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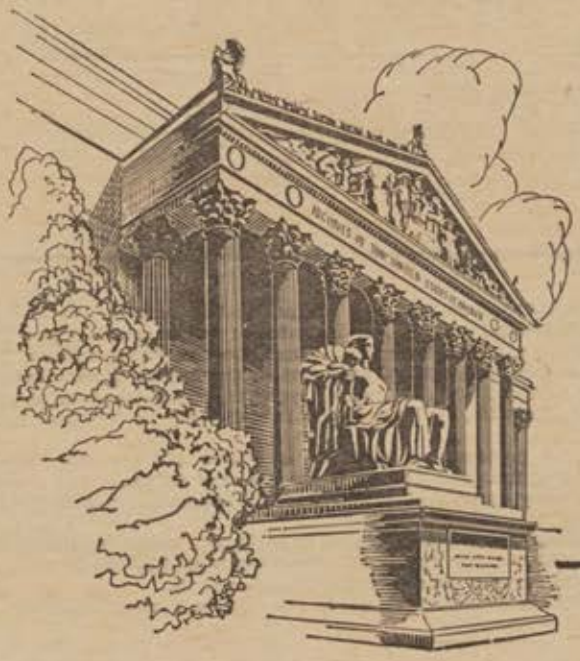

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Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 6987]

PART 201—DISTILLED SPIRITS PLANTS

Filtering and Stabilizing and Vodka

In order to (1) liberalize provisions for permissible treatment of distilled spirits; and (2) modify the provisions relating to the tax exempt production of vodka on bottling premises, to conform to provisions of 27 CFR Part 5 as amended by Treasury Decision 6973, the regulations in 26 CFR Part 201, Distilled Spirits Plants, are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 201.-324 is amended to modify the limitations on the treatment of distilled spirits. As amended, paragraph (b) of § 201.324 reads as follows:

§ 201.324 Filtering and stabilizing.

* * * * *

(b) Effect minor changes in the spirits solely by filtration, chill proofing, or other physical treatments (which do not involve the addition of any substance which will remain incorporated in the finished product) as may be necessary or desirable to produce a stable product, provided that such treatment does not result in a product which does not possess the taste, aroma, and characteristics generally attributed to that class or type of distilled spirits, and, in the case of straight whisky, does not result in the removal of more than 15 percent of the fixed acids, or volatile acids, or esters, or soluble solids, or higher alcohols, or more than 25 percent of the soluble color.

* * * * *

PAR. 2. Section 201.442 is amended to modify the conditions for the production and treatment of vodka exempt from the rectification tax. As amended, § 201.442 reads as follows:

§ 201.442 Vodka.

Vodka produced from pure spirits on bottling premises is exempt from the rectification tax (as provided in § 201.-29(e)) only if so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste, or color, and not reduced to less than 80 degrees of proof. Vodka is not exempt from the rectification tax (a) if it is mixed after production with other spirits or with any other substance or material except pure water, or (b) if any substance or material which imparts to the product any distinctive character, aroma, taste, or color is added to the spirits before or during production. The vodka shall be gauged by the proprietor and shall then be drawn into metal, porcelain, glass, or paraffin-lined containers, bottled, or transferred by pipeline or bulk conveyance to other bottling premises as provided in § 201.465. Vodka exempt from the rectification tax may be filtered to remove materials held in suspension, but the use of filters or filter aids or the use of any process which changes the composition or character of the vodka will subject the product to the rectification tax.

(72 Stat. 1328; 26 U.S.C. 5025)

Because this Treasury decision merely amends 26 CFR Part 201 to conform to related requirements in 27 CFR Part 5 as amended by Treasury Decision 6973, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code. This Treasury decision shall become effective on December 1, 1968, the effective date of the related amendments contained in Treasury Decision 6973.

(Sec. 7805, Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: January 6, 1969.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-329; Filed, Jan. 9, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8564; Amdt. 21-24]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Designation of Applicable Regulations for Type Certificates

The purpose of these amendments to Part 21 of the Federal Aviation Regulations is to clarify the provisions regarding the designation of applicable regulations for the issuance of type certificates (TCs).

These amendments are based on a notice of proposed rule making (32 F.R. 17455, Dec. 6, 1967), circulated as Notice No. 67-52, dated November 29, 1967. Numerous comments were received in response to the notice. The FAA's disposition of these comments are set forth hereinafter.

One of the comments received stated that the substantive effect of removing the parenthetical exclusion for restricted category, import and surplus military aircraft from § 21.17(a) is unclear and requested that this proposal be withdrawn. As pointed out in the preamble to Notice 67-52, the removal of the parenthetical statement from § 21.17(a) will have no substantive effect on the type certification of the aircraft mentioned in that statement. The parenthetical exclusion merely emphasizes the fact that there are other provisions in the regulations for restricted category, import, and surplus military, aircraft which contain specific requirements concerning the airworthiness standards applicable to such aircraft. This emphasis is unnecessary, however, since § 21.17(a) already excepts an applicant for a type certificate from meeting the applicable airworthiness requirements effective on the date of application in those cases where the Administrator has specified otherwise by regulation. In this connection, specific requirements concerning the airworthiness standards applicable to restricted category, import and surplus military aircraft are set forth in §§ 21.25, 21.29, and 21.27, respectively. Moreover, in addition to being unnecessary, the parenthetical exclusion of restricted category, import, and surplus military aircraft has also created some confusion as to the applicability of paragraphs (b) and (c) of § 21.17 to such aircraft. Therefore, the FAA considers it appropriate to amend the regulation as proposed and delete the parenthetical statement presently contained in § 21.17(a).

Another comment urged that the 5-year limitation for certification of transport category aircraft be applied to nontransport aircraft as well. The commentator points out that some of the small aircraft of today are more complex than the transports of earlier years and more complex than some current large aircraft. While this is true, the majority of the small aircraft being built today are less complex than the aircraft being ceritficated in the transport category. Experience with the 3-year limitation indicates that it is satisfactory as a rule of general applicability for small aircraft. On the other hand, the FAA considers that it has adequately covered the very complex small aircraft by providing for the approval of a longer type certification period upon a showing that additional time is needed.

Under the current regulations, applications for type certificates are effective for 3 or 5 years, depending upon the category of aircraft involved. In Notice 67-52, it was proposed to amend § 21.17 (b) to permit longer periods if the applicant shows at the time of application that his product requires a longer period of time for design, development and testing. One of the comments objected to this proposal, stating that a period longer than the present 3 or 5 years should not be granted. The commentator stated that if a manufacturer needs extensions of the time to complete certification, such extensions should stipulate that all possible interim airworthiness requirements would be required for final certification. The FAA does not agree with this com-

ment since it would, in effect, require the applicant for a type certificate to show compliance with the airworthiness requirements in effect on the date of issue of the type certificate. Such a requirement would be impractical. The FAA recognizes that a manufacturer must freeze his design at some point in order to establish and maintain production. It is unrealistic to expect a manufacturer to continuously incorporate the changes in its type design dictated by all amendments to the regulations that occur up to the date of certification. In those cases where safety requires that a technological advance be incorporated into an aircraft design prior to certification, the FAA has taken, and will in the future take, appropriate regulatory action to assure that this is done. However, for the purpose of the initial designation of the regulations applicable to the certification of a product, the FAA has determined that for some of the new complex aircraft and the ultralarge aircraft it may not be possible to complete certification within the prescribed 3- or 5-year periods. For this reason, the manufacturers must be given the opportunity to establish a realistic certification period on the basis of the complexity and size of the aircraft.

It was also recommended that proposed § 21.17(b) be changed to permit the applicant for a type certificate to show at any time prior to the expiration of the effective periods presently specified in the regulations, as well as at the time of application, that a longer type certification period is required. Proposed § 21.17(b) is premised on the consideration that an applicant for a type certificate will have established a firm program for the design, development, and testing of his product at the time of application and will, therefore, know at that time whether a longer certification period will be necessary. This is consistent with the current regulations which, because of the established 3- and 5-year effective periods make it necessary that a manufacturer have an established program for the design, development, and testing of his product at the time of application. If, under the current regulations, unforeseen circumstances arise after the date of application that necessitate a longer period for certification, the manufacturer is required to comply with later regulations. There is no intent to change this concept by this proposal. Therefore, the proposed regulation has not been changed as recommended. However, it should be noted that to some extent the change recommended by this comment is already reflected in the proposed regulation. In this connection, this amendment permits an applicant for a type certificate to file for an extension of his application within the period originally established for type certification and to show compliance with regulations that have an effective date later than the requirements originally imposed, but not as late as required by the current regulations.

A final comment with respect to § 21.17 recommended that the proposal should be changed to require manufacturers to comply with the applicable portions of the operating rules in effect at the time of the type certification of a product. The substantive change involved in this recommendation is, of course, outside the scope of Notice 67–52. However, it should be pointed out that since all airworthiness requirements that are appropriate for inclusion on an aircraft during the type certification process are incorporated into the appropriate airworthiness parts of the regulations at the same time that they are added to the operating rules, an aircraft will comply with all such regulations that are in effect at the time of the application for the type certificate. A different situation exists with respect to those airworthiness requirements that are made effective subsequent to the date of application for the type certificate, but prior to the date of issuance of the type certificate. For the reasons previously set forth in this preamble, the safety regulations have not required that all airworthiness standards adopted subsequent to the date of application for a type certificate be applied to an aircraft in the process of obtaining a type certificate. The regulations have, however, always provided for such an application when specified by the Administrator and, in appropriate instances, the FAA has taken regulatory action to require that existing airworthiness requirements adopted subsequent to the date of application for a type certificate be applied to an aircraft as a condition to the issuance of that certificate. The FAA considers that this is the proper procedure for dealing with the matter of retroactive application of airworthiness regulations. Since there are airworthiness requirements that are related to specific operations and are not, therefore, properly a condition to the issuance of a type certificate for an aircraft, the application of airworthiness requirements should be determined on a case-by-case basis.

With respect to import products, the FAA also proposed to amend § 21.29(a) to provide for the type certification of an important product previously granted a foreign airworthiness approval. It was proposed to permit such certification if the country of manufacture certified that the product met the applicable airworthiness requirements of the foreign country of manufacture and any other requirements prescribed by the Administrator to provide a level of safety equivalent to that provided by the applicable U.S. regulations that were in effect at the time of the original foreign airworthiness approval. At the time that Notice 67–52 was issued, the FAA was involved in the difficult process of type certificating a few old foreign aircraft, such as the Tiger Moth, under the current § 21.29. The proposed change to § 21.29 was intended to accommodate the certification of these older foreign aircraft because of their intrinsic value as antiques. It was thought that only a few people would be interested in the type certification of foreign aircraft under the proposal. However, the proposal contained no limitations as to the size or the age of aircraft that could be certificated thereunder and it now appears that there are many large aircraft of foreign manufacture that would be available for import into the United States under this regulation. Moreover, the FAA now realizes that such aircraft could be used in air carrier and related operations. For this reason, and after further consideration, the FAA does not consider that the proposed change to § 21.29 would be in the public interest and it is withdrawn.

Interested persons have been afforded an opportunity to participate in the making of these amendments. All relevant material submitted has been fully considered.

In consideration of the foregoing, Part 21 of the Federal Aviation Regulations is amended, effective February 9, 1969, as follows:

§ 21.17 [Amended]

1. Section 21.17(a) is amended by striking out the parenthetical expression "(other than for restricted category, import, or surplus military aircraft)".

2. Section 21.17(b) is amended to read as follows:

(b) An application for type certification of a transport category aircraft is effective for 5 years and an application for any other type certificate is effective for 3 years, unless an applicant shows at the time of application that his product requires a longer period of time for design, development, and testing, and the Administrator approves a longer period.

3. Section 21.17(c) is redesignated as § 21.17(d) and a new § 21.17(c) is added to read as follows:

(c) In a case where a type certificate has not been issued, or it is clear that a type certificate will not be issued, within the time limit established under paragraph (b) of this section, the applicant may—

(1) File a new application for a type certificate and comply with all the provisions of paragraph (a) of this section applicable to an original application; or

(2) File for an extension of the original application and comply with the applicable airworthiness requirements of this subchapter that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under paragraph (b) of this section for the original application.

4. Section 21.29(a) is amended to read as follows:

§ 21.29 Issue of type certificates: import products.

(a) An applicant is entitled to a type certificate for a product manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import if—

(1) The country in which the product was manufactured certifies that the product has been examined, tested, and found to meet—

(i) The applicable airworthiness requirements of this subchapter as designated in § 21.17; or

(ii) The applicable airworthiness requirements of the country in which the product was manufactured and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in § 21.17; and

(2) The applicant has submitted the technical data respecting the product required by the Administrator.

