

§ 503.5 Issuance of initial permits.

(a) The Panel will issue initial permits for equipment based upon applications which are timely filed and complete in all material respects in accordance with §§ 503.3 and 503.4.

(b) In order to qualify for the issuance of a permit the operator must show in his application:

(1) That the mine has never been classified as gassy under any provision of Federal or State law and that it is below the watertable;

(2) That the item of electric face equipment for which a permit is sought was, at the time of the application and on March 30, 1970, nonpermissible and being used by the operator in connection with mining operations in the coal mine to which the application pertains;

(3) That the electric rating of such equipment exceeds 2,250 watts (3 horsepower) or that such equipment is rock dusting equipment; and

(4) That steps have been taken to achieve compliance with the provisions of section 305(a) (1) (D) of the Act since March 30, 1970, and that the operator has adopted an adequate plan including a schedule for achieving compliance by replacement of such nonpermissible equipment with permissible equipment or by conversion of such nonpermissible equipment to permissible status.

(c) Each initial permit will be issued for the period specified by the Panel, but in no case for more than 1 year. Each permit will specify the individual item of equipment which the operator will be entitled to use in a nonpermissible status.

(d) The permit and one copy will be mailed to the operator at the address specified in the application. A copy of the permit shall immediately be posted on the bulletin board of the affected mine by the operator or his agent.

(e) The Panel shall immediately mail a copy of any permit granted under this section to a representative of the miners of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

§ 503.6 Applications for renewal permits.

(a) To be considered by the Panel, every application for a renewal permit must:

(1) Be filed with the Panel not more than 90 days nor less than 30 days prior to the expiration date of a permit or renewal;

(2) Be submitted on the forms and in the manner prescribed in §§ 503.3 and 503.4, specifically setting forth new plans, if any, and the actions which have been taken to achieve compliance since the date of filing the previous application for this item of equipment; and

(3) Certify that the item of equipment has not received a major overhaul on or after March 30, 1971, or if it has, the operator shall furnish a copy of a written opinion by the Secretary of the Interior or his authorized representative stating that such equipment or replacement

parts were not available at the time of such major overhaul to convert the item to permissible status.

(b) When an application for a renewal of a permit for noncompliance is received, the Panel shall cause to be published in the FEDERAL REGISTER a notice giving any interested person an opportunity to file with the Panel a request for a public hearing.

(c) On or before the 15th day after publication of notice in the FEDERAL REGISTER that an application for renewal has been received, any interested person may file pursuant to the provisions of § 503.9 a request for a public hearing.

(d) After public hearing, or if no hearing has been requested pursuant to paragraph (c) of this section, the Panel shall make a determination on the merits of the application for a renewal permit.

§ 503.7 Issuance of renewal permits.

(a) The Panel may renew a permit when an application for renewal has been timely filed and is complete in all material respects in accordance with § 503.6.

(b) In order to qualify for the issuance of a renewal permit, an operator must provide information in his application which will enable the Panel to determine that despite diligent efforts he will be unable to comply with the provisions of section 305(a) (1) (D) of the Act on or before the expiration date of his existing permit. The operator must also show in his application that steps have been taken to achieve compliance since the date of filing the previous application for this item of equipment and that he has an adequate plan which includes a schedule for achieving compliance by replacement of such nonpermissible equipment with permissible equipment or by conversion of such nonpermissible equipment to permissible status.

(c) Each renewal permit will be issued for the period specified by the Panel, but in no case for a period longer than 1 year. The period of noncompliance authorized by permit shall not extend beyond December 30, 1973. Each permit will specify the individual item of equipment which the operator will be entitled to use in a nonpermissible status.

(d) The permit and one copy will be mailed to the operator at the address specified in the application. A copy of the renewal permit shall immediately be posted on the bulletin board of the affected mine by the operator or his agent.

(e) The Panel shall immediately mail a copy of any renewal permit granted under this section to a representative of the miners of the mine to which it pertains and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

§ 503.8 Requests for hearing.

Hearings pursuant to the Practice and Procedure for Hearings regulation of the Interim Compliance Panel (Part 505 of this chapter (35 F.R. 11296, July 15, 1970)) will be granted:

(a) To any person interested in an application including the operator or a representative of the miners of an affected mine aggrieved by the Panel's decision on an application for an initial permit where sufficient request for hearing meeting the requirements of § 503.9 is filed within 15 days after the date of the mailing of the initial permit by the Panel;

(b) To any person interested in an application for a renewal permit including the operator or a representative of the miners of an affected mine who files a sufficient request meeting the requirements of § 503.9 within 15 days after a notice of opportunity for public hearing is published in the FEDERAL REGISTER pursuant to § 503.6 (b) and (c); and

(c) To an operator who files a sufficient request for hearing in those instances where no hearing has been held pursuant to paragraph (b) of this section. This request must meet the requirements of § 503.9 and be filed within 15 days after the date of mailing by the Panel of its decision on the application for a renewal permit.

§ 503.9 Filing of requests for hearing—contents.

(a) Requests for public hearings shall be filed in triplicate with the Panel. If such a request is made by a person other than the operator, the person making the request shall serve a copy of the request upon the operator.

(b) Requests for hearings shall be in writing, signed by the person making the request and shall:

(1) State the interest in the application or in the decision of the Panel, of the person making the request;

(2) State whether the person making the request seeks the issuance, denial, or modification of the permit; and

(3) Allege specific facts which are claimed to raise a substantial issue, and which if established at the hearing, would result in the issuance, denial, or modification of the permit.

Dated: November 25, 1970.

DANIEL N. LONGAKER,
Acting Chairman,
Interim Compliance Panel.

