[Docket No. 9031; Amdts. Nos. 121-64; 127-19]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Admission of Secret Service Agents to Flight Deck

The purpose of these amendments to Parts 121 and 127 of the Federal Aviation Regulations is to authorize Secret Service Agents to be admitted to, and occupy a seat on, the flight deck of an aircraft carrying any person whose protection is a responsibility of the U.S. Secret Service under the laws of the United States.

The U.S. Secret Service is given protective responsibilities for the President of the United States, the Vice President, and other specified persons (18 U.S.C. section 3056). In addition, by a Joint Resolution of the Congress, the U.S. Secret Service has been given responsibility for furnishing protection to persons determined to be major presidential or vice presidential candidates (Public Law 90-331; 90th Cong., H.J. Res. 1292). The Joint Resolution directs Federal departments and agencies to assist the Secret Service, when requested by the Director thereof, in the performance of its protective duties under the Code and the Joint Resolution.

Current §§ 121.547 (a)(3) and (b), and 127.211 (a)(3) and (b) provide a basis for the action taken herein. Those sections state that admission to the flight deck is restricted, as relevant here, to employees of the United States who deal responsibly with matters relating to safety. Therefore, these amendments add new sections to Part 121 and Part 127 to require that admittance to the flight deck be granted Secret Service Agents upon presentation of their official credentials in the same manner in which §§ 121.548 and 127.212 require that admittance be granted to air carrier inspectors.

Inasmuch as the Secret Service has requested indefinite authorization, and the FAA is directed by the Congress to assist the Secret Service upon request and has found that no adverse effects have been indicated during the 2 years this authorization has been in force pursuant to Special Federal Aviation Regulations, and in view of the fact that the current authorization expires on July 31, 1970, I find that notice and public procedure hereon are impracticable and unnecessary, and that good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Parts 121 and 127 of the Federal Aviation Regulations are amended effective July 31, 1970, as follows:

1. By adding a new section to Part 121 immediately following § 121.549, to read as follows:

§ 121.550 Secret Service Agents: admission to flight deck.

Whenever an Agent of the Secret Service who is assigned the duty of protecting a person aboard an aircraft operated by an air carrier or commercial operator considers it necessary in the performance of his duty to ride on the flight deck of the aircraft, he must, upon request and presentation of his Secret Service credentials to the pilot in command of the aircraft, be admitted to the flight deck and permitted to occupy an observer seat thereon.

2. By adding a new section to Part 127 immediately following § 127.213, to read as follows:

§ 127.214 Secret Service Agents: admission to pilot's compartment.

Whenever an Agent of the Secret Service who is assigned the duty of protecting a person aboard a helicopter operated by an air carrier considers it necessary in the performance of his duty to ride in the pilot's compartment of the helicopter, he shall upon request and presentation of his Secret Service credentials to the pilot in command of the aircraft, be admitted to the pilot's compartment.

(Secs. 313, 601, Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); Public Law 90-331, 90th Cong., H.J. Res. 1292, June 6, 1968)

Issued in Washington, D.C., on July 21, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-9686; Filed, July 27, 1970; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Public Records and Confidential Information

The Commission announces the following revisions in Part 4 of Chapter I of Title 16 of the Code of Federal Regulations. These revisions shall become effective on the date of their publication in the FEDERAL REGISTER.

1. In § 4.9, paragraph (e)(2) is amended to read as follows:

§ 4.9 Public records.

* * * * *

(e) * * *

(2) A current record of the final votes of each member of the Commission upon every final action in every agency proceeding;

* * * * *

2. In § 4.10, new paragraph (a)(8) is added as follows:

§ 4.10 Confidential information.

(a) * * *

(8) Votes of members of the Commission upon issuance of complaints or in connection with the initiation of agency proceedings.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: July 20, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-9714; Filed, July 27, 1970; 8:51 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-165]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Cancellation of Claims for Liquidated Damages

Section 8.59(j) provides for the cancellation under certain conditions of liquidated damages assessed for failure to file a timely entry for merchandise (other than quota merchandise) released under a special permit. Upon application of the importer, the district director is presently authorized to cancel such liquidated damages upon the payment of $25.

The sum of $25 no longer constitutes a sufficient deterrent to prevent delays in the filing of entries in many cases, and there are cases in which greater relief is warranted.

Accordingly, § 8.59(j) is amended to read as follows:

§ 8.59 Applications; entry; procedure.

* * * * *

(j) When liquidated damages have been assessed for failure to file a timely entry for merchandise not subject to a quota which has been released under a special permit and the importer files an application for relief, the district director may, if he is satisfied that the delay was not deliberate, cancel such liquidated damages upon the payment of an appropriate sum which shall not exceed 10 percent of the duty assessed. In determining the appropriate amount the district director shall take into consideration the circumstances causing the delay, the extent of the lateness and the amount of duty involved, and the importer's past record with respect to the timeliness of filing entries. In general, the district director shall not cancel a claim for liquidated damages upon payment of an amount in the lower range of his discretion, if the entry is late by more thar. 3 working days. If collection of an amount greater than that provided by this paragraph appears warranted, the

case shall be forwarded to the Bureau for disposition. The district director may refuse the privilege of immediate delivery under paragraph (a) of this section to any person who repeatedly files entries untimely.