* * * * *

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

Issued in Washington, D.C. on January 3, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-367; Filed, Jan. 9, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9336; Amdt. 95-175]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective February 6, 1969 as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to, and MEA
V/STOL routes

Andrews, Md., VOR; Int, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR 3,000.
Atlantic City, N.J., VORTAC, via ACY 344; Nesco INT, N.J.; 1,600. MAA—3,000.
Atlantic City, N.J., VOR via ACY 353; Green Bank INT, N.J.; 1,600. MAA—4,000.
Atlantic City, N.J., VORTAC; 165° M rad, Atlantic City, N.J., VORTAC; 20 NM DME from Atlantic City, N.J., VORTAC; 2,000. MAA—4,000.
Bayside INT, Va.; Int, 105° M rad, Hopewell VOR and 134° M rad, Harcum VOR; 2,000.
Braddock INT, Md; Herndon, Va., VOR; 4,000.
Dover AFB, Del., LOM via DOV 080; Leesburg INT, N.J.; 1,500. MAA—3,000.
Green Bank INT, N.J., via WRI 199; McGuire AFB, N.J., VOR; 1,700. MAA—4,000.
Herndon, Va., VOR; Burke INT, Va.; 3,000. MAA—4,000.
Int, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; Bodkin INT, Md.; 2,000.
Int, 097° M rad, Herndon VOR, and Herndon, Va., VOR; 3,000.
Int, 105° M rad, Hopewell VOR and 134° M rad, Harcum VOR; Hopewell, Va., VOR; 2,000.
Leesburg INT, N.J.; Dover AFB, Del., LOM; 1,500. MAA—3,000.
Navy Willow Grove, Pa., TACAN via NXX 191; 33 NM DME from Navy Willow Grove, Pa., TACAN; 2,000.
Navy Willow Grove, Pa., TACAN via MIV 315; Millville, N.J., VORTAC; 1,600. MAA—4,000.
Nesco, INT, N.J.; via CYN 222; Coyle, N.J., VORTAC; 1,700. MAA—3,000.
Norfolk, Va. VOR; Bayside INT, Va.; 2,000.
Patrick Henry, Va.; Int, 322° M rad, Norfolk VOR and 105° M rad, Hopewell VOR; 2,000.
Patuxent, Md., VOR; Int, 172° M rad, Patuxent VOR and 008° M rad, Norfolk VOR; 2,000.
Washington, D.C., VOR; Int, 320° M rad, Washington VOR and 097° M rad, Herndon VOR; 3,000. MAA—4,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Andrews, Md., VOR; Int, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; 3,000.
Atlantic City, N.J., VOR; White Horse INT, N.J.; 1,600.
Atlantic City, N.J., VOR; 165° M rad, Atlantic City, N.J., VORTAC; 20 NM DME from Atlantic City, N.J., VOR; 2,000. MAA—4,000.
Augusta, Ga., LOM; Johnston INT, S.C.; 2,900.
Bayside INT, Va.; Int, 105° M rad, Hopewell VOR and 134° M rad, Harcum VOR; 2,000.
Braddock INT, Md.; Herndon, Va., VOR; 4,000.
Brownwood, Tex., VOR; Mill INT, Tex.; *5,000. *3,100—MOCA.
Dover AFB, Del., LOM via Dover 080; Leesburg INT, N.J.; 1,500. MAA—3,000.
Green Bank, INT, N.J., via WRI 199; McGuire AFB, N.J., VOR; 1,700. MAA—4,000.
Herndon, Va., VOR; Burke INT, Va.; 3,000. MAA—4,000.
Int, 067° M rad, Andrews VOR and 037° M rad, Nottingham VOR; Bodkin INT, Md.; 2,000.
Int. 097° M rad, Herndon VOR and 320° M rad, Washington VOR; Herndon, Va., VOR; 3,000. MAA—4,000.
Int, 105° M rad, Hopewell VOR and 134° M rad, Harcum VOR; Hopewell, Va., VOR; 2,000.
Leesburg INT, N.J.; Dover AFB, Del., LOM; 1,500. MAA—3,000.
Navy Willow Grove, Pa., TACAN via NXX 191; 33 NM DME from Navy Willow Grove, Pa., TACAN; 2,000.
Navy Willow Grove, Pa., TACAN via MIV 315; Millville, N.J., VOR; 1,600. MAA—4,000.
Norfolk, Va., VOR; Bayside INT, Va.; 2,000.
Orlando, Fla., VOR; Maytown INT, Fla.; 2,500. MAA—24,000.
Patrick Henry, Va.; Int., 322° M rad, Norfolk VOR and 105° M rad, Hopewell VOR; 2,000.
Patuxent, Md., VOR; Int, 172° M rad, Patuxent VOR and 008° M rad, Norfolk VOR; 2,000.
Washington, D.C., VOR; Int, 320° M rad, Washington VOR and 097° M rad, Herndon VOR; 3,000. MAA—4,000.
White Horse INT, N.J.; Coyle N.J., VOR; 1,700.
White Horse INT, N.J.; Green Bank INT, N.J.; 1,600.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Florence, S.C., VOR; Myrtle Beach, S.C., VOR; *2,500. *1,600—MOCA.
Orlando, Fla., VOR; Tico INT, Fla.; 2,000.
Overton INT, S.C.; Myrtle Beach, S.C., VOR; *2,500. *1,300—MOCA.
Spencer INT, Fla.; Montgomery, Ala., VOR; *8,500. *2,500—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Jacksonville, Fla., VOR; *St. Andrews INT, Ga.; **1,500. *5,000—MRA. **1,300—MOCA.
Myrtle Beach, S.C., VOR; Wilmington, N.C., VOR; *1,800. *1,400—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Griswoldville INT, Mass.; Warwick INT, Mass.; 4,000.
Warwick INT, Mass.; Gardner, Mass., VOR; *4,000. *3,500—MOCA.
Batum INT, Wash.; *Spokane, Wash., VOR; 5,000. *5,200—MCA Spokane VOR, eastbound.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

*Jacksonville, Fla., VOR; **Chester INT, Ga.; ***4,000. *4,000—MCA Jacksonville VOR, northbound. **4,000—MCA Chester INT, southbound. **4,000—MRA. ***1,300—MOCA.
Jacksonville, Fla., VOR via E alter.; *St. Andrews INT, Ga., via E alter.; **1,500. *5,000—MRA. **1,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Fort Myers, Fla., VOR; Arcadia INT, Fla.; **2,000. *1,400.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Griswoldville INT, Mass.; Warwick INT, Mass.; 4,000.
Warwick INT, Mass.; Gardner, Mass., VOR; *4,000. *3,500—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Ennis INT, Tex., via E alter.; Red Oak INT, Tex., via E alter.; *2,400. *1,900—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to delete:

Cotulla, Tex., VOR; *Millett INT, Tex.; **2,500. *5,500—MRA. **1,600—MOCA.
Millett INT, Tex.; Leming INT, Tex.; *2,500. *1,900—MOCA.
Leming INT, Tex.; Losoya INT, Tex.; *2,500. *1,600—MOCA.
Losoya INT, Tex.; Ballaire INT, Tex.; *2,500. *1,800—MOCA.
Bellaire INT, Tex.; Olmos INT, Tex.; *2,500. *2,400—MOCA.
Olmos INT, Tex.; San Antonio, Tex., VOR; *2,500. *2,200—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended by adding:

Cotulla, Tex., VOR; *Millett INT, Tex.; **2,500. *5,500—MRA. **1,600—MOCA.
Millett INT, Tex.; San Antonio, Tex., VOR; *4,000. *2,400—MOCA.
Cotulla, Tex., VOR via E alter.; *Millett INT, Tex., via E alter.; **2,500. *5,500—MRA. **1,600—MOCA.
Millett INT, Tex., via E alter.; Leming INT, Tex., via E alter.; *2,500. *1,900—MOCA.
Leming INT, Tex., via E alter.; Losoya INT, Tex., via E alter.; *2,500. *2,000—MOCA.
Losoya INT, Tex., via E alter.; Bellaire INT, Tex., via E alter.; *2,500. *1,800—MOCA.
Bellaire INT, Tex., via E alter.; Olmos INT, Tex., via E alter.; *2,500. *2,400—MOCA.

From, to, and MEA

Olmos INT, Tex., via E alter.; San Antonio, Tex., VOR via E alter.; *2,500. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to delete:

Biscayne Bay, Fla., VOR via E alter.; Hillsboro INT, Fla., via E alter.; 2,000.
Hillsboro INT, Fla., via E alter.; Pluto INT, Fla., via E alter.; *3,000. *1,200—MOCA.
Pluto INT, Fla., via E alter.; Vero Beach, Fla., VOR via E alter.; *2,000. *1,300—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended by adding:

Biscayne Bay, Fla., VOR via E alter.; Andrews INT, Fla., via E alter.; 2,000.
Andrews INT, Fla., via E alter.; Pluto INT, Fla., via E alter.; *4,000. *1,300—MOCA.
Pluto INT, Fla., via E alter.; Vero Beach, Fla., VOR via E alter.; *2,000. *1,300—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Ennis INT, Tex.; *Scurry INT, Tex.; **5,000. *2,600—MRA. **1,900—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Gordon INT, Ga.; Mitchell INT, Ga.; *2,100. *1,900—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Hallsville, Mo., VOR; Quincy, Ill., VOR; *2,700. *2,300—MOCA.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Chester, Mass., VOR; Keene, N.H., VOR; *3,500. *2,700—MOCA.

Section 95.6124 *VOR Federal airway 124* is added to read:

Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,800—MOCA.
Paris, Tex., VOR; Greeson Lake, Tex., VOR; *2,500. *2,000—MOCA.
Greeson Lake, Tex., VOR; Hot Springs, Ark., VOR; *2,500. *2,400—MOCA.
Hot Springs, Ark., VOR; Benton INT, Ark.; *2,500. *2,400—MOCA.
Benton INT, Ark.; Little Rock, Ark., VOR; 1,800.
Little Rock, Ark., VOR; Biscoe INT, Ark.; *2,000. *1,500—MOCA.
Biscoe INT, Ark.; Porter INT, Ark.; *2,500. *1,600—MOCA.
Porter INT, Ark.; Memphis, Tenn., VOR; *1,800. *1,600—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Indianapolis, Ind., VOR; Whiteland INT, Ind.; 2,400.

Section 95.6130 *VOR Federal airway 130* is amended to read in part:

Albany, N.Y., VOR; Canaan INT, N.Y.; *3,400. *2,700—MOCA.
Canaan INT, N.Y.; Monterey INT, Mass.; 4,000.

Section 95.6151 *VOR Federal airway 151* is amended to read in part:

Sullivan INT, N.H.; Bunker INT, N.H.; 4,000.
Bunker INT, N.H.; Lebanon, N.H., VOR; 4,500.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Orlando, Fla., VOR via S alter.; Smyrna INT, Fla., via S alter.; *2,000. *1,600—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to delete:

Miami, Fla., VOR via E alter.; Palm Beach, Fla., VOR via E alter.; 2,000.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

New River INT, Fla.; Palm Beach, Fla., VOR; 2,000.
Palm Beach, Fla., VOR; Pluto INT, Fla.; *1,600. *1,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

San Antonio, Tex., VOR via W alter.; *Guadalupe INT, Tex., via W alter.; **3,000. *4,300—MRA. **2,500—MOCA.
Guadalupe INT, Tex., via W alter.; Fredericksburg INT, Tex., via W alter.; *4,000. *3,200—MOCA.
Leming INT, Tex.; Losoya INT, Tex.; *2,500. *2,000—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Avoca INT, Iowa; *Menlo INT, Iowa; **4,000. *5,000—MRA. **2,700—MOCA.
Menlo INT, Iowa; Linden INT, Iowa; *4,000. *2,600—MOCA.
Linden INT, Iowa; Grimes INT, Iowa; *2,800. *2,200—MOCA.
Grimes INT, Iowa; Ankeny INT, Iowa; *2,800. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Kirksville, Mo., VOR; Bethlehem INT, Iowa; *2,800. *2,400—MOCA.
Bethlehem INT, Iowa; Des Moines, Iowa, VOR; *2,800. *2,200—MOCA.
Des Moines, Iowa, VOR; Linden INT, Iowa; *2,800. *2,200—MOCA.
Linden INT, Iowa; Sioux City, Iowa, VOR; *4,500. *2,800—MOCA.

