

605; thence, following Secondary Highway 605 in a southeasterly direction to the Isle of Wight-Nansemond County line; thence, following the Isle of Wight-Nansemond County line in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a generally southerly direction to Secondary Highway 687; thence, following Secondary Highway 637 in a southwesterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally westerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a generally northeasterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a southwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally northeasterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a northeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Secondary Highway 607; thence following Secondary Highway 607 in a northeasterly direction to Secondary Highway 608; thence, following Secondary Highway 608 in a southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a southeasterly direction to its junction with Secondary Highway 616.

2. In § 76.2, in paragraph (e) (9) relating to the State of Missouri, a new subdivision (iii) relating to Chariton County is added to read:

(9) Missouri. . . .

(iii) That portion of Chariton County bounded by a line beginning at the junction of State Highway J and the Norfolk and Western Railway; thence, following the Norfolk and Western Railway in a

generally northeasterly direction to the Chariton River; thence, following the west bank of the Chariton River in a northeasterly direction to the division line between R. 17 W. and R. 18 W.; thence, following the division line between R. 17 W. and R. 18 W. in a northerly direction to the division line between T. 54 N. and T. 55 N.; thence, following the division line between T. 54 N. and T. 55 N. in a westerly direction to the division line between R. 18 W. and R. 19 W.; thence, following the division line between R. 18 W. and R. 19 W. (also State Highway FF for part of distance) in a southerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a westerly direction to State Highway J; thence, following State Highway J in a generally southerly direction to its junction with the Norfolk and Western Railway.

(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 Isle of Wight County, Va., and a portion of Chariton County, Mo., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The 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 5th day of June 1970.

GEORGE W. IRVING, JR.,

Administrator,

Agricultural Research Service.

[F.R. Doc. 70-7217; Filed, June 9, 1970; 8:52 a.m.]

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. Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. The entire State;
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. The entire State;
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. The entire State;
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. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codrington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, 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, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Farmer, Pease, Potter, Presidio, Rains, Randall, Reagan, Real, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, 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, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, 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;
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 33 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 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): Davison County in South Dakota; Collin, Rains, and Van Zandt Counties in Texas.

Mitchell and Scurry Counties in Texas were deleted from the list of modified certified brucellosis areas on May 19, 1970. Since said date, it has been determined that such counties again come within the definition of § 78.1(d); and, therefore, they have been redesignated as modified certified brucellosis areas.

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, unnecessary, 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 4th day of June 1970.

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

[F.R. Doc. 70-7216; Filed, June 9, 1970; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER C—FEDERAL RESERVE SYSTEM LABOR RELATIONS PANEL

LABOR RELATIONS

1. Effective immediately, Subchapter C, entitled "Federal Reserve System Labor Relations Panel", consisting of Parts 290 and 292, as set forth below, is added to Title 12 of the Code of Federal Regulations.

2a. This subchapter is added by the Federal Reserve System Labor Relations Panel in accordance with § 269.6 of the "Policy on Unionization and Collective Bargaining for the Federal Reserve Banks" (Part 269 of Subchapter A of this chapter) issued May 9, 1969, by the Board of Governors of the Federal Reserve System. Notice of proposed rule making with respect to this subchapter was published in the FEDERAL REGISTER of March 17, 1970 (35 F.R. 4644).

b. The definitions and rules and regulations were adopted by the panel after consideration of all relevant material that was presented by interested persons.

c. The requirement of section 533(d) of title 5, United States Code, with respect to deferred effective date was not followed in connection with adoption of this subchapter, the panel having determined that immediate use of these rules and regulations is required with respect to labor relations matters pending within the Federal Reserve System.

By order of the Federal Reserve System Labor Relations Panel, June 3, 1970.

[SEAL] PAUL M. METZGER,
Secretary.

In accordance with § 269.6 of the "Policy on Unionization and Collective Bargaining for the Federal Reserve Banks" (hereinafter referred to as the Policy) (Part 269 of this chapter) issued May 9, 1969, by the Board of Governors of the Federal Reserve System, the Federal Reserve System Labor Relations Panel (hereinafter referred to as the panel) adopts these rules to assist the Federal Reserve Banks, their employees, and rep-

resentatives to understand their responsibilities and rights under the policy, to effectuate the proper administration and enforcement of the provisions of the policy, and to carry out the purposes of the policy, including the removal of recognized sources of strife and unrest by protecting the right of employees to unionize and bargain collectively or to refrain from such activities.

PART 290—DEFINITIONS AS USED IN RULES AND REGULATIONS OF THE PANEL

Sec.
290.1 Party.
290.2 Party in interest.
290.3 Intervenor.
290.4 Investigator.
290.5 Hearing officer.