[F.R. Doc. 70-15059; Filed, Nov. 30, 1970;
8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-04; Amdt. 171-8]

PART 171—GENERAL INFORMATION AND REGULATIONS

Special Permits; Standard Requirements and Conditions

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to codify the standard requirements that

appear in special permits issued by the Board under § 170.13.

49 CFR Part 171 is amended as follows:

(A) In the table of contents § 171.6 is added to read as follows:

Sec.
171.6 Special permits; standard requirements and conditions.

(B) Section 171.6 is added to read as follows:

§ 171.6 Special permits; standard requirements and conditions.

(a) Each holder of a special permit shall comply with all requirements of Parts 170-189 of this chapter except as specifically provided by the terms of the special permit.

(b) Unless otherwise specified in the special permit, each shipment made under special permit shall comply with the following:

(1) The outside of each package must be plainly and durably marked "DOT SP" followed by the number assigned. On portable tanks, cargo tanks, and tank cars, such markings must be in letters at least 2 inches high on a contrasting background.

(2) Each shipping paper issued in connection with any shipment made under a special permit shall bear the notation "DOT Special Permit No." and the number assigned, following the entries required by § 173.427 of this chapter.

(3) Each holder of a special permit shall furnish a summary of experience to the Hazardous Materials Regulations Board before the date of expiration of the permit and when any amendment to the special permit is requested. The holder shall include in the summary the approximate number of packages shipped, and the number of packages involved in any loss of contents, including loss by venting when transporting a compressed or cold temperature gas.

(4) Whenever a permit issued to a shipper contains special carrier requirements, the shipper shall furnish a copy of the permit to the carrier.

(c) Each permit is subject to suspension or revocation by the Hazardous Materials Regulations Board before its expiration date.

This amendment imposes no added burden on any person. It removes the necessity to repeat standard requirements in all permits, as has been done up to this time. Therefore, public notice and procedure thereon is unnecessary and therefore the amendment may become effective in less than 30 days. This becomes effective upon publication in the FEDERAL REGISTER.

(Secs. 831-835, title 18, U.S.C.; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on November 24, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[F.R. Doc. 70-16043; Filed, Nov. 30, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL: MILITARY AND CIVILIAN

PART 67—IDENTIFICATION CARDS FOR ISSUE TO THE MEMBERS OF THE ARMED FORCES OF THE U.S.

PART 68—UNIFORMED SERVICES IDENTIFICATION AND PRIVILEGE CARD

PART 88—RECOUPMENT OF REENLISTMENT BONUS (MILITARY)

SUBCHAPTER M—MISCELLANEOUS

PART 269—IMPLEMENTATION OF THE PRESIDENT'S STANDARDS OF CONDUCT FOR EMPLOYEE ORGANIZATIONS AND CODE OF FAIR LABOR PRACTICES

PART 274—VOLUNTARY ALLOTMENTS FOR PAYMENT OF DUES TO EMPLOYEE ORGANIZATIONS

Codification of the following parts has been discontinued, effective immediately: Parts 67, 68, 88, 269, 274.

Maurice W. Roche,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70-16041; Filed, Nov. 30, 1970; 8:45 a.m.]

PART 244—HONORARY AWARDS TO PRIVATE CITIZENS AND ORGANIZATIONS

The Deputy Secretary of Defense approved the following on November 16, 1970:

- Sec. 244.1 Purpose.
- 244.2 Applicability and scope.
- 244.3 Policy.
- 244.4 Department of Defense component awards.
- 244.5 Department of Defense awards.
- 244.6 Presidential awards.

AUTHORITY: The provisions of this Part 244 issued under sec. 202, 76 Stat. 517, 10 U.S.C. 103; section 301, 80 Stat. 379, 5 U.S.C. 301.

§ 244.1 Purpose.

This part establishes policies, eligibility criteria, and procedures to be observed by Department of Defense components in recognizing or recommending to the Secretary of Defense the recognition of private citizens or organizations for significant achievements which have benefited one or more Department of Defense components or the Department of Defense as a whole.

§ 244.2 Applicability and scope.

The provisions of this part apply to all components of the Department of Defense (Military Departments, Defense Agencies, and the Office of the Secretary of Defense).

§ 244.3 Policy.

(a) General. Appropriate recognition will be granted to private citizens, groups, or organizations which contribute significant assistance or support to DoD functions, services or operations for the purpose of (1) demonstrating the interest of Department of Defense management in improving efficiency and effectiveness, and (2) encouraging citizens and organizations in their efforts to assist in the accomplishment of Department of Defense missions.

(b) Eligibility. (1) Any person, group, or organization, except those described in subparagraph (2) of this paragraph, may be considered for recognition under the provisions of this part on the basis of a significant contribution to the Department of Defense performed as a public service. Such contributions may consist of exemplary service in an advisory capacity to a Department of Defense committee, program, or project; direct assistance to a Department of Defense component through actions or useful ideas which are beneficial in eliminating or minimizing problems or otherwise contributing to mission accomplishment; assistance through the cooperative use of facilities, equipment, or manpower; courageous or heroic actions in support of a Department of Defense activity or mission; or other actions resulting in significant benefits to the Department.

(2) The following are ineligible for recognition under this part:

(i) Military and civilian personnel of the Department of Defense who are eligible for recognition in accordance with DoD Directive 5120.16, "Department of Defense Incentive Awards Program: Policies and Standards," June 28, 1969, and applicable Department of Defense and Military Department regulations on awards and decorations.

(ii) Persons or organizations having a commercial or profit-making relationship with the Department of Defense or a Department of Defense component.

* Filed as part of original. Single copies of this issuance may be obtained by writing the Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.