Section 95.6195 *VOR Federal airway 195* is amended to read in part:

Cordelia INT, Calif.; *Rag INT, Calif.; **6,500. *6,500—MRA. **4,800—MOCA.
Rag INT, Calif.; *Berryessa INT, Calif.; **6,500. *6,500—MCA Berryessa INT, Southbound. **4,800—MOCA.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

Chester, Mass., VOR; Canaan INT, N.Y.; 4,000.
Canaan INT, N.Y.; Albany, N.Y., VOR; *3,400. *2,700—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Lamoni, Iowa, VOR; Bethlehem INT, Iowa; *2,800. *2,200—MOCA.
Bethlehem INT, Iowa; Ottumwa, Iowa, VOR; *2,700. *2,300—MOCA.
Ottumwa, Iowa, VOR; Iowa City, Iowa, VOR; *2,500. *1,900—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Cabins INT, Ga., via W alter.; Waycross, Ga., VOR via W alter.; *2,200. *1,000—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to delete:

Biscayne Bay, Fla., VOR via E alter.; Hillsboro INT, Fla., via E alter.; 2,000.
Hillsboro INT, Fla., via E alter.; Pahokee, Fla., VOR via E alter.; *2,000. *1,300—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended by adding:

Miami, Fla., VOR via E alter.; Palm Beach, Fla., VOR via E alter.; 2,000.
Palm Beach, Fla., VOR via E alter.; Pluto INT, Fla., via E alter.; *1,600. *1,300—MOCA.
Pluto INT, Fla., via E alter.; *Avon INT, Fla., via E alter.; **4,000. *4,000—MCA Avon INT, southeastbound. **1,300—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,800—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Fairbanks, Alaska, VOR; Fort Yukon, Alaska, VOR; *8,000. *7,300—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Dixie Ranch INT, Fla., via N Alt.; Parkway INT, Fla., via N Alt.; *2,000. *1,200—MOCA.

Section 95.7006 *Jet Route No. 6* is amended to read in part:

From, to, MEA, and MAA

Westminster, Md, VORTAC; Robbinsville, N.J., VORTAC; 18,000; 45,000.
Robbinsville, N.J., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended to delete:

Charleston, W. Va., VORTAC; Front Royal, Va., VOR; 18,000; 45,000.
Front Royal, Va., VORTAC; Westminster, Md., VOR; 18,000; 45,000.
Westminster, Md., VOR; Yardley, Pa., VORTAC; 18,000; 45,000.
Yardley, Pa., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended by adding:

Charleston, W. Va., VORTAC; Casanova, Va., VORTAC; 18,000; 45,000.
Casanova, Va., VORTAC; Robbinsville, N.J., VORTAC; 18,000; 45,000.
Robbinsville, N.J., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7012 *Jet Route No. 12* is amended to read:

Int, 172° M rad, Ellwood City, Pa., VORTAC and 297° M rad, Westminster, Md., VORTAC; Westminster, Md., VORTAC; 21,000; 45,000.

Section 95.7024 *Jet Route No. 24* is amended to read in part:

Indianapolis, Ind., VORTAC; Falmouth, Ky., VOR; 18,000; 45,000.
Falmouth, Ky., VOR; Charleston, W. Va., VORTAC; 18,000; 45,000.

Section 95.7029 *Jet Route No. 29* is amended to read in part:

Evansville, Ind., VORTAC; Rosewood, Ohio, VORTAC; 18,000; 45,000.
Rosewood, Ohio, VORTAC; Cleveland, Ohio, VORTAC; 18,000; 45,000.
Cleveland, Ohio, VORTAC; Jamestown, N.Y., VOR; 18,000; 45,000.
Jamestown, N.Y., VOR; Syracuse, N.Y., VORTAC; 18,000; 45,000.

Section 95.7030 *Jet Route No. 30* is amended to delete:

Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7034 *Jet Route No. 34* is amended by adding:

Cleveland, Ohio, VORTAC; Front Royal, Va., VORTAC; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7034 *Jet Route No. 34* is amended to delete:

Cleveland, Ohio, VORTAC; Allegheny, Pa., VORTAC; 18,000; 45,000.
Allegheny, Pa., VORTAC; Front Royal, Va., VOR; 18,000; 45,000.
Front Royal, Va., VOR; Herndon, Va., VORTAC; 18,000; 45,000.

Section 95.7039 *Jet Route No. 39* is amended to delete:

Louisville, Ky., VORTAC; Dayton, Ohio, VORTAC; 18,000; 45,000.

Section 95.7039 *Jet Route No. 39* is amended by adding:

Louisville, Ky., VORTAC; Rosewood, Ohio, VORTAC; 18,000; 45,000.

Section 95.7042 *Jet Route No. 42* is amended to delete:

Beckley, W.Va., VOR; Front Royal, Va., VORTAC; 18,000; 45,000.
Front Royal, Va., VORTAC; Westminster, Md., VOR; 18,000; 45,000.
Westminster, Md., VOR; Yardley, Pa., VOR TAC; 18,000; 45,000.
Yardley, Pa., VORTAC; Kennedy, N.Y., VOR TAC; 18,000; 45,000.

Section 95.7042 *Jet Route No. 42* is amended by adding:

Beckley, W. Va., VOR; Casanova, Va., VORTAC; 18,000; 45,000.
Casanova, Va., VORTAC; Robbinsville, N.J., VORTAC; 18,000; 45,000.
Robbinsville, N.J., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7043 *Jet Route No. 43* is amended to delete:

Knoxville, Tenn., VORTAC; Lexington, Ky., VORTAC; 18,000; 45,000.
Lexington, Ky., VORTAC; Dayton, Ohio, VORTAC; 18,000; 45,000.
Dayton, Ohio, VORTAC; Int, 012° M rad, Dayton VORTAC and 279° M rad, Windsor, Ontario, VOR.

Section 95.7043 *Jet Route No. 43* is amended by adding:

Knoxville, Tenn., VORTAC; Falmouth, Ky., VOR; 18,000; 45,000.
Falmouth, Ky., VOR; Rosewood, Ohio, VORTAC; 18,000; 45,000.
Rosewood, Ohio, VORTAC; Int, 010° M rad, Rosewood VORTAC and 091° M rad, Pullman VORTAC; 18,000; 45,000.

Section 95.7049 *Jet Route No. 49* is amended to delete:

Charleston, W. Va., VOR; Allegheny, Pa., VOR; 18,000; 45,000.
Allegheny, Pa., VOR; Philipsburg, Pa., VORTAC; 18,000; 45,000.
Philipsburg, Pa., VORTAC; Albany, N.Y., VORTAC; 18,000; 45,000.

Section 95.7049 *Jet Route No. 49* is amended by adding:

Charleston, W. Va., VORTAC; Philipsburg, Pa., VORTAC; 18,000; 45,000.
Philipsburg, Pa., VORTAC; Hancock, N.Y., VORTAC; 18,000; 45,000.
Hancock, N.Y., VORTAC; Albany, N.Y., VORTAC; 18,000; 45,000.

Section 95.7053 *Jet Route No. 53* is amended to read in part:

Pulaski, Va., VORTAC; Int, 018° M rad, Pulaski VORTAC and 182° M rad, Ellwood City VORTAC; 24,000; 45,000.
Int, 018° M rad, Pulaski VORTAC and 182° M rad, Ellwood City VORTAC; Ellwood City, Pa., VORTAC; 18,000; 45,000.
Ellwood City, Pa., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7064 *Jet Route No. 64* is amended to read in part:

Ellwood City, Pa., VORTAC; Robbinsville, N.J., VORTAC; 18,000; 45,000.
Robbinsville, N.J., VORTAC; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7068 *Jet Route No. 68* is amended to read:

Jamestown, N.Y., VORTAC; Hancock, N.Y., VORTAC; 18,000; 45,000.
Hancock, N.Y., VORTAC; Putnam, Conn., VORTAC; 18,000; 45,000.
Putnam, Conn., VORTAC; Providence, R.I., VORTAC; 18,000; 45,000.
Providence, R.I., VORTAC; Nantuakt, Mass., VORTAC; 18,000; 45,000.

Section 95.7070 *Jet Route No. 70* is amended to read in part:

Pullman, Mich., VORTAC; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Jamestown, N.Y., VOR; 22,000; 45,000.
Jamestown, N.Y., VOR; Huguenot, N.Y., VORTAC; 18,000; 45,000.

Section 95.7077 *Jet Route No. 77* is amended to delete:

Boston, Mass., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.
Kennebunk, Maine, VORTAC; Bangor, Maine, VORTAC; 18,000; 45,000.
Bangor, Maine, VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7082 *Jet Route No. 82* is amended to read in part:

Cleveland, Ohio, VORTAC; Jamestown, N.Y., VOR; 18,000; 45,000.
Jamestown, N.Y., VOR; Albany, N.Y., VOR TAC; 18,000; 45,000.

Section 95.7090 *Jet Route No. 90* is amended to delete:

Northbrook, Ill., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7091 *Jet Route No. 91* is amended to delete:

Cleveland, Ohio, VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7133 *Jet Route No. 133* is added to read:

Annette Island, Alaska, VOR; Biorka Island, Alaska, VORTAC; 18,000; 45,000.
Biorka Island, Alaska, VORTAC; Hinchinbrook, Alaska, LFR; 18,000; 45,000.
Hinchinbrook, Alaska, LFR; Johnstone Point, Alaska, VOR; 18,000; 45,000.
Johnstone Point, Alaska, VOR; Anchorage, Alaska, VORTAC; 18,000; 45,000.

Section 95.7142 *Jet Route No. 142* is deleted.

Section 95.7147 *Jet Route No. 147* is added to read:

Beckley, W. Va., VOR; Gordonsville, Va., VORTAC; 18,000; 45,000.

Section 95.7149 *Jet Route No. 149* is added to read:

Casanova, Va., VORTAC; Appleton, Ohio, VORTAC; 18,000; 45,000.

Section 95.7152 *Jet Route No. 152* is added to read:

Capital, Ill., VORTAC; Rosewood, Ohio, VORTAC; 18,000; 45,000.
Rosewood, Ohio, VORTAC; Ellwood City, Pa., VORTAC; 18,000; 45,000.

Section 95.7518 *Jet Route No. 518* is amended to read in part:

Ellwood City, Pa., VORTAC; Int, 129° M rad, Ellwood City, VORTAC and 297° M rad, Westminster, VORTAC; 18,000; 45,000.
Int, 129° M rad, Ellwood City, VORTAC and 297° M rad, Westminster, VORTAC; Westminster, Md., VORTAC; 21,000; 45,000.

Section 95.7522 *Jet Route No. 522* is added to read:

United States-Canadian border; Hancock, N.Y., VORTAC; 18,000; 45,000.
Hancock, N.Y., VORTAC; Huguenot, N.Y., VORTAC; 18,000; 45,000.

Section 95.7549 *Jet Route No. 549* is deleted:

Section 95.7550 *Jet Route No. 550* is deleted:

Section 95.7554 *Jet Route No. 554* is amended to read:

Carleton, Mich., VORTAC; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Buffalo, N.Y., VORTAC; 18,000; 45,000.

Section 95.7575 *Jet Route No. 575* is amended to read:

Putnam, Conn., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.
Boston, Mass., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7581 *Jet Route No. 581* is amended to read:

Hampton, N.Y., VORTAC; Providence, R.I., VORTAC; 18,000; 45,000.
Providence, R.I., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.
Boston, Mass., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.
Kennebunk, Maine, VORTAC; Bangor, Maine, VORTAC; 18,000; 45,000.
Bangor, Maine, VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7586 *Jet Route No. 586* is amended to read in part:

Carleton, Mich., VORTAC; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Massena, N.Y., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8005 *Jet routes changeover points:*

From, to, distance, and from

J–8 is amended to delete:
Front Royal, Va., VORTAC; Westminster, Md., VORTAC; 47; Front Royal.
J–42 is amended to delete:
Front Royal, Va., VORTAC; Westminster, Md., VORTAC; 47; Front Royal.
J–82 is amended to delete:
Erie, Pa., VORTAC; Albany, N.Y., VORTAC; 135; Erie.
J–64 is amended to delete:
Ellwood City, Pa., VORTAC; Yardley, Pa., VOR; 145; Ellwood City.
J–133 is amended by adding:
Biorka Island, Alaska, VORTAC; Hinchinbrook, Alaska, LFR; 162; Biorka Island.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on December 31, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-208; Filed, Jan. 9, 1969; 8:45 a.m.]

[Reg. Docket No. 9317; Amdt. 630]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Corpus Christi, Tex.—International, NDB (ADF) Runway 13, Amdt. 14, 17 Aug. 1967 (established under Subpart C).
Erie, Pa.—Erie International, ADF 2, Amdt. 3, 13 Aug. 1966 (established under Subpart C).
Erie, Pa.—Erie International, ADF 1, Amdt. 7, 13 Aug. 1966 (established under Subpart C).
Manila, Ark.—Manila Municipal, NDB (ADF) Runway 35, Orig., 1 Feb. 1968 (established under Subpart C).
Oxford, Ohio—Miami University, NDB (ADF) Runway 4, Orig., 1 Apr. 1967 (established under Subpart C).
Corpus Christi, Tex.—International, VOR Runway 17, Amdt. 13, 17 Aug. 1967 (established under Subpart C).
Erie, Pa.—Erie International, VOR Runway 6, Amdt. 8, 16 Sept. 1967 (established under Subpart C).
Hickory, N.C.—Hickory Municipal, VOR 1, Amdt. 7, 1 May 1965 (established under Subpart C).

2. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Erie, Pa.—Erie International, VOR/DME Runway 24, Amdt. 1, 16 Sept. 1967 (established under Subpart C).

3. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Corpus Christi, Tex.—International, ILS Runway 13, Amdt. 13, 17 Aug. 1967 (established under Subpart C).
Corpus Christi, Tex.—International, LOC (BC) Runway 31, Amdt. 1, 17 Aug. 1967 (established under Subpart C).
Erie, Pa.—Erie International, ILS-6, Amdt. 6, 24 Dec. 1966 (established under Subpart C).

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.9 miles after passing CRP VOR TAC.
Taft Int	CRP VORTAC (NOPT)	Direct	1600	Climb to 2000', left turn, intercept CRP R 172° direct to Pogo Int and hold. Supplementary charting information: Hold S, 1 minute, left turns, 352° Inbnd. TDZ Elevation, 42'.

Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 2000' within 10 miles of CRP VORTAC.
FAF, CRP VORTAC. Final approach crs, 191°. Distance FAF to MAP, 7.9 miles.
Minimum altitude over CRP VORTAC, 1600'; over 6-mile DME Fix, 700'.
MSA 25 miles of CRP VORTAC, 270°-180°—1500'; 180°-270°—2100'.
NOTE: ASR.
*Sliding scale not authorized.
#RVR 24 authorized Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17*	700	1	658	700	1	658	700	1¼	658	700	1¼	658
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	700	1	657	700	1	657	700	1¼	657	700	2	657
	DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17*	560	1	518	560	1	518	560	1	518	560	1¼	518
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	517	560	1	517	560	1¼	517	600	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Corpus Christi; State, Tex.; Airport name, International; Elev., 43'; Facility, CRP; Procedure No. VOR Runway 17, Amdt. 14; Eff. date, 23 Jan. 69; Sup. Amdt. No. 13; Dated, 17 Aug. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6 miles after passing ERI VOR TAC.
R 183°, ERI VORTAC (CW)	R 240°, ERI VORTAC	10-mile Arc ERI R 228°, lead radial.	3000	Climb to 3000' direct to Hammett Int via ERI VORTAC R 064° and hold; or when directed by ATC, climbing left turn to 3000' to ERI VORTAC. Hold SW ERI VORTAC, 1 minute, right turns, 060° Inbnd.
R 296°, ERI VORTAC (CCW)	R 240°, ERI VORTAC	10-mile Arc ERI R 250°, lead radial.	3000	
10-mile Arc	ERI VORTAC (NOPT)	Direct	1900	

Supplementary charting information: Hold NE Hammett Int, 1 minute, right turns, 244° Inbnd. Building 0.2 mile SW. Runway 6 threshold 761'. Trees: 1 mile S of Runway 6 threshold 977'; 0.2 mile NE of Runway 24 threshold 791'; 0.1 mile NNW of Runway 6 threshold 817'. Steel towers: 9 miles E of Airport, 1675'; 7 miles E of Airport, 2170'; and 5 miles SE of Airport, 2100'. TDZ elevation, 731'.

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 miles of ERI VORTAC.
FAF, ERI VORTAC. Final approach crs, 060°. Distance FAF TO MAP, 6 miles.
Minimum altitude over ERI VORTAC, 1900'.
MSA: 040°-130°—3200'; 130°-220°—2900'; 220°-310°—2400'; 310°-040°—2100'.
NOTE: Sliding scale not authorized.
‡200' ceiling/standard visibility required all runways except 6-24; Runway 24, Standard; Runway 6, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6	1240	RVR 50	509	1240	RVR 50	509	1240	RVR 50	509	1240	RVR 60	509
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	548	1320	1	588	1320	1¼	588	1320	2	588
A	Standard.		T 2-eng. or less—‡.				T over 2 eng.—‡.					

City, Erie; State, Pa.; Airport name, Erie International; Elev., 732' Facility, ERI; Procedure No. VOR Runway 6, Amdt. 9; Eff. date, 23 Jan. 69; Sup. Amdt. No. 8; Dated, 16 Sept. 67

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10.2 miles after passing HKY VOR.
				Climb to 4000', right turn, to HKY VOR via R 225° and hold.

Supplementary charting information: Hold NE, 1 minute, right turns, 240° Inbnd. REIL, Runway 24. TDZ elevation, 1176'.

Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 3500' within 10 miles of HKY VOR.
FAF, HKY VOR. Final approach crs, 225°. Distance FAF TO MAP, 10.2 miles.
Minimum altitude over HKY VOR, 3000'; over Taylorsville FM, 2400'.
MSA: 000°-090°—4700'; 090°-180°—3600'; 180°-270°—5000'; 270°-360°—8000'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	2400	1¾	1224	2400	2	1224	2400	2¾	1224	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	2400	1¾	1224	2400	2	1224	2400	2¾	1224	NA
	VOR/FM:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S-24	1560	1	384	1560	1	384	1560	1	384	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1640	1	464	1640	1	464	1640	1¼	464	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Hickory; State, N.C.; Airport name, Hickory Municipal; Elev., 1176'; Facility, HKY; Procedure No. VOR Runway 24, Amdt. 8; Eff. date, 23 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 1 May 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.9 miles after passing PNE VOR.
Taylor Int	PNE VOR (NOPT)	Direct	2400	Make climbing right turn to 2400', direct to PNE VOR and hold. Supplementary charting information: Hold SW, 1 minute, right turns, 064° Inbnd.

Procedure turn not authorized.
Approach crs (profile) starts at Taylor Int.
FAF, PNE VOR. Final approach crs, 048°. Distance FAF to MAP, 7.9 miles.
Minimum altitude over Taylor Int, 2400'; over PNE VOR, 2400'.
MSA: 000°-090°—1900'; 090°-180°—1600'; 180°-270°—2400'; 270°-360°—2400'.
NOTE: Radar required.
#Night operations not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAT	VIS	VIS	VIS
S-5#	700	1	537	NA	NA	NA
	MDA	VIS	HAA			
C#	700	1	537	NA	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.#		T over 2-eng.—Not authorized.	

City, Langhorne; State, Pa.; Airport name, Buehl Field; Elev., 163'; Facility, PNE; Procedure No. VOR Runway 05, Amdt. Orig.; Eff. date, 23 Jan. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ERI VORTAC R 060°, 7-mile DME Fix.
ERI VORTAC	R 060°, 11-mile DME Fix	Direct	2800	Climb to 3000' direct to ERI VORTAC and hold, or when directed by ATC, climb to 3000' right turn to ERI VORTAC R 060°, 11-mile DME Fix. Hold NE between 11- and 16-mile DME Fix R 060°, 1 minute, right turns, 240° Inbnd. Supplementary charting information: Hold SW ERI VORTAC 1 minute, right turns, 060° Inbnd. Building 0.2 mile, SW Runway 6 threshold 761'. Trees: 0.1 mile NNW Runway 6 threshold 817'; 0.2 mile, NE Runway 24 threshold 791'. Steel towers: 9 miles E of airport, 1675'; 7 miles E of airport, 2170'; and 5 miles SE of airport, 2100'. TDZ elevation, 730'.
Hammett Int	R 060°, 11-mile DME Fix (NOPT)	300° crs 1.2 miles/R 060°, ERI VORTAC.	2000	
ERI R 060°, 19-mile DME Fix	R 060°, 11-mile DME Fix (NOPT)	Direct	2000	
R 022°, ERI VORTAC (CW)	R 060°, ERI VORTAC	19-mile Arc ERI, R 055°, lead radial.	3000	
R 121°, ERI VORTAC (CCW)	R 060°, ERI VORTAC	19-mile Arc ERI, R 065°, lead radial.	3200	

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2800' within 10 miles of ERI VORTAC R 060°, 11-mile DME Fix.
Final approach crs, 240°.
Minimum altitude over ERI VORTAC R 060°, 11-mile DME Fix, 2000'.
MSA: 040°-130°—3200'; 130°-220°—2900'; 220°-310°—2400'; 310°-040°—2100'.
NOTES: (1) Sliding scale not authorized. (2) Component inoperative table does not apply to REIL's and HIRL on Runway 24.
#200' ceiling/standard visibility required all runways except 6-24; Runway 24, Standard; Runway 6, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	1260	1	530	1260	1	530	1260	1	530	1260	1¼	530
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	548	1320	1	588	1320	1¼	588	1320	2	588
A	Standard.			T 2-eng. or less—#.			T over 2-eng.—#.					

City, Erie; State, Pa.; Airport name, Erie International; Elev., 732'; Facility, ERI; Procedure No. VOR/DME Runway 24, Amdt. 2; Eff. date, 23 Jan. 69; Sup. Amdt. No. 1; Dated, 16 Sept. 67

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.5 miles after passing VWV VOR make right-climbing turn to 2200'; proceed to Waterville VOR and hold.
			Supplementary charting information: Hold SW Waterville VOR R 229°, right turns, 1 minute, 049° Inbnd. TDZ elevation, 622'.

Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2200' within 10 miles of VWV VORTAC.
FAF, VWV VORTAC. Final approach crs, 049°. Distance FAF to MAP, 9.5 miles.
Minimum altitude over VWV VORTAC, 2200'; over 6-mile DME Fix R 049°, 1440'.
MSA: 000°-090°—3100'; 090°-270°—2400'; 270°-360°—2100'.
NOTES: (1) Radar vectoring. (2) Use Toledo Express altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-4	1440	1	818	1440	1¼	818	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1440	1	818	1440	1¼	818	NA	NA
	DME Minimums:							
	MDA	VIS	HAT	MDA	VIS	HAT		
S-4	1040	1	418	1040	1	418	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1100	1	478	1100	1	478	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Toledo; State, Ohio; Airport name, Toledo Municipal; Elev., 622'; Facility, VWV; Procedure No. VOR Runway 4, Amdt. 4; Eff. date, 23 Jan. 69; Sup. Amdt. No. 3; Dated, 17 Feb. 68

6. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4 miles after passing Bluff Int.
CRP LOM	Bluff Int	Direct	1700	Climb to 1800' on NW crs of CRP ILS within 20 miles.
CRP VORTAC	Bluff Int	Direct	1500	
NGP VOR	Bluff Int (NOPT)	Direct	1200	Supplementary charting information: TDZ Elevation, 42'.

Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 1500' within 10 miles of Bluff Int.
FAF, Bluff Int. Final approach crs, 307°. Distance FAF to MAP, 4 miles.
Minimum altitude over Bluff Int, 1200'; over Elmer Int, 600'.
NOTE: ASR.
#RVR 24 authorized Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	600	¾	558	600	¾	558	600	¾	558	600	1¼	558
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	600	1	557	600	1	557	600	1½	557	600	2	557
	LOC/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	360	¾	318	360	¾	318	360	¾	318	360	1	318
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	437	500	1	457	500	1½	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Corpus Christi; State, Tex.; Airport name, International; Elev., 43'; Facility, I-CRP; Procedure No. LOC (BC) Runway 31, Amdt. 2; Eff. date, 23 Jan. 69; Sup. Amdt. No. 1; Dated, 17 Aug. 67

7. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing CR LOM.
CRP VORTAC	CR LOM	Direct	2000	Climb to 2000' to Pogo Int via CR NDB 127° and CRP VORTAC R 172°, and hold, or, when directed by ATC, climb to 2000', left turn, direct to CRP VORTAC.
Mathis Int	Edroy Int	Direct	1700	
Edroy Int	CR LOM (NOPT)	Direct	1400	

Supplementary charting information: Hold S, 1 minute, left turns, 352° Inbnd. TDZ elevation, 43'.

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles of CR LOM.
FAF, CR LOM. Final approach crs, 127°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over CR LOM, 1400'; over Tank Int, 680'.
MSA 25 miles of CR LOM: 000°–090°—1400'; 090°–360°—2100'.
NOTE: ASR.
#RVR 24 authorized Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	680	RVR 40	637	680	RVR 40	637	680	RVR 40	637	680	RVR 50	637
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	680	1	637	680	1	637	680	1½	637	700	2	657
	NDB/VOR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	380	RVR 40	337	380	RVR 40	337	380	RVR 40	337	380	RVR 50	337
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	437	500	1	457	500	1½	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Corpus Christi; State, Tex.; Airport name, International; Elev., 43'; Facility, CR; Procedure No. NDB (ADF) Runway 13, Amdt. 15; Eff. date, 23 Jan. 69; Sup. Amdt. No. 14; Dated, 17 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing ER LOM.
ERI VORTAC	ER LOM (NOPT)	Direct	2000	Climb to 3000' direct to Hammett Int via ERI VORTAC R 064, and hold; or when directed by ATC, climbing left turn to 2300' to ER LOM. Hold SW ER LOM, 1 minute, right turns, 060° Inbnd.