AUTHORITY: The provisions of this Part 290 issued under sec. P(4) of the Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, 12 CFR 269.6(d).

§ 290.1 Party.

The term "Party" means any person, employee, group of employees, labor organization, or bank as defined in § 269.2 of this chapter (a) filing a charge, petition, application, or request pursuant to these rules and regulations, (b) named as a party in a charge, complaint, petition, application, or request, or (c) whose intervention has been permitted or directed by the investigator, the hearing officer, or the panel, as the case may be, but nothing shall be construed to prevent the panel, or any officer designated by it, from limiting any party's participation in the proceedings to the extent of his interest as determined by the investigator, hearing officer, or panel.

§ 290.2 Party in interest.

The term "party in interest" means any person, employee, group of employees, labor organization, or bank that will be or is directly affected by the resolution of any charge, complaint, petition, application, or request presented to or being considered by the panel or its designated officers. Any (a) labor organization (not a charging party nor a charged party) attempting to organize the employees of a bank or that is or was recently a party to a collective bargaining agreement with a bank named as a party in a charge, complaint, petition, application, or a request, or (b) bank (not a charging party nor a charged party) that acts as the employer of any person named in a charge, complaint, petition, or request shall be deemed to be also a party in interest and shall be entitled to notification and service of all relevant procedures and documents.

§ 290.3 Intervenor.

The term "intervenor" means the party in a proceeding whose intervention has been permitted or directed by the panel or its designated officer.

§ 290.4 Investigator.

The term "investigator" means the officer designated by the panel to investigate and determine whether or not

a complainant has established a prima facie case, as defined in § 292.210 of this subchapter.

§ 290.5 Hearing officer.

The term "hearing officer" means the officer designated by the panel to conduct hearings pursuant to § 292.420 et seq. of this subchapter and whose duties and power are enumerated in § 292.442 of this subchapter.

PART 292—RULES AND REGULATIONS PERTAINING TO CHARGES OF UNFAIR LABOR PRACTICES

CHARGES OF VIOLATIONS OF § 269.6 (OF THE POLICY)

- Sec.
292.110 Charges.
292.111 Filing of charges.
292.112 Contents of the charge.
292.113 Withdrawal or settlement.
292.120 Answer to a charge.
292.121 Contents of answer.

PRELIMINARY INVESTIGATION

- 292.210 Referral to National Center for Dispute Settlement.
292.220 Priority; acceleration of proceedings.
292.230 Assessment of costs; posting of bond.
292.240 The investigation.

APPEAL FROM THE CENTER'S DETERMINATION

- 292.310 Appeal rights.
292.320 Proceedings before the panel.

FORMAL PROCEEDINGS

- 292.410 Notice of hearing.
292.420 Designation of hearing officer.
292.430 Contents of notice of hearing.
292.440 Conduct of hearing.
292.441 Rights of parties.
292.442 Duties and powers of the hearing officer.
292.443 Motions before or after a hearing.
292.444 Objection to conduct of hearing; other motions during hearing.
292.450 Submission of hearing officer's report to the panel.

PANEL REVIEW OF HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

- 292.510 Review by panel.
292.520 Exceptions to hearing officer's report.
292.530 Briefs in support of the hearing officer's report.
292.540 Action by the panel.

COMPLIANCE

- 292.610 Procedures.
292.620 Action by panel.

GENERAL RULES

- 292.710 Rules to be liberally construed.
292.720 Computation of time for filing papers.
292.730 Number of copies; form.
292.731 Signature.
292.740 Service of pleading and other paper; statement of service.
292.750 Requests for appearance of witnesses and production of documents.

AUTHORITY: The provisions of this Part 292 issued under sec. F(4) of the Policy on Unionization and Collective Bargaining for the Federal Reserve Banks, 12 CFR 269.6(d).

CHARGES OF VIOLATIONS OF § 269.6 (OF THE POLICY)

§ 292.110 Charges.

A charge that any bank or labor organization, or agents or representatives of a bank or labor organization, has engaged in or is engaging in any act prohibited under § 269.6 of the policy or has failed to take any action required by § 269.6 of the policy may be filed by any party in interest, or its representative, within 60 days after the alleged violations or within 60 days after the charging party has become or should have become aware of the alleged violation.

§ 292.111 Filing of charges.

Any charge pursuant to § 292.110 shall be in writing and signed. An original and three copies of such charge, together with one copy for each charged party named, shall be transmitted to the Secretary of the Federal Reserve System Labor Relations Panel, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. Within 5 days after receipt of a properly filed charge that meets the formal requirements set forth in § 292.112, the Secretary will cause a copy of such charge to be served on each party against whom the charge is made and upon all other potential parties in interest.