* * * * *

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1623, 1624)

The amendment to § 8.59(j) shall be effective as to claims for liquidated damages arising 30 days after the date of publication of this decision in the FEDERAL REGISTER.

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

Approved: July 16, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-9692; Filed, July 27, 1970; 8:49 a.m.]

[T.D. 70-167]

PART 153—ANTIDUMPING

Discontinuance of Antidumping Investigations

JULY 21, 1970.

Notice is hereby given that because of the intervening redesignation of Part 53, Customs Regulations (19 CFR Part 53), as Part 153 (19 CFR Part 153) by T.D. 70-134 (35 F.R. 9251, et seq.), effective June 13, 1970, the amendment of § 53.15(b), Customs Regulations (19 CFR 53.15(b)), published as T.D. 70-127 (35 F.R. 8275) on May 27, 1970, to be effective 30 days after date of publication, is applicable to § 153.15(b), Customs Regulations (19 CFR 153.15(b)), from and after June 26, 1970.

[SEAL] ROBERT V. MCINTYRE
Acting Commissioner of Customs.

[F.R. Doc. 70-9693; Filed, July 27, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHYLENE OXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in food additive petition No. 9H2398 filed by Food and Drug Research Labs., Inc., Maspeth, N.Y. 11378, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of ethylene oxide as a fumigant for the control of micro-organisms and insect infestation in ground spices and other processed natural seasoning materials, except mixtures with added salt. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1232 Ethylene oxide.

Ethylene oxide may be safely used as a fumigant for the control of micro-organisms and insect infestation in ground spices and other processed natural seasoning materials, except mixtures to which salt has been added, in accordance with the following prescribed conditions:

(a) Ethylene oxide, either alone or admixed with carbon dioxide, shall be used in amounts not to exceed that required to accomplish the intended technical effects.

(b) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture and it shall be used in accordance with such label or labeling.

(c) Residues of ethylene oxide in ground spices from both postharvest application to the raw agricultural commodity whole spices and application to the ground spices shall not exceed the established tolerance of 50 parts per million for residues in whole spices in § 120.151 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publaction in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 15, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9679; Filed, July 27, 1970; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BROMINATED VEGETABLE OIL

After removal of brominated vegetable oil from the list of substances generally recognized as safe (21 CFR 121.101(g)) by an order published in the FEDERAL REGISTER of January 27, 1970 (35 F.R. 1049), a petition (FAP 0A2532) was filed by the Flavor Extract Manufacturers' Association of the United States, 1001 Connecticut Avenue NW., Washington, D.C. 20036, proposing the issuance of a food additive regulation to provide for the safe use of brominated vegetable oil as a stabilizer in citrus and other fruit-flavored beverages for which standards of identity do not preclude such use.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that a food additive regulation should issue to provide for the interim use of brominated vegetable oil as a stabilizer in flavoring oils used in fruit-flavored beverages at a level not in excess of 15 parts per million pending the outcome of additional studies. Interim reports on the studies should be submitted at 6-month intervals and final results submitted to the Food and Drug Administration not later than December 1, 1973.

The Commissioner concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1234 Brominated vegetable oil.

The food additive brominated vegetable oil may be safely used in accordance with the following prescribed conditions:

(a) The additive complies with specifications prescribed in Food Chemicals Codex, First Edition, except that free fatty acids (as oleic) shall not exceed 2.5 percent and iodine value shall not exceed 16.

(b) The additive is used on an interim basis as a stabilizer for flavoring oils used in fruit-flavored beverages, for which any applicable standards of identity do not preclude such use, in an amount not to exceed 15 parts per million in the finished beverage, pending the outcome of additional toxicological studies on which periodic reports at 6-month intervals are to be furnished and final results submitted to the Food and Drug Administration not later than December 1, 1973.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported

by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 20, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9678; Filed, July 27, 1970; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Thiabendazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (35-631V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing the safe and effective use of thiabendazole paste for the oral treatment of baby pigs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.7 as follows:

1. Paragraph (c) is revised and paragraph (d) is amended by designating the existing text following "(d) *Conditions of use.*" As subparagraph (1) and by adding a new subparagraph (2) to read as follows:

§ 135c.7 Thiabendazole.

* * * * *

(c) *Sponsor.* (1) Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199, as provided in paragraph (d)(1) of this section.

(2) Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, as provided in paragraph (d)(2) of this section.

(d) * * *

(2) It is used in baby pigs (1 to 8 weeks of age) as an oral paste administered at the rate of 200 milligrams of thiabendazole for each 5 to 7 pounds of body weight per dose. Treatment may be repeated in 5 to 7 days if necessary. It is used in the control of infections with *Strongyloides ransomi.*

NOTE: These infections are commonly found in the Southeastern United States. Before treatment, obtain an accurate diagnosis from a veterinarian or diagnostic laboratory. Do not treat within 30 days of slaughter.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 17, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-9680; Filed, July 27, 1970; 8:47 a.m.]