Supplementary charting information: Hold NE of Hammett Int, 1 minute, right turns, 244° Inbnd. Building 0.2 mile SW Runway 6 threshold 761'. Trees: 1 mile S of Runway 6 threshold 977'; 0.1 mile NNW Runway 6 threshold 817'; 1 mile SSE of ERI NDB, 989'; 0.2 mile NE Runway 24 threshold 791'. Steel towers: 9 miles E of Airport, 1675'; 7 miles E of Airport, 2179'; and 5 miles SE of Airport, 2100'. TDZ Elevation, 731'.

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 miles of ER LOM.
FAF, ER LOM. Final approach crs, 060°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over ER LOM, 2000'.
MSA: 040°-130°—3200'; 130°-220°—2900'; 220°-310°—2400'; 310°-040°—2100'.
NOTE: Sliding scale not authorized.
#200' ceiling/stand and visibility required all runways except 6-24; Runway 24, Standard; Runway 6, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6	1240	RVR 50	509	1240	RVR 50	509	1240	RVR 50	509	1240	RVR 60	509
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	548	1320	1	588	1320	1½	588	1320	2	588
A	Standard.		T 2-eng. or less—#.				T over 2-eng.—#.					

City, Erie; State, Pa.; Airport name, Erie International; Elev., 732'; Facility, LOM ER; Procedure No. NDB (ADF) Runway 6, Amdt. 4; Eff. date, 23 Jan. 69; Sup. Amdt. No. ADF 2, Amdt. 3; Dated, 13 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.4 miles after passing Cascade NDB.
ERI VORTAC	Cascade NDB	Direct	2800	Climb to 3000' direct to ERI VORTAC via ERI R 060° and hold; or when directed by ATC, climb to 3000', right turn direct to Cascade NDB. Hold NE of Cascade NDB, 1 minute, right turns, 240° Inbnd. Supplementary charting information: Hold SW of ERI VORTAC, 1 minute, right turns, 060° Inbnd. Building 0.2 mile, SW Runway 6 threshold 764'. Trees: 0.1 mile NNW of Runway 6 threshold 817'; 0.2 mile, NE of Runway 24 threshold 791'. Steel towers: 9 miles E of airport, 1675'; 7 miles E of airport, 2170'; and 5 miles SE of airport, 2100'. TDZ elevation, 730'.
Harborcreek Int	Cascade NDB	Direct	2800	
Hammett Int	Cascade NDB (NOPT)	300° crs 1.2 miles/060° bearing from ERI Rbn.	2000	
Wattsburg Int	Cascade NDB	Direct	3200	
Lawrence Int	Cascade NDB	Direct	3400	

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2800' within 10 miles of Cascade NDB.
FAF, Cascade NDB. Final approach crs, 240°. Distance FAF to MAP, 3.4 miles.
Minimum altitude over Cascade NDB, 2000'.
MSA: 040°-130°—3200'; 130°-220°—3200'; 220°-310°—2400'; 310°-040°—2300'.
NOTE: Sliding scale not authorized.
#200' ceiling/standard visibility required all runways except 6-24; Runway 24, Standard; Runway 6, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	1300	1	570	1300	1	570	1300	1	570	1300	1¼	570
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1300	1	568	1320	1	588	1320	1¼	588	1320	2	588
A	Standard.		T 2-eng. or less—#.				T over 2-eng.—#.					

City, Erie; State, Pa.; Airport name, Erie International; Elev., 732'; Facility, ERI; Procedure No. NDB (ADF) Runway 24, Amdt. 8; Eff. date, 23 Jan. 69; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 13 Aug. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MXA NDB.
ARG VORTAC	MXA NDB	Direct	2000	Climb to 2000', left turn, direct to MXA NDB and hold. Supplementary charting information: Hold S of MXA NDB on 170°-350° Inbnd, left turns, 1 minute.
INT MAW R 191° AND MEM R 341°	MXA NDB	Direct	2500	
INT MAW R 191° AND ARG R 088°	MXA NDB	Direct	2500	

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 2000' within 10 miles of MXA NDB.
Final approach crs, 350°.
Minimum altitude over MXA NDB, 740'.
MSA: 000°-180°—1700'; 180°-270°—1900'; 270°-360°—2000'.
NOTE: Use Blytheville AFB, Ark., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-35	740	1	498	740	1	498	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	740	1	498	740	1	498	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Manila; State, Ark.; Airport name, Manila Municipal; Elev., 242'; Facility, MXA; Procedure No. NDB (ADF) Runway 35, Amdt. 1; Eff. date, 23 Jan. 69; Sup. Amdt. No. Orig.; Dated, 1 Feb. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OXD NDB.
Richmond VOR	Oxford NDB	Direct	2800	Make left-climbing turn to 2500', return to Oxford NDB and hold.
Camden Int	Oxford NDB	Direct	2600	
Bath Int	Peoria Int	Direct	1720	Supplementary charting information: Hold SW, 1 minute, right turns, 040° Inbnd. Final approach crs intercepts runway centerline 3700' from threshold.
Peoria Int	Oxford NDB (NOPT)	Direct	1520	

Procedure turn E side of crs, 220° Outbnd, 040° Inbnd, 2500' within 10 miles of OXD NDB.
Final approach crs, 040°.
Minimum altitude over Peoria Int, 1720'.
MSA: 000°-090°—3100'; 090°-180°—2800'; 180°-270°—2300'; 270°-360°—2400'.
NOTES: (1) Use Cincinnati altimeter setting. (2) Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S-4	1720	1	675	1720	1	675	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1720	1	675	1720	1	675	NA	NA
	ADF/VOR Minimums:							
	MDA	VIS	HAT	MDA	VIS	HAT		
S-4	1520	1	475	1520	1	475	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1520	1	475	1520	1	475	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, Oxford; State, Ohio; Airport name, Miami University; Elev., 1045'; Facility, OXD; Procedure No. NDB (ADF) Runway 4, Amdt. 1; Eff. date, 23 Jan. 69; Sup. Amdt. No. Orig.; Dated, 1 Apr. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: VDI NDB.
AMG VORTAC	VDI NDB	Direct	2000	Climbing left turn to 2000' and return on track 077° to VDI NDB and hold.
DBN VOR	VDI NDB	Direct	2000	
Lotts Int	VDI NDB	Direct	2000	Supplementary charting information: Hold NE, 1 minute, right turns, 257° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold.

Procedure turn N side of crs, 077° Outbnd, 257° Inbnd, 1800' within 10 miles of VDI NDB.
Final approach crs, 257°.
Minimum altitude over VDI NDB, 980'.
MSA: 000°-090°—1800'; 090°-180°—1600'; 180°-270°—1800'; 270°-360°—1800'.
NOTES: (1) Use AMG altimeter during hours of operation, 1100-0300Z. (2) Use MCN altimeter, 0300-1100Z. (3) Night minimums not authorized on Runways 18/36 and 13/31. (4) Close flight plan with JAX ARTCC prior to landing or by telephone.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-24	980	1	706	980	1	706	980	1¼	706	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	980	1	706	980	1	706	980	1½	706	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Vidalia; State, Ga.; Airport name, Vidalia Municipal; Elev., 274'; Facility VDI; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 23 Jan. 69

8. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 243'. LOC 4.8 miles after passing CR LOM.
Pogo Int	CR LOM	Direct	2000	Climb to 2000' to Pogo Int via CRP ILS, SE crs and CRP VORTAC R 172° and hold, or, when directed by ATC, climb to 2000', left turn, direct to CRP VOR TAC.
CRP VORTAC	CR LOM	Direct	2000	
Sinton Int	CR LOM	Direct	2000	
Mathis Int	Edroy Int	Direct	1700	
Edroy Int	CR LOM (NOPT)	Direct	1400	

Supplementary charting information: Hold S, 1 minute, left turns, 352° Inbnd. TDZ elevation, 43'.

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles of CR LOM.
FAF, CR LOM. Final approach crs, 127°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope interception altitude, 1400'. Glide slope altitude at OM, 1370'; at MM, 244'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.6 mile.
MSA 25 miles of CR LOM: 000°-090°—1400'; 090°-360°—2100'.
NOTE: ASR.
#RVR 24 authorized Runway 13.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	243	RVR 24	200	243	RVR 24	200	243	RVR 24	200	243	RVR 24	200
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
LOC-13	340	RVR 24	297	340	RVR 24	297	340	RVR 24	297	340	RVR 40	297
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	437	500	1	457	500	1¼	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Corpus Christi; State, Tex.; Airport name, International; Elev., 45'; Facility, I-CRP; Procedure No. ILS Runway 13, Amdt. 14; Eff. date, 23 Jan. 69; Sup. Amdt. No. 13; Dated, 17 Aug. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 981; LOC 3.9 miles after passing ER LOM.
ERI VORTAC	ER LOM (NOPT)	Direct	2000	Climb to 3000' direct to Hammett Int via ERI VORTAC R 064° and hold; or when directed by ATC climbing left turn to 2300' to ER LOM. Hold SW ER LOM, 1 minute, right turns, 060° Inbnd.

Supplementary charting information: Hold NE of Hammett Int, 1 minute, right turns, 244° Inbnd. Building 0.2 mile SW Runway 6 threshold 764'. Trees: 0.1 mile NNW Runway 6 threshold 817': 0.2 mile NE Runway 24 threshold 791'; 1 mile S of Runway 6 threshold 977'. Steel towers: 9 miles E of Airport, 1675'; 7 miles E of Airport, 2170'; and 5 miles SE of Airport, 2100'. TDZ elevation, 731'.

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 miles of ER LOM.
FAF, ER LOM. Final approach crs, 060°. Distance FAF to MAP, 3.9 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 1966'; at MM, 935'.
Distance to runway threshold at OM, 3.9 miles; at MM, 0.5 mile.
MSA: 040°-130°—3200'; 130°-220°—2900'; 220°-310°—2400'; 310°-040°—2100'.
NOTES: (1) Sliding scale not authorized. (2) Back crs unusable.
#200' ceiling standard visibility required all runways except 6-24; Runway 24, Standard; Runway 6, RVR 24.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-6	981	RVR 40	250	981	RVR 40	250	981	RVR 40	250	981	RVR 40	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6	1140	RVR 50	409	1140	RVR 50	409	1140	RVR 50	409	1140	RVR 50	409
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1280	1	548	1320	1	588	1320	1¼	588	1320	2	538
A	Standard.		T 2-eng. or less—#.				T over 2-eng.—#.					

City, Erie; State, Pa.; Airport name, Erie International; Elev., 732'; Facility, I-ERI; Procedure No. ILS Runway 6, Amdt. 7; Eff. date, 23 Jan. 69; Sup. Amdt. No. ILS-6, Amdt. 6; Dated, 24 Dec. 66

9. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
												1. Final approach within 5-mile radius of airport reference point from 130° clockwise to 300°. 2. Descend aircraft to MDA after FAF. 3. FAF, 5 miles from airport reference point.

As established by Corpus Christi ASR minimum vectoring charts.
#RVR 24 authorized Runway 13.
Missed approach: Climb to 2000', right or left turn, direct to CRP VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	437	500	1	457	500	1½	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.#				T over 2-eng.—Standard.#					

City, Corpus Christi; State, Tex.; Airport name, International; Elev., 43'; Facility, CRP Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 23 Jan. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 17, 1968.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 69-2; Filed, Jan. 9, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1970 crop year.

ARIZONA

Maricopa.
Pinal.
Yuma.

CALIFORNIA

Kern.
Modoc.
San Luis Obispo.
Tulare.

COLORADO

Boulder.
Larimer.
Logan.
Morgan.
Sedgwick.
Weld.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

MARYLAND

Caroline.
Kent.
Queen Annes.

MINNESOTA

Becker.
Chippewa.
Clay.
Grant.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Pope.
Red Lake.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.

MONTANA

Big Horn.
Blaine.
Carbon.
Cascade.
Chouteau.
Daniels.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
Musselshell.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Wheatland.
Yellowstone.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McKenzie.
McLean.
Mercer.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OREGON

Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Brookings.
Brown.
Clark.
Codington.
Day.
Deuel.
Edmunds.
Faulk.
Grant.
Hamlin.
Kingsbury.
McPherson.
Marshall.
Miner.
Roberts.
Spink.

UTAH

Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Big Horn.
Goshen.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-342; Filed, Jan. 9, 1969; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1970 crop year.

ARKANSAS

Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Mississippi.
Phillips.
Poinsett.
St. Francis.

CALIFORNIA

Kern.
Modoc.
San Luis Obispo.
Tulare.

COLORADO

Adams.
Arapahoe.
Boulder.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

ILLINOIS

Adams.
Bond.
Brown.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
DeWitt.
Douglas.
Edgar.
Effingham.
Fayette.
Fulton.
Greene.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
Kankakee.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Wayne.

INDIANA

Adams.
Allen.
Bartholomew.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
DeKalb.
Delaware.
Elkhart.
Fayette.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Knox.
Kosciusko.
Lagrange.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Comanche.
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.
Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Caroline.
Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawasee.
Tuscola.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Chippewa.
Clay.
Dakota.
Douglas.
Faribault.
Freeborn.
Grant.
Kandiyohi.
Kittson.
Lac Qui Parle.
Le Sueur.
Mahnoman.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Red Lake.
Redwood.
Renville.
Roseau.
Stevens.
Swift.
Traverse.
Waseca.
Wilkin.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Coahoma.
De Soto.
Humphreys.
Issaquena.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Dade.
Daviess.
DeKalb.
Dunklin.
Franklin.

MISSOURI—Continued

Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.

MONTANA

Blaine.
Big Horn.
Carbon.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
McCone.
Musselshell.
Petroleum.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Treasure.
Valley.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dodge.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hall.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Keith.
Kimball.
Lancaster.
Lincoln.
Merrick.
Morrill.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Perkins.
Phelps.
Polk.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Sheridan.
Thayer.
Washington.
Webster.
York.

NEW MEXICO

Curry.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.

NORTH DAKOTA—Continued

Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OHIO

Allen.
Ashland.
Auglaize.
Butler.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Mayes.
Noble.
Nowata.
Osage.
Ottawa.
Pawnee.
Payne.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
Perry.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bennett.
Bon Homme.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Dewey.
Douglas.
Edmunds.
Faulk.
Grant.
Haakon.
Hamlin.
Hand.
Hughes.
Hutchinson.
Hyde.
Jones.
Kingsbury.
Lyman.
McPherson.
Marshall.
Mellette.
Miner.
Perkins.
Potter.
Roberts.
Spink.
Stanley.
Sully.
Tripp.
Walworth.

SOUTH DAKOTA—Continued

TENNESSEE

Dyer.
Lake.
Lauderdale.
Obion.
Robertson.

TEXAS

Baylor.
Carson.
Castro.
Collin.
Cooke.
Dallam.
Deaf Smith.
Denton.
Fannin.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Hansford.
Hartley.
Hutchinson.
Jones.
Knox.
Lipscomb.
Moore.
Ochiltree.
Oldham.
Parmer.
Randall.
Sherman.
Swisher.
Wilbarger.

UTAH

Box Elder.
Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Okanogan.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 69-345; Filed, Jan. 9, 1969; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amdt. 2]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Miscellaneous Amendments

Basis and purpose and bases and considerations. This amendment is issued pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act", and correlates the provisions of the regulations with the authority given the President under the Act and any other provision of law to suspend the sugar quota for a foreign country, or prohibit the importation of sugar from a foreign country.

Sections 202(d)(1)(B) and 408 of the Act set forth certain conditions under which the President is authorized to withhold or suspend the sugar quota for a foreign country. The purpose of this amendment is to make clear in the regulation that an approval of importation of sugar would be ineffective in the event such importation is precluded by the President acting under the provisions of the Act or any other provision of law.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 817 of this chapter (32 F.R. 14363, 33 F.R. 3423) is hereby amended by amending §§ 817.4, 817.7, and 817.8 as follows:

1. Section 817.4 is amended by amending subparagraph (1) of paragraph (e) to read as follows:

§ 817.4 Applications by importer.

* * * * *

(e)(1) With respect to importations of sugar from foreign countries, application for set-aside of quota or quota proration for the importation of a specified quantity of sugar may be made to the Sugar Quota Group and approved, as provided in this subparagraph (1). Such application for set-aside shall be in the form of a Set-Aside Application and Agreement Form SU-8-A as hereafter set forth. The submission of a set-aside application does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota or quota proration submitted pursuant to this subparagraph (1) covering a quantity or sugar to be imported within a quota or quota proration established in Part 811 of this chapter for a specified foreign country, or a quantity of sugar to be imported within a quota deficit quantity established for allocation or allocated in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 75 days prior to the first day of the 3-month importation period stated in the Set-Aside Application and Agreement. During the period from the date of approval of a set-aside application through the 15th day after the end of the importation period stated therein, both dates inclusive, and subject to the terms and conditions of such application and agreement, the quota and quota proration designated in the application shall be set aside to the extent of the quantity of sugar approved for set-aside under such application and agreement. A sugar quota set-aside agreement shall not be effective to reserve a quota in the event the President acting under the provisions of the Act or any other provision of law withholds or suspends the quota applicable to the sugar covered by the set-aside agreement or prohibits the importation and release of such sugar, since the agreement is based on there being a quota in effect at the time of importation and that importation is not prohibited.

* * * * *

2. Section 817.7 is amended by amending subparagraph (1) of paragraph (c) to read as follows:

§ 817.7 Applicable quota, quota proration, allocation, quantity, and allotment.

* * * * *

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the applicable authorization is issued, except that in the event the President acting under the provisions of the Act or any other provision of law prohibits the importation of sugar covered by any authorization, such authorization shall be ineffective for filling the applicable quota. Each quantity covered by an application for set-aside approved pursuant to § 817.4(e) shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the application for set-aside is approved, except that such approval shall not be effective in the event that before such quantity is imported and released, the President acting pursuant to the provisions of the Act or the provisions of any other law prohibits the importation of such sugar. Each quantity of sugar produced from sugarcane grown in Hawaii coming to the port of San Francisco and released by the Collector without authorization by the Secretary to the Collector as provided in § 817.5 shall be effective for filling the Hawaiian quota at the time the authorization is issued to the importer. For the purposes of this paragraph the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipments from the same producing area and the raw values thereof determined as provided in title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

* * * * *

3. Section 817.8 is amended by amending paragraph (a) to read as follows:

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar may not be imported pursuant to this section from any country with which the United States is not in diplomatic relations or from any country with respect to which the President acting under the provisions of the Act or any other provision of law prohibits the importation and release of such sugar. Accordingly, the application required by § 817.4 must show that the sugar covered by such application was produced from sugar beets or sugarcane grown in the producing area as identified on the application.

* * * * *

(Sec. 403; 61 Stat. 932; 7 U.S.C., 1153; secs. 202, 408; 61 Stat. 924, as amended, 933, as amended; 7 U.S.C., 1112, 1158)

Effective date. The amendments made hereby do not impose any new requirements upon the public but are for the purpose of providing in the regulation that importations under the regulation are subject to certain import limitations that may be imposed pursuant to law. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 9, 1969.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 69-409; Filed, Jan. 9, 1969; 10:32 a.m.]

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Expenses and Rate of Assessment

On December 14, 1968, notice of rule making was published in the FEDERAL REGISTER (33 F.R. 18582) regarding proposed expenses and the related rate of assessment for the period August 1, 1968, through July 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 905.207 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1968, through July 31, 1969, will amount to $180,000.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at $0.006 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as

is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1968, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

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

Dated: January 7, 1969.

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

[F.R. Doc. 69-309; Filed, Jan. 9, 1969; 8:46 a.m.]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Subpart—Industry Committee Regulations

DISTRICT REPRESENTATION

Notice was published in the FEDERAL REGISTER issue of December 13, 1968 (33 F.R. 18945), that the Department was giving consideration to a proposal to amend §§ 918.110 and 918.111 of Subpart—Industry Committee Regulations (7 CFR 918.100–918.131), currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia. The amended marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Industry Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof.

The notice afforded opportunity for the submission of written data, views, or arguments in connection with said proposal; and none were submitted within the prescribed time therefor.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations of the committee, and other available information, it is hereby found that the amendement hereinafter set forth in accordance with said amended marketing agreement and order will tend to effectuate the declared policy of the act and tend to contribute to more effective operations under said marketing agreement and order.

Therefore, §§ 918.110 and 918.111 of Subpart—Industry Committee Regulation (7 CFR 918.100–918.131) are hereby amended to read respectively, as follows:

§ 918.110 Change in representation by districts on the Industry Committee.

The representation or membership on the Industry Committee is changed to provide for:

(a) Two (2) members to represent the South Georgia District;

(b) Four (4) members to represent the Central Georgia District; and

(c) Two (2) members to represent the North Georgia District.

§ 918.111 Redefinition of districts.

The districts into which the area is divided are redefined as follows:

(a) "South Georgia District" shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grady, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, Lowndes, Stewart, Pulaski, Webster, Dodge, Sumter and Dooly;

(b) "Central Georgia District" shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Wilkinson, Taylor, Washington, Crawford, Emanuel, Peach, Jefferson, Burke, Effingham, Chattahoochee, Treutlen, Bibb, Jenkins, and Screven; and

(c) "North Georgia District" shall include the counties of Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Greene, Whitfield, Lincoln, Haralson, Paulding, Cobb, De Kalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chattooga, Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Towns, Habersham, Stephens, Rabun, Columbia, Bartow, Meriwether, Barrow, Heard, Madison, Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Taliaferro, and Murray.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER and for not postponing the effective date until 30 days thereafter (5 U.S.C. 553) in that: (1) The nomination meetings to elect nominees for the term of office beginning March 1, 1969, must be held prior to January 31, 1969, after adequate notice to all growers in the respective districts as specified in this part; (2) such nominees should be elected on the basis of the representation and districts specified herein; (3) to provide time for the committee to plan such meetings and give such notice, this amendment should be made effective as hereinafter set forth; (4) the amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof; and (5) no useful purpose will be served to postpone the effective date beyond that hereinafter specified.

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

Dated, January 7, 1969, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69-343; Filed, Jan. 9, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELING ACT

Furs and Fur Products; Artificially Colored Products; Exempted Products; Records; Announcement of Test Method

In the matter of amending Rules 19, 39, and 40 of the regulations under the Fur Products Labeling Act; 204–13–1.

On December 4, 1967, the Commission issued a notice of proposed rule making under the Fur Products Labeling Act. Such notice was published in the FEDERAL REGISTER on December 7, 1967, and provided that the Federal Trade Commission would on January 11, 1968, hold public hearings and give consideration to proposed amendments to the rules and regulations under the Fur Products Labeling Act to specify when certain furs and fur products would be considered artificially colored and to provide a means of better informing manufacturers and dealers as to the nature and extent of the artificial coloration. The notice also provided that consideration would be given to increasing the monetary valuation as to fur products exempted from the requirements of the Fur Products Labeling Act under certain specified conditions. Provision was made for the submission of written views, arguments and data until the date of the hearing and for twenty (20) days thereafter. On request of certain interested parties the time for submission of further views, arguments and data was extended to March 11, 1968, by notice dated January 26, 1968 and published in the FEDERAL REGISTER on January 31, 1968.

After consideration of all views, arguments and data submitted in accordance with such notice the Commission determined to make certain modifications and additions to the proposals originally published and to allow further time for the

written presentation of views, arguments and data. Accordingly, the Commission on November 27, 1968 issued a revised notice of proposed rule making containing proposed amendments to §§ 301.19 (Rule 19), 301.39 (Rule 39) and 301.40 (Rule 40) of Title 16, Part 301, Rules and Regulations under Fur Products Labeling Act. Such notice was published in the FEDERAL REGISTER on November 28, 1968.

The matter to be considered under the November 27, 1968 notice related to artificially colored and exempted products as specified above and in the original notice, together with modifications and additional proposals relating to record keeping necessary and proper for the administration of the proposed regulations relating to artificial coloration of furs and fur products. Written views, arguments or other pertinent data were received for 30 days after publication of the notice in the FEDERAL REGISTER.

After consideration of all views, arguments and other data submitted pursuant to the December 4, 1967 and November 27, 1968 notices of proposed rule making and of all pertinent information available to the Commission, the Commission has determined to amend §§ 301.19 (Rule 19), 301.39 (Rule 39), and 301.40 (Rule 40) of Title 16, Part 301, Rules and Regulations under Fur Products Labeling Act so as (1) to specify when certain furs and fur products will be considered artificially colored, (2) to provide a means of informing manufacturers, dealers, the consuming public and others as to the nature and extent of the artificial coloration through marking of pelts, record keeping and other provisions set out in the amendment and to provide for more effective administration of such regulations, and (3) to clarify the regulation relating to exempted products and increase the monetary valuation of fur products exempted from the Fur Products Labeling Act under certain specified conditions.

The amendments are as follows:

1. Section 301.19 (Rule 19) of the rules and regulations under the Fur Products Labeling Act is amended by revising the caption and adding five new paragraphs. The amended caption and additional paragraphs (h), (i), (j), (k) and (l) of § 301.19 (Rule 19) read:

§ 301.19 Pointing, dyeing, bleaching or otherwise artificially coloring.

* * * * *

(h) (1) Where any fur or fur product is dressed, processed or treated with a solution or compound containing any metal and such compound or solution effects any change or improvement in the color of the hair, fleece or fur fiber, such fur or fur product shall be described in labeling, invoicing and advertising as "color altered" or "color added".

(2) When any fur or fur product is dressed, processed or treated with a solution or compound containing iron or copper and after processing any of the hair, fleece or fur fiber contains more than 300 parts per million of iron or more than 75 parts per million of cooper, such fur or fur product shall be described in labeling, invoicing and advertising as "color altered" or "color added".

(i) (1) Any person dressing, processing or treating a fur pelt in such a manner that it is required under paragraph (e) or (h) of this section to be described as "color altered" or "color added" shall place a black stripe at least one half inch in width across the leather side of the skin immediately above the rump or place a stamp with a solid black center in the form of either a two inch square or a circle at least two inches in diameter on the leather side of the pelt and shall use black ink for all other stamps or markings on the leather side of the pelt.

(2) Any person dressing, processing or treating a fur pelt which after processing is considered natural under paragraph (g) of this section shall place a white stripe at least one-half inch in width across the leather side of the skin immediately above the rump or place a stamp with a solid white center in the form of either a 2-inch square or a circle at least 2 inches in diameter on the leather side of the pelt and shall use white ink for all other stamps or markings on the leather side of the pelt.

(3) Any person dressing, processing or treating a fur pelt in such a manner that it is considered dyed under paragraph (d) of this section shall place a yellow stripe at least one-half inch in width across the leather side immediately above the rump or place a stamp with a solid yellow center in the form of either a 2-inch square or a circle at least 2 inches in diameter on the leather side of the pelt and shall use yellow ink for all other stamps or markings on the leather side of the pelt.

(4) Where, after assembling, fur garment shells, mats, plates or other assembled furs are processed or treated in such a manner as to fall within the stamping or marking provisions of this paragraph, such assembled furs, in lieu of the stamping or marking of each individual pelt or piece, may be stamped on the leather side with a stamp of appropriate color with a solid colored center in the form of either a 2-inch square or a circle 2 inches in diameter in such a manner that the stamp will remain on the finished fur product until it reaches the ultimate consumer. All stamps or markings shall be of appropriate color as provided in this paragraph.

(j) Any person who shall process a fur pelt in such a manner that after such processing it is no longer considered as natural shall clearly, conspicuously and legibly stamp on the leather side of the pelt and on required invoices relating thereto a lot number or other identifying number which relates to such records of the processor as will show the source and disposition of the pelts and the details of the processing performed. Such person shall also stamp his name or registered identification number on the leather side of the pelt.

(k) Any person who processes fur pelts of a type which are always considered as dyed under paragraph (d) of this section after processing or any person who processes fur pelts which are always natural at the time of sale to the ultimate consumer, which pelts for a valid reason cannot be marked or stamped as provided in this section, may file an affidavit with the Federal Trade Commission's Bureau of Textiles and Furs setting forth such facts as will show that the pelts are always dyed or natural as the case may be and that the stamping of such pelts cannot be reasonably accomplished. If the Bureau of Textiles and Furs is satisfied that the public interest will be protected by the filing of the affidavit it may accept such affidavit and advise the affiant that marking of the fur pelts themselves as provided in this section will be unnecessary until further notice. Any person filing such an affidavit shall promptly notify the Commission of any change in circumstances with respect to its operations.

(l) Any person subject to this section who incorrectly marks or fails to mark fur pelts as provided in paragraphs (i) and (j) of this section shall be deemed to have misbranded such products under section 4(1) of the Act. Any person subject to this section who furnishes a false or misleading affidavit under paragraph (k) of this section or fails to give the notice required by paragraph (k) of this section shall be deemed to have neglected and refused to maintain the records required by section 8(d) of the Act.

§ 301.39 [Amended]

2. Section 301.39 (Rule 39) is amended by substituting the monetary amount "twenty dollars ($20)" for the monetary amount "seven dollars ($7)" wherever that term appears in such section. Section 301.39 (Rule 39) is further amended by modifying the first sentence of paragraph (a) of § 301.39 (Rule 39) to read as follows:

(a) Where the cost of any fur trim or other manufactured fur or furs contained in a fur product, exclusive of any costs incident to its incorporation therein, does not exceed twenty dollars ($20) to the manufacturer of the finished fur product, or where a manufacturer's selling price of a fur product does not exceed twenty dollars ($20) and the provisions of paragraphs (b) and (c) of this section are met, the fur products shall be exempted from the requirements of the Act and regulations; provided, however, that if the fur product is made of or contains any used fur, or if the fur product itself is or purports to be the whole skin of an animal with the head, ears, paws and tail, such as a choker or scarf, the fur product is to be labeled, invoiced and advertised in accordance with the requirements of the Act and regulations regardless of cost of the fur used in the fur product or manufacturer's selling price. * * *

3. Section 301.41 (Rule 41) is amended by revising paragraph (a), by revising that part of paragraph (b) appearing before the colon, by revising subparagraph (11) in paragraph (b), and by adding subparagraph (12) to paragraph

(b), so that those parts of § 301.41 (Rule 41) read:

§ 301.41 Maintenance of records.

(a) Pursuant to section 3(e) and section 8(d)(1), of the Act, each manufacturer or dealer in fur products or furs (including dressers, dyers, bleachers and processors), irrespective of whether any guaranty has been given or received, shall maintain records showing all of the required information relative to such fur products or furs in such manner as will readily identify each fur or fur product manufactured or handled.

(b) The records to be maintained under this section shall include copies of all purchase orders, sales contracts, processing and pick-up orders, invoices, business correspondence, manufacturing records, advertising matter, and all other data showing:

* * * * *

(11) The sale or other disposition of each fur handled and fur product manufactured or handled.

(12) That the requirements of § 301.19 (Rule 19) have been complied with.

In connection with the aforesaid action, the Commission announces that the following method may be used for detection of parts per million of iron and copper in hairs from fur pelts including hairs from mink pelts.

Procedure for detection of parts per million of iron and copper in hairs from fur pelts including mink hairs

A recommended method for preparation of samples would be:

Carefully pluck hair samples from 10 to 15 different representative sites on the pelt or garment. This can best be accomplished by using a long nose stainless steel pliers with a tip diameter of one-sixteenth inch. The pliers should be inserted at the same angle as the guard hairs with the tip opened to one-quarter inch. After contact with the hide, the tip should be raised about one-quarter inch, closed tightly and pulled quickly and firmly to remove the hair.

Place an accurately weighed sample of approximately 0.1000 grams of mink hair into a beaker with 20 ml. concentrated nitric acid. Evaporate just to dryness on a hot plate.

If there is any organic matter still present, add 10 ml. of concentrated nitric acid (see footnote) and again evaporate just to dryness on a hot plate. This step should be repeated until the nitric acid solution becomes clear to light green. Add 10 ml. of 1 percent hydrochloric acid to the dried residue in the beaker. Warm on a hot plate to insure complete solution of the residue.

A recommended analytical procedure would be atomic absorption spectrophotometry. In testing for iron, the atomic absorption instrument must have the capability of a 2 angstrom band pass at the 2483 A line.

When analyzing for iron, the air-acetylene flame should be as lean as possible.

A reagent blank should be carried through the entire procedure as outlined above and the final results corrected for the amounts of iron and copper found in the reagent blank.

FOOTNOTE: If facilities are available for handling perchloric acid, a preferred alternate to the additional nitric acid treatment would be to add 2 ml. of perchloric acid and 8 ml. of nitric acid, cover the beaker with a watch glass and allow the solution to become clear to light green before removal of the watch glass and evaporation just to dryness.

Effective date. The aforesaid amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments to § 301.39 (Rule 39) grant exemption and relieve restriction and may properly become effective immediately.

In connection with the proposed amendments to §§ 301.19 (Rule 19) and 301.40 (Rule 40), the Commission hereby finds that there is good cause for such amendments to become effective immediately. It is found that fur auctions, where substantial numbers of fur pelts subject to the provisions of amended §§ 301.19 and 301.40 will be transferred, will occur in New York, N.Y., in January 1969.

In order that manufacturers, processors, dealers, and the purchasing public may be properly informed as to whether fur pelts transferred at such auctions and products manufactured from such pelts are to be classified as artificially colored, it is in the public interest for such amendments to be in effect reasonably contemporaneous with the time of the aforementioned auctions and that the pelts be properly classified at the beginning of the manufacturing and marketing processes.

The action in this proceeding is taken pursuant to the authority given to the Federal Trade Commission under paragraph (b) of section 8 of the Fur Products Labeling Act (65 Stat. 179; 15 U.S.C. 69f) which provides:

(b) The Commission is authorized and directed to prescribe rules and regulations governing the manner and form of disclosing information required by this Act, and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act.

This action relative to exempted fur products is also taken pursuant to the further authority given the Federal Trade Commission under section 2(d) of the Fur Products Labeling Act (65 Stat. 175; 15 U.S.C. 69) which provides:

(d) The term "fur product" means any article of wearing apparel made in whole or in part of fur or used fur; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained there.

Issued: January 7, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-326; Filed, Jan. 9, 1969; 8:47 a.m.]

[1] Commissioners Elman and Jones not concurring.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4940]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

References to Certain Financial Services in "Tombstone" Advertisements

The Securities and Exchange Commission today made public a letter of the Chief Counsel of its Division of Corporate Regulation dealing with a Commission interpretation of section 2(10) of the Securities Act of 1933 and Rule 134 thereunder regarding the scope of the section and the rule as they relate to shares of investment companies. The letter sets forth the limited circumstances under which references to other financial services such as banking and insurance in investment company "tombstone" advertisements would not be inconsistent with section 2(10)(b) and Rule 134.

The text of the letter follows:

You have inquired as to the Commission's current position on the scope of section 2(10) of the Securities Act of 1933 and Rule 134 thereunder as they relate to shares of investment companies.

As you know, section 2(10)(b) of the Securities Act and the rule exclude certain communications from the definition of the term "prospectus" in the first clause of section 2(10) of the Act if certain conditions are met. The Commission has recently considered this matter and determined that references to other financial services such as banking and insurance in investment company tombstone advertisements would not be inconsistent with Rule 134, in the absence of usage or circumstances which tend to transform such advertisements into selling media for the investment company or the other financial services.

I would like to make clear that the interpretation relates only to tombstone advertisements by or on behalf of investment companies. Advertisements or other notices published by banks, insurance companies or others offering other services should of course also comply with section 2(10)(b) and the rule to the extent that references are made to the shares of investment companies.

The view of the Commission is based upon the assumption that references in investment company tombstone notices otherwise complying with section 2(10)(b) and the rule would be limited to simple identification statements; for example, the statement that insurance from a specified insurance company is available in connection with purchase of fund shares. Statements which go beyond this and, for example, attempt to list or discuss the advantages of insur-

ance or of a particular insurance arrangement would in all probability not come within this interpretation of section 2(10)(b) and Rule 134.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 23, 1968.

[F.R. Doc. 69-301; Filed, Jan. 9, 1969; 8:45 a.m.]

[Release IC-5569]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Staff Interpretive Positions Relating to Rule 22c-1

The Securities and Exchange Commission today called attention to interpretive positions its Division of Corporate Regulation has taken relating to Rule 22c-1 which was adopted on October 16, 1968 (Investment Company Act Release No. 5519) and becomes effective at the commencement of business on January 13, 1969.

The staff interpretive positions summarized in this release were taken in response to inquiries directed to the staff. While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the division in which they originate, the public is cautioned that the opinions expressed in this release are not, and do not purport to be an official expression of the Commission's views.

The text of the questions together with the responses of the Division of Corporate Regulation follow:

1. The rule requires that a transaction for a customer in the shares of an investment company must be at the price "which is next computed after receipt" of the customer's order. The "next computed" price means the next price which goes into effect after receipt of the order. However, the question has arisen whether it is the time of receipt of an order by a dealer or by the fund underwriter which will control the price at which the order is executed. To put the question in a concrete example, assume that a dealer receives a customer's order at 3:15 p.m. and it is time-stamped at that time. The order is transmitted by telephone in the regular course of business from the order room of the dealer to the underwriter of the fund where it is received at 3:45. The fund prices its shares in accordance with Rule 22c-1(b), at 3:30 p.m. at the close of trading on the New York Stock Exchange. Under these circumstances, would the order in question be priced as of 3:30 p.m., i.e., the price next computed after receipt of the order by the dealer, or a price as of the first pricing of the fund on the next business day? If the time of receipt of the order by the dealer is controlling must the underwriter independently verify whether the order is properly entered?

Rule 22c-1 provides that the price at which redeemable investment company shares shall be sold shall be a price based on the net asset value next computed after the order to purchase the security is received. The rule contemplates that the time of receipt of the order by the retail dealer is controlling. It is the responsibility of the retail dealer to establish procedures which would assure that upon his receipt of a customer's order it will be transmitted so that it will be received by the underwriter before the time when the price applicable to the customer's order expires, except that where the price is based on the net asset value at the close of the Exchange (e.g., 3:30) it should be transmitted before the close of the underwriter's business day.

When the dealer transmits the order to the underwriter the dealer should inform the underwriter of the exact time the dealer received the order. However, if the dealer's first transmission of the order is by telephone or teletype, it will ordinarily be sufficient if at that time he represents that the order was received by him at a time entitling the customer to the price applicable at a specified time: *Provided*, That when he later confirms the order in writing he furnishes to the underwriter detailed information as to the specific time when the order was received. The underwriter would be required to time-stamp the order as of the time of its initial receipt by him from the dealer (whether by telephone, telegraph or any other means), and the underwriter should retain in his records the dealer's written confirmation showing the dealer's statement of the time the dealer received the order from his customer.

The following examples are intended to illustrate how the pricing provisions apply: The fund prices at 1 p.m. and 3:30 p.m.

(a) A dealer receives a customer's order before 1 p.m. The 1 p.m. price would be applicable and the dealer should assure that the order is received by the underwriter prior to 3:30 p.m.

(b) A dealer receives a customer's order after 1 p.m. but before 3:30 p.m. The 3:30 p.m. price would be applicable and the dealer should assure that the order is received by the underwriter prior to the close of the underwriter's business day.

(c) A dealer receives a customer's order at 4 p.m. The 1 p.m. price on the next business day would be applicable and the dealer should assure that the underwriter receives the order prior to 3:30 p.m. on such next day. (See also the answer to question 4(b).)

2. Rule 22c-1 refers to the current net asset value of an investment company security as being "computed." Does the word "computed" as used in the rule require a pricing of each portfolio security or can an appropriate formula be used in determining net asset value?

As used in the rule, the word "computed" does require a pricing of each portfolio security not less frequently than once daily as of the time of the close of trading on the New York Stock Exchange. This requirement does not foreclose additional computations using an appropriate formula at times when such Exchange is open for trading. It is the responsibility of those pricing such shares to make certain that the formula is a fair one and results in a price which is a reasonable reflection of current net asset value.

3. In connection with a voluntary or contractual plan for the accumulation of shares of a particular investment company or the automatic liquidation of shares pursuant to a withdrawal program, the investor deals directly with a custodian bank under procedures which are disclosed in each fund prospectus. The custodian bank collates and processes the various payments received on a particular day and at the completion of the processing notifies the fund underwriter of purchases and liquidation of shares. The time of notification and the time at which such orders are priced as a result of such notification varies somewhat from company to company. Generally speaking, notification is usually made within two business days after receipt by the bank of a customer's instructions and pricing is done as of the close of business of the day on which such instructions are received by the bank or as of the close of the following day. Assuming that in no event would the pricing be done as of a time prior to the actual receipt of the instructions by the custodian bank; that these transactions form part of a systematic investment program; and are entered by mail by customers or in the case of withdrawal accounts are automatic and involve no investment decision, is there any objection under the provisions of Rule 22c-1 if custodian banks and fund underwriters continue to follow the pricing practices described herein?

Under the circumstances set forth in the question dealing with the time of pricing shares with respect to instructions received by custodian banks for purchases of shares under systematic plans and liquidation of shares in withdrawal programs, there would be no objection if the price is determined on the basis of the closing price of the day that the bank receives the customer's instructions. In order to assure proper pricing, the bank should date-stamp each customer's instruction on receipt.

4. (a) What is the preferred procedure to be followed in conforming the present language in prospectuses to the requirements of Rule 22c-1 with respect to the pricing methods of investment companies?

It would be preferable, if the only change in a prospectus is to conform present pricing language to the requirements of Rule 22c-1, that such a change be accomplished by the filing of a supplemental prospectus pursuant to Rule 424 under the Securities Act and not by posteffective amendment to a registration statement. At least three additional copies of the supplemental prospectus, clearly marked to show the changes, should be forwarded to the chief of the branch which has been processing previous filings of the registrant.

(b) Would the following be acceptable as disclosure in the prospectus of pricing procedures under Rule 22c-1 assuming a particular fund would continue to price twice a day at 1 p.m. and 3:30 p.m.[1]

Effective on January 13, 1969, the public offering price will continue to be computed twice daily at 1 p.m., and at the close of the New York Stock Exchange, normally 3:30 p.m., New York City time. The offering prices so determined will become effective as of 1 p.m. and 3:30 p.m. Orders for shares of the fund received by dealers prior to 1 p.m. New York City time and received by the underwriter prior to 3:30 p.m. New York City time will be confirmed at the offering price effective 1 p.m. on the same date; orders received by dealers after 1 p.m. and prior to 3:30 p.m. New York City time and received by the underwriter prior to ——— p.m. [time zone] [close of the underwriter's business day] will be confirmed at the offering price effective at 3:30 p.m. Orders received by dealers subsequent to 3:30 p.m. New York City time and prior to 1 p.m. New York City time of the next business day and received by underwriters prior to 3:30 p.m. of the next business day will be confirmed at the offering price effective at 1 p.m. on that next day.

The proposed language would be an acceptable method of disclosing pricing

[1] Companies desiring to price once a day or at more frequent intervals than twice a day should make appropriate adjustments in the sample language.

procedures pursuant to Rule 22c-1. Of course, adequate disclosures of repurchase and redemption procedures would also have to be made.

The Commission expects to release additional staff interpretations on the rule from time to time as the need arises.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 27, 1968.

[F.R. Doc. 69-302; Filed, Jan. 9, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-20]

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

International Organizations

By Executive Order No. 11439, signed December 7, 1968, the President having found that the Lake Ontario Claims Tribunal has discharged its functions and adjourned, revoked Executive Order No. 11372 of September 18, 1967, which designated the Lake Ontario Claims Tribunal as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945.

The list of public international organizations currently entitled to free-entry privileges in § 10.30a(a) of the Customs Regulations is, therefore, amended by deleting all the information relating to the Lake Ontario Claims Tribunal under the alphabetical listing under the heading "Organization".

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

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

Approved: December 30, 1968.

JOSEPH M. BOWMAN, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69-323; Filed, Jan. 9, 1969; 8:48 a.m.]

[T.D. 69-19]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 25—CUSTOMS BONDS

Carriers of Bonded Merchandise

Public Law 90-240, approved January 2, 1968, further amended section 551 of the Tariff Act of 1930 to permit the Secretary of the Treasury in his discretion to designate a private carrier, upon application, as a carrier of bonded merchandise, subject to such regulations and to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise.

On June 21, 1968, there was published in the FEDERAL REGISTER (33 F.R. 9177) a notice of proposed amendments to the Customs Regulations to give effect to Public Law 90-240. After consideration of all information received including written submissions from interested parties, changes in the amendments proposed have been made (1) to permit a private carrier to transport to his warehouse merchandise purchased from an importer as well as merchandise imported by the private carrier, and (2) to extend the provisions for transportation of merchandise to the customs bonded warehouse of a private carrier to include such transportation from the port of entry as well as from the port of importation. Accordingly, the Customs Regulations are hereby amended as follows:

Paragraph (a), footnote 1 appended to paragraph (a), and paragraph (c) of § 18.1 are amended to read as follows:

§ 18.1 Carriers; application to bond.

(a) Merchandise to be transported from one port to another in the United States in bond, except as provided for in paragraph (b) of this section, shall be delivered to a common carrier, contract carrier, freight forwarder, or private carrier bonded for that purpose, but such merchandise delivered to a common carrier, contract carrier, or freight forwarder may be transported with the use of the facilities of other bonded or nonbonded carriers.[1] For the purposes of this section, the term "common carrier" means a common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route.

* * * * *

(c) (1) A common carrier, contract carrier, or freight forwarder of merchandise may be authorized to receive merchandise for transportation in bond provided there is filed with the district director of customs concerned:

(i) A bond on customs Form 3587 in a sum to be determined by the district director, accompanied by the fee prescribed by § 24.12 of this chapter;

(ii) In the case of a common carrier, a certified extract of its charter showing that it is authorized to engage in common carriage, and a statement that it is operating or intends to operate as a common carrier. No such extract or statement need be submitted by a railroad, steamship, or airline company generally known to be engaged in common carriage;

(iii) In the case of a contract carrier, a certificate from the appropriate agency of the United States showing that the carrier is authorized to operate as a contract carrier by that agency, and a statement showing that it is operating or intends to operate as a contract carrier;

(iv) In the case of a freight forwarder, a certificate from the appropriate agency of the United States showing that the applicant is authorized to operate as a freight forwarder by that agency, and a statement showing that it is operating or intends to operate as a freight forwarder.

(2) A private carrier of merchandise may be authorized to receive merchandise for transportation in bond provided:

(i) The private carrier is the proprietor of a customs bonded warehouse;

(ii) The merchandise to be transported is the property of the private carrier, having been imported by the carrier or purchased from another importer;

(iii) The merchandise is to be transported from the port of importation or the port of entry for warehouse to the private carrier's customs bonded warehouse for physical deposit;

(iv) There is filed with the district director of customs for the district in which the private carrier's customs bonded warehouse is located a bond on customs Form 3588 in a sum to be determined by the district director accompanied by the fee prescribed by § 24.12 of this chapter. If the private carrier is the proprietor of customs bonded warehouses in two or more customs districts to which imported merchandise will be transported, the carrier shall file the bond with the district director for one of such districts, accompanied by a statement showing the location of each such warehouse and an additional copy of the bond for each additional district.

* * * * *

Section 18.2 is amended to add a new paragraph (d) to read:

§ 18.2 Receipt by carriers; manifest.

* * * * *

(d) In addition to the foregoing, any entry for immediate transportation presented at the port of arrival for merchandise to be transported in bond by private carrier shall be accompanied by a commercial invoice setting forth the particulars of the merchandise and a statement in the following form verified by the district director of customs of the

---

[1] Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe—

(1) Any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States,

(2) Any contract carrier authorized to operate as such by any agency of the United States, and

(3) Any freight forwarder authorized to operate as such by any agency of the United States,

upon application, may, in the discretion of the Secretary, be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. A private carrier, upon application, may, in the discretion of the Secretary, be designated under the preceding sentence as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions as the Secretary may prescribe to safeguard the revenues of the United States with respect to the transportation of bonded merchandise by such applicant. (19 U.S.C. 1551.)

district in which is located the warehouse to which the merchandise is to be carried:

The undersigned hereby requests permission to transport under the provisions of his carrier's bond, dated _____, on file at the port of _____, the merchandise described in the attached invoice from the port of _____ to his warehouse located at _____

_____
(Warehouse Proprietor and Carrier)

_____
(Date)

Invoice and statement verified:

_____
(Date)

_____
(District Director)

(80 Stat. 379, R.S. 251, secs. 551, 624, 46 Stat. 742, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1551, 1624)

Subparagraph (1) of paragraph (a) of § 25.4 is amended to read as follows:

§ 25.4 Bonds approved by collectors; form and execution.

(a) * * *

(1) Bonds for the carriage of merchandise:

(i) Carrier's bond, customs Form 3587, for common carriers, contract carriers, and freight forwarders, in an amount to be determined by the district director of customs.

(ii) Private carrier's bond, customs Form 3588, in an amount to be determined by the district director of customs.

* * * * *

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

These amendments shall be effective 30 days after the date of publication in the FEDERAL REGISTER.

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

Approved: December 30, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-327; Filed, Jan. 9, 1969; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

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

[Regs. No. 4, further amended]

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

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

ATTORNEYS AND OTHER REPRESENTATIVES FEES

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. In § 404.906, paragraph (f) is revised to read as follows:

§ 404.906 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart J, but which may receive administrative review, include, but are not limited to, the following:

* * * * *

(f) The authorization approving or regulating the amount of the fee that may be charged or received by a representative for services before the Administration (see § 404.975(e)).

2. In § 404.974, paragraphs (b) and (c) are revised to read as follows:

§ 404.974 Proceedings before a State or Federal Court.

* * * * *

(b) *Attorney fee allowed by a Federal court.* In any case where a Federal court in any proceeding under titles II and XVIII of the Act renders a judgment favorable to a claimant who was represented before the court by an attorney, and the court, pursuant to section 206 (b) of the Act, allows to the attorney as part of its judgment a fee not in excess of 25 percent of the total of past-due benefits to which the claimant is entitled by reason of the judgment, the Administration may certify the amount of such fee for payment to such attorney out of, but not in addition to, the amount of the past-due benefits payable (see § 404.977(a)). No other fee may be certified for direct payment to