§ 292.112 Contents of the charge.

A charge shall contain the following:

(a) The full name, address, and telephone number of the person, bank, or labor organization making the charge (hereinafter referred to as the charging party) and of the person signing the charge who shall state also his relation to or his capacity with the complainant. Where discrimination is alleged, all known discriminatees shall be named;

(b) The name, address, and telephone number of the bank or labor organization against whom the charge is made (hereinafter referred to as the respondent) and of any parties in interest;

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice, including the time and place of occurrence of the particular acts, and a statement of the portion or portions of the policy alleged to have been violated. A charge shall not incorporate by reference affidavits or other documents submitted in support of the charge;

(d) A statement of the relief sought;

(e) A statement of any other remedies invoked for the redress of the alleged violations of the policy and the results, if any, of their invocation. If the issue in such charge is subject to an established grievance procedure, the complainant must irrevocably elect, prior to the completion of the first applicable step of the grievance procedure, whether he will invoke the grievance procedure or whether he will invoke the unfair labor practice procedures of the panel. A charge which is withdrawn or rejected by the panel

as defective prior to the institution of any formal proceedings by the panel shall not prejudice the filing of a grievance on the same matter, unless the parties otherwise so provide.

(f) A declaration by the person signing the charge, that its contents are true and correct to the best of his knowledge and belief, such declaration to be subject to applicable provisions of the Federal Criminal Code (18 U.S.C. 1001).

§ 292.113 Withdrawal or settlement.

A charge may be withdrawn or settlement of the matter may be reached without consent of the panel at any time. In connection with any such settlement the parties in interest shall prepare and sign a settlement agreement which shall record that the settlement is mutually satisfactory, shall stipulate any occurrences which constituted unfair labor practices and shall set forth the terms of the settlement.

§ 292.120 Answer to a charge.

The respondent shall file an answer to the charge with the Secretary of the panel within 15 days after service of the charge. Upon application and for good cause shown, the panel may extend the time within which the answer shall be filed. One copy of the answer shall be served on each party with proof of service furnished to the Secretary, and the original, which shall be signed, and four copies shall be filed with the Secretary.

§ 292.121 Contents of answer.

The answer shall contain:

(a) A specific admission or denial, and where appropriate, explanation thereof; or if the respondent is without knowledge of the allegation, he shall so state and such statement shall operate as a denial. Admissions or denials may be to all or part of an allegation but shall be responsive to the substance of the allegation;

(b) A specified, detailed statement of any affirmative defense;

(c) A clear and concise statement of the facts and matters of law relied upon constituting the grounds of defense.

Any allegation of the charge not denied in the answer may be deemed admitted and may be so found by the panel.

PRELIMINARY INVESTIGATION

§ 292.210 Referral to National Center for Dispute Settlement.

(a) Within 5 days after the answer to the charge has been or should have been filed, the panel may refer the matter, accompanied by a general or particularized request, to the National Center for Dispute Settlement of the American Arbitration Association (hereinafter referred to as the Center) to make an investigation and to determine whether the charging party has established a prima facie case.

(b) For the purposes of this part, a "prima facie case" means a case where

allegations of an unfair labor practice that have been presented give reasonable cause to believe that such practice may have occurred, but where evidentiary proceedings are necessary for determination of whether the allegations are substantiated.

(c) The Center may use its own personnel or may hire individuals on a contract basis to conduct such investigations. The panel may consolidate or sever proceedings conducted pursuant to this part.

(d) Any party may request the Center or other appointing authority to withdraw appointment of the investigator within 3 days after designation on the basis of previously demonstrated personal bias, conflict of interest, or prejudice. Such a request shall set forth in detail the matter alleged to constitute grounds for disqualification. Denial of a request by the Center or other appointing authority shall be substantiated in writing and transmitted to the requesting party, and shall be submitted to the panel together with the complete report of the investigator required in § 292.240 (b).

§ 292.220 Priority; acceleration of proceedings.

(a) A charge of "refusal to bargain" or a charge that, if sustained, would require the setting aside of an election or the conduct of a new election shall be given priority.

(b) The parties, individually or jointly, may petition the panel at any time to invoke immediately the formal hearing procedures set forth in § 292.410. They may also petition the panel to entertain the matter itself without prior investigation and/or without the formal hearing procedure set forth in § 292.410. The panel is empowered also on its own motion to so accelerate disposition of the case.

(c) Before accelerating a case the panel may utilize whatever proceedings it may deem appropriate and timely to allow parties in interest to comment on the proposed course of action.

§ 292.230 Assessment of costs; posting of bond.

(a) The panel shall normally bear the costs of an investigation conducted pursuant to § 292.210, but the panel may require that the charging party, the respondent, and/or other parties in interest or intervenors, or several of them, shall bear a portion or all of the costs thereof. With respect to each case where an investigation is directed by the panel, the charging party may, in the discretion of the panel, be required to file a cost bond, or equivalent security, of \$500, unless the panel fixes a different amount.

(b) Among the circumstances that may be the basis for payment of costs by other than the panel are cases where a clearly spurious charge has been filed or where the filing of a charge was necessary to redress the respondent's flagrant misconduct.

(c) The bond or equivalent security shall be to secure the payment of the

costs of the investigation as may be assessed by the panel. In those cases where the panel does not assess such costs, the bond posted and the cost thereof shall be reimbursed to the charging party. The panel may require also the posting of a cost bond by the respondent or other party to the proceeding, who shall be entitled to reimbursement of the cost of the bond in the event that no costs of investigation are assessed upon such party by the panel.

(d) Notification of the panel's decision that a bond shall be required shall be effected by registered mail, such notice to advise of the amount of the bond required and the period by which it shall be posted.

(e) Absent good cause shown, failure of a party to file timely such cost bond or equivalent security may be ground for dismissal or other administrative sanctions deemed appropriate by the Panel.

§ 292.240 The investigation.

(a) The purpose of the investigation is (1) to ascertain, analyze, and apply the relevant facts in order to determine whether or not formal proceedings are warranted and (2) to assist, by mediation and other appropriate means, the parties to reach a mutually satisfactory resolution of the issues as an alternative to the hearing process. In so doing, the investigator is not limited to the allegations set forth in the charge and may advise the charging party to amend his charge. In addition, he should adduce facts pertaining to the remedy as well as to the alleged violation. Investigation should also adduce facts pertaining to the jurisdiction of the panel and the timeliness of the charge. If the charge is untimely on its face, no investigation shall be required except to determine whether or not attending circumstances warrant waiving the time requirements, set forth in § 292.110. The investigator may request the appearance of parties and witnesses, may cause the production of relevant documents, and may take or cause depositions to be taken.

(b) When the investigation has been completed, the Center shall issue a written determination whether the charging party has established a prima facie case, whether the charge was timely filed, and whether the charge is within the jurisdiction of the panel, and reasons therefor. This determination shall be served upon the panel and all parties. The panel shall receive also the complete report of the investigator.

APPEAL FROM THE CENTER'S DETERMINATION

§ 292.310 Appeal rights.

Where the investigator has found that a prima facie case does not exist, a party, including an intervenor but excluding the respondent or other parties having the same interest as the respondent, within 5 days after receiving the Center's determination may petition the panel to set aside the determination and to cause formal proceedings, set forth in § 292.410, to be invoked. The panel may grant such petition only on grounds that the

Center or its agents were arbitrary, capricious, or acted contrary to law or the policy, or that the investigator's determination is clearly erroneous. The filing requirements for such a petition shall be the same as that for the filing of a charge, as set forth in § 292.111.

§ 292.320 Proceedings before the panel.

The panel shall issue its decision within 15 days after the receipt of the petition provided for in § 292.310 or by the end of that period shall announce that it will require briefs by the parties. Such announcement shall specify the requirements as to contents of the briefs, and the time for submission, which shall vary to meet the circumstances of the matter appealed. The panel, at such time, may also require oral argument or the production of evidence or may so order oral argument and/or the production of evidence after examination of the briefs. The panel shall issue its final decision within 20 days after briefs have been filed, evidence has been produced, or oral argument has been conducted.

FORMAL PROCEEDINGS

§ 292.410 Notice of hearing.

If formal proceedings are found to be needed under the above procedures, and if no satisfactory settlement has been reached within 5 days after finding that a prima facie case exists, the Secretary of the panel, unless there is cause for granting an extension of time, shall issue and cause to be served upon the parties a notice of hearing. The panel shall appoint, pursuant to § 292.420, a hearing officer to hold a hearing and issue a report to the panel containing findings of fact, conclusions of law, and recommendations including, where appropriate, remedial action to be taken and notices to be posted. The Secretary shall furnish to the hearing officer the investigator's report and all other relevant information in the panel's possession.

§ 292.420 Designation of hearing officer.

(a) The panel, absent special circumstances, shall employ the center to select the hearing officer to conduct the hearing at a site most convenient to the parties and witnesses. The individual who performed the investigation, pursuant to § 292.210, shall be barred from acting as a hearing officer on the same matter, unless all parties in interest agree to his participation. The selection of the hearing officer, to the extent practicable, shall be done with the concurrence of the parties.

(b) Any party may request the hearing officer, at any time following his designation and before the filing of his decision, to withdraw on grounds of previously demonstrated personal bias, conflict of interest, or prejudice by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the hearing officer, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and

withdraw from the proceeding. If he does not so withdraw, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his decision, and his ruling shall be subject to the same review by the panel that is given to the rest of his decision.

(c) The costs of conducting the hearing and of the hearing officer shall be borne by the panel. Witness fees and expenses shall be paid by the party at whose instance the witnesses appear.

§ 292.430 Contents of notice of hearing.

The notice of hearing shall include:

(a) A copy of the charge;
(b) A statement of the time of the hearing which shall be not less than 10 days after service of the notice of hearing, except in extraordinary circumstances. All charges involving a "refusal to bargain" allegation and all charges, if sustained, that would require the setting aside of an election, or the conducting of a new election shall be given first priority;

(c) A statement of the place and nature of hearing;

(d) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(e) A reference to the particular section of the policy and rules and regulations of this chapter involved;

(f) A copy of the determination, if any, made causing the invocation of these formal proceedings.

§ 292.440 Conduct of hearing.

(a) Hearing shall be public unless otherwise ordered by the hearing officer or the panel. An official reporter shall make the only official transcript of such proceedings.

(b) Copies of the official transcript will not be provided to the parties, but may be purchased by arrangement with the official reporter or with such costs as the panel may otherwise assess, or may be examined in the offices of the panel and/or the hearing officer subject to such conditions as the panel may prescribe.

(c) A charging party in asserting that an unfair labor practice has been committed within the meaning of the policy, shall have the burden of proving the allegations of the charge, or the amended charge, by a preponderance of the evidence.

(d) The parties shall not be bound by the technical rules of evidence, but the hearing officer may, in his discretion, exclude any evidence or offer of proof if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion.

§ 292.441 Rights of parties.

(a) Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses as may be required for a full and true disclosure of the facts, and to intro-

duce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the hearing officer. Five copies of such documentary evidence shall be submitted unless the hearing officer permits a reduced number for good cause shown.

(b) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

(c) Any party shall be entitled to file a brief to the hearing officer within 10 days after the close of the hearing, but no reply brief may be filed except upon special permission of the hearing officer. A party filing a brief must file the original and one copy with the hearing officer along with proof of service of a copy of such brief to all parties. Requests for extension of time to file briefs must be made to the hearing officer who must receive the request at least 3 days prior to the expiration of time fixed for filing of briefs and notice of the request shall be served simultaneously on all other parties, and proof of service shall be furnished. If a request for extension of time is based on the need for a copy of the transcript prior to filing a brief, such request must be made to the hearing officer before the hearing is closed and must be ruled on prior to the close of the hearing.

§ 292.442 Duties and powers of the hearing officer.

The hearing officer shall inquire fully into the facts as to whether the respondent has engaged or is engaging in an unfair labor practice as set forth in the charge or the amended charge. The hearing officer shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the panel, subject to the rules and regulations in this subchapter, to:

(a) Grant requests for attendance of witnesses and production of documents;

(b) Rule upon petitions to quash requests made pursuant to paragraph (a) of this section;

(c) Call, examine, and cross-examine parties and witnesses as may be required for a full and true disclosure of the facts and to introduce into the record documentary or other evidence;

(d) Rule upon offers of proof and receive relevant evidence;

(e) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(f) Limit lines of questioning or testimony which are repetitive, cumulative, or irrelevant;

(g) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper question;

(h) Hold such prehearing conferences as may be necessary to expedite proceedings and hold such other conferences for the settlement or simplification of the

issues by consent of the parties or upon his own motion;

(i) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the hearing officer by the panel, and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of the hearing officer's report and recommendations;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Require the parties, if necessary, to file written briefs in support of their positions;

(l) Take any other action necessary under the foregoing and authorized by the rules and regulations in this subchapter.

In the event the hearing officer designated to conduct the hearing becomes unavailable, the panel may designate another hearing officer for the purpose of further hearing or issuance of a report and recommendation on the record as made, or both.

§ 292.443 Motions before or after a hearing.

All motions (including motions for intervention), other than those made during a hearing, shall be made in writing to the Secretary of the panel, shall briefly state the relief sought, shall set forth the grounds for such motion, and shall be accompanied 3 days thereafter by proof of service on all parties. Answering statements, if any, must be served on all parties and the original thereof, together with two copies and statement of service, shall be filed with the Secretary within 5 days after service of the moving papers, unless the Secretary directs otherwise. Motions may be referred to the hearing officer whose ruling shall be made upon the record or the motion may be stayed until such time as the panel reviews the hearing officer's report and recommendations.

§ 292.444 Objection to conduct of hearing; other motions during hearing.

Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, or any other motion during the course of the hearing, including a request to allow intervention, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing and such objection shall not stay the conduct of the hearing. Automatic exceptions will be allowed to all adverse rulings and shall be considered by the panel upon its review of the hearing officer's report and recommendations, if exception to the ruling is included in a statement of exceptions submitted to the panel after the close of the hearing, subject to the requirements of § 292.520.

§ 292.450 Submission of hearing officer's report to the panel.

After the close of the hearing, and the receipt of briefs, if any, the hearing officer shall prepare a report and recommendations, containing findings of fact, conclusions of law, including judgments as to the credibility of witnesses where appropriate, and the reasons or basis therefor, and recommendations as to the disposition of the case, and, where appropriate, including the remedial action and notices to be posted. After he has caused his report and recommendations to be served promptly on all parties to the proceeding, he shall transfer the case to the panel including his report and recommendations and the complete record. Such submission shall be made within 20 days after the close of the hearing and the receipt of briefs, if any, unless otherwise extended by the panel. The record shall include the charge, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, documentary evidence, exhibits, and any briefs or other documents submitted to the parties.

PANEL REVIEW OF HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

§ 292.510 Review by panel.

The panel shall review the report and recommendations of each hearing officer, the record of the hearing, and such other documents as enumerated in § 292.450, whether or not any party files an appeal, unless the parties file with the panel a settlement agreement within 10 days after service of the hearing officer's report upon them. In the course of such review, the panel may require oral argument or written briefs on any relevant issue within such time limits as the panel may prescribe, and may reopen the record in any case and receive further evidence.

§ 292.520 Exceptions to hearing officer's report.

(a) Any party may file with the panel exceptions to the hearing officer's report and recommendations, and any ruling contained therein, if made within 10 days after service of the report and recommendations. The Panel may, for good cause shown, extend the time for filing such exceptions upon written request, with copies served simultaneously on the other parties, received not later than 3 days before the date exceptions are due. Requests for oral argument will not be considered unless filed with exceptions.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived, although the panel may on its own motion rule upon any matter in the report and recommendations.

(c) Any exception which fails to comply with the following requirements may be disregarded:

(1) The exceptions shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;

(2) The exceptions shall identify the part of the hearing officer's report to which objection is made;

(3) The exceptions shall designate by precise citation of page the portions of the record relied on, shall state the grounds for the exceptions, and shall include the citation of authorities unless set forth in a supporting brief.

(d) Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions and shall contain in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued;

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(e) Answering briefs to the exceptions, and cross-exceptions and supporting briefs will not be permitted without special leave of the panel. Requests for oral argument will not be considered unless accompanying such petition for special leave.

(f) Five copies of exceptions and briefs must be filed with the panel along with a statement of service of copies of the exceptions and supporting briefs upon all parties.

§ 292.530 Briefs in support of the hearing officer's report.

Any party may file a brief in support of the hearing officer's report and recommendations subject to the same time limits and rules pertaining to filing exceptions and briefs in support thereof, as set forth in § 292.520.

§ 292.540 Action by the panel.

After considering the hearing officer's report and recommendations, the record, any other documents, any exceptions filed, and any oral argument permitted, the panel shall issue its written decision. Upon finding that the respondent is engaging in or has engaged in an unfair labor practice, the panel shall order the respondent to cease and desist from such conduct and may require the respondent to take such affirmative corrective action as the panel deems appropriate to effectuate the Policy. Such action by the panel may include, but shall not be limited to, orders to provide back pay, provide reinstatement, set aside an election, bargain, and award recognition. Upon finding no violation of the policy, the panel shall dismiss the case. The panel's decision and order setting forth the remedial action, if any, required shall be conspicuously posted by the parties.

COMPLIANCE

§ 292.610 Procedures.

Where remedial action is ordered or provided for in a settlement agreement, a report to the panel that such action has been taken and that compliance with

the decision and orders of the panel has been effected shall be submitted within the period of time specified in the panel's decision. The panel is empowered to utilize whatever administrative procedures it deems necessary to ascertain compliance.

§ 292.620 Action by Panel.

In any case where it is found, after a hearing, that the respondent has failed to comply with the final decision and order of the panel, the panel shall be empowered to take whatever action may be appropriate and shall expect the full cooperation of the Board of Governors of the Federal Reserve System in obtaining such compliance. Among the actions that may be taken by the panel against a non-complying respondent labor organization, after a show cause hearing, may be suspension of that labor organization's checkoff privileges or recognition as exclusive bargaining representative for such period of time as determined by the panel.

GENERAL RULES

§ 292.710 Rules to be liberally construed.

(a) Whenever the panel finds that unusual circumstances or good cause exist and that strict compliance with the terms of the rules and regulations in this subchapter will work an injustice or unfairness, it shall construe the rules and regulations in this subchapter liberally to prevent injustices and to effectuate the purposes of the policy.

(b) When an act is required or allowed to be done at or within a specified time, the panel may at any time, in its discretion, order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the policy.

§ 292.720 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by the panel, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or the applicable local legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed, or allowed, is seven days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computations. When the rules and regulations in this subchapter require the filing of any paper, such document must be received by the panel or the officer or agent designated by it to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of the time that may have been granted.

§ 292.730 Number of copies; form.

Except as otherwise provided in the regulations in this subchapter, any documents or papers shall be filed with four copies in addition to the original. All

matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

§ 292.731 Signature.

The original of each document filed shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party and shall contain the address and telephone number of the person signing it.

§ 292.740 Service of pleading and other paper; statement of service.

(a) *Method of service.* Notices of hearings, decisions, orders, and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* Unless otherwise provided in the rules and regulations in this subchapter, all papers except complaints, petitions, and papers relating to requests for appearance or production of documents, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the panel, or its designated officers or agents, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Proof of service.* The party or person serving the papers or process shall submit simultaneously to the panel or its designated representative, or the individual conducting the proceeding, a written statement of such service. Failure to file a statement of service shall not affect the validity of the service. Proof of service, except where otherwise provided, shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 292.750 Requests for appearance of witnesses and production of documents.

Parties may request appearance of witnesses and production of documents by filing application therefor, depending upon the stage of the proceedings at which the request is made, with the officer conducting the investigation or hearing, or with the panel. Such application shall name and identify the witnesses or documents sought and shall briefly state the need for such appearance or production. The officer with whom such request is filed shall rule upon each such request and the record of the proceeding shall contain a record of that ruling and the basis therefor. The record shall also contain a statement of reasons for any request for the appearance of witnesses or production of documents initiated by a presiding officer.

Effective date. These rules and regulations shall take effect immediately.

[F.R. Doc. 70-7113; Filed, June 9, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-9-AD; Amdt. 39-1004]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Corp. Model 340 and 440 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring repetitive inspections and rework or replacement of the main landing gear axle on General Dynamics Model 340 and 440 airplanes was published in 35 F.R. 4708.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments were received. One comment pointed out that the MLG piston axle assembly part number called out in the NPRM was incorrect. This was a typographical error and has been corrected.

Another comment suggested that a magnetic particle inspection procedure be allowed as an alternate to the dye penetrant inspection procedure specified in the NPRM. The FAA agrees; the procedure has been included in the final amendment.

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

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

Compliance required as indicated.

To detect cracks and prevent failure of the main landing gear axle:

Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 850 hours' time in service, visually inspect MLG Piston/Axle Assemblies P/N 528039 with 10,000 or more hours' time in service for crack indications in the fillet radius area between the axle and the outboard face of both brake attachment flanges, by dye penetrant inspection procedures, in accordance with Part I of General Dynamics 640(340D) Service Bulletin No. 32-3, dated October 31, 1969, or later FAA-approved revision, or by magnetic particle inspection procedure, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) If no cracks are found, repeat the inspection specified above at intervals not to exceed 1,000 hours' time in service from the last inspection. This 1,000-hour inspection interval may be discontinued when the area identified above has been reworked in accordance with paragraphs C, D, and E of Part II of S.B. 32-3, dated October 31, 1969, or later FAA-approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region. Subsequent to the accumulation of 2,000 hours'

time in service after this rework, and prior to 2,500 hours' time in service after rework, perform an inspection for cracks as described above. If no cracks are found as a result of this inspection, further inspections are not required by this AD. If cracks are found, accomplish (b), below.

(b) If cracks are found as a result of any of the inspections outlined above, accomplish the following before further flight:

(1) Rework the cracked area in accordance with all of the provisions of Part II of S.B. 32-3, dated October 31, 1969, or later FAA-approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region, provided axle wall thickness remaining after rework is a minimum of 0.30 inches. After rework, repeat the inspection procedure specified above at intervals not to exceed 2,500 hours' time in service from the last inspection.

(2) If cracks are found which require removal of material that would leave a minimum axle wall thickness of less than 0.30 inches, the axle must be replaced.

NOTE: The holder of STC SA4-1100, Allison Division of General Motors Corp., has determined that Part II of General Dynamics Service Bulletin 32-3 is applicable to all aircraft modified in accordance with STC SA4-1100.

This amendment becomes effective June 12, 1970.

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

Issued in Los Angeles, Calif., on June 1, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-7183; Filed, June 9, 1970; 8:48 a.m.]

[Airworthiness Docket No. 70-WE-10-AD; Amdt. 39-1003]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics 340 and 440 Aircraft

There have been cracks in the MLG trunnion fitting on General Dynamics 340 and 440 airplanes that could result in failure of the MLG support structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of the trunnion fitting and stop drilling and replacement if cracked, in accordance with General Dynamics 640(340D) Service Bulletin 57-4, dated May 25, 1970, or later FAA-approved revision or an equivalent FAA-approved inspection and rework procedure.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation

Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to General Dynamics 340 and 440 airplanes including those modified to turbopropeller power.

Compliance required as indicated.

To detect cracks and prevent failure of the MLG trunnion fitting P/N 340-8510109, accomplish the following:

Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service, visually inspect MLG trunnion fittings P/N 340-8510109 for crack indications in the outboard fitting face and inboard boss area, primarily in the upper area of the fitting above the boss radius, by dye penetrant inspection procedures, in accordance with General Dynamics 640(340D) Service Bulletin No. 57-4, dated May 25, 1970, or later FAA approved revision or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) If no cracks are found, repeat the above inspection procedure at inspection intervals not to exceed 500 hours' time in service from the last inspection.

(b) If cracks are found as a result of the above inspections, accomplish one of the following before further flight:

(1) If trunnion fitting cracking exceeds 2 inches or if a crack is found in the trunnion boss face, the fitting must be replaced.

(2) If cracking is in excess of 1 inch in length but less than 2 inches in length, either replace the fitting or stop-drill using a 0.25-inch drill and reinspect daily for crack growth until the fitting can be replaced.

(3) If cracking is 1 inch in length or less, either replace the fitting or stop-drill using a 0.25-inch drill and reinspect for crack growth at intervals not to exceed 50 hours' time in service.

NOTE: Where insufficient clearance precludes the use of a 0.25-inch drill, it is permissible to use a 0.1875-inch drill.

(c) Replace stop-drilled fittings within 500 hours' time in service from the initial stop-drilling.

(d) Any crack progressing beyond a stop-drilled hole may be stop-drilled again if the total crack length is less than 2 inches. This fitting must be replaced if a crack progresses to 2 inches or more in length.

This amendment becomes effective June 11, 1970.

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

Issued in Los Angeles, Calif., on June 1, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-7184; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-29]

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

Revocation and Designation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the South Bangor, Maine, low altitude reporting point and designate the Amzie, Maine, reporting point.

The South Bangor reporting point is designated as the intersection of the Bangor low frequency RBN 153° bearing and centerline of Control 1143. The Bangor RBN will be decommissioned in the near future which will result in the elimination of this reporting point. A need exists for a compulsory reporting point on Control 1143 in the vicinity of the boundary of the Boston and Moncton Air Route Traffic Control Centers. Action is taken herein to revoke the South Bangor reporting point and designate the intersection of the Bangor VORTAC 146°T (165°M) radial and the centerline of Control 1143 as a compulsory reporting point. This reporting point will be known as the Amzie Intersection.

Since these actions are minor in nature and neither designate nor redesignate navigable airspace, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 71.203 (35 F.R. 2292) is amended as follows:

1. The South Bangor Intersection is deleted.
2. The Amzie Intersection is added as follows:

Amzie INT: INT Bangor 146° radial and centerline of Control 1143.

(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 3, 1970.

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

[F.R. Doc. 70-7176; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-3]

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

Revocation of Federal Airway Segment

On April 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5413) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 57 segment between Falmouth, Ky., and the Moss, Ohio, Intersection.

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

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

In § 71.123 (35 F.R. 2009) V-57 is amended to read:

V-57 From Lexington, Ky., to Falmouth, Ky.

(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 3, 1970.

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

[F.R. Doc. 70-7178; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-8]

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

Revocation of Federal Airway Segment

On April 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5712) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke V-47W between Cincinnati, Ohio, and the Englewood, Ohio, Intersection.

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

Section 71.123 (35 F.R. 2009) is amended as follows: In V-47 all between the phrases "Cincinnati, Ohio;" and "Findlay, Ohio, including" is deleted and the phrase "Rosewood, Ohio;" is substituted therefor.

(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 3, 1970.

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

[F.R. Doc. 70-7179; Filed, June 9, 1970; 8:48 a.m.]

[Airspace Docket No. 70-SW-8]

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

Alteration of Federal Airway Segment

On April 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5712) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 14 south alternate segment from Oklahoma City, Okla.

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