the concentrated filtrate of the soluble products of the growth of the mycobacteria. The U.S. Standard Tuberculin, Purified Protein Derivative, shall be used in determining the potency of tuberculins made from protein fraction of the soluble products of the growth of the mycobacteria. The test shall be performed as follows:

(a) *Sensitization of test animals.* At least four white guinea pigs shall be sensitized with *M. tuberculosis* or *M. bovis*. The degree of sensitivity shall be such that an intradermal injection of one U.S. unit of the appropriate standard preparation will produce in each test animal an erythematous reaction approximately 100 mm² within 18-24 hours.

(b) *Test Procedure.* The hair shall be removed from both sides of the sensitized test animals without producing abrasions of the skin. Dilutions of the standard containing 0.5, 1, 2, and 4 U.S. units in the test dose of 0.1 ml. and four comparable levels of activity of the lot under test shall be injected intradermally into opposite and parallel sites of each animal. Only three dilutions need be used when the initial concentration of the lot under test does not contain four units in 0.1 ml. Within 18-24 hours following injection, measurements of the greater and lesser diameters of erythema measured to the closest millimeter shall be made at each site. The mean value of the product of the diameters for each dilution shall be calculated. The number of U.S. units in the lot under test shall be estimated from its relationship to the reactivity of the appropriate standard preparation.

(c) *Potency.* The potency of the lot is satisfactory if the test results are within limits, as follows:

(1) *Products for Mantoux testing.* ±20 percent of the labeled U.S. units.

(2) *Liquid products for multiple puncture testing.* ±20 percent of the U.S. units claimed by the manufacturer in the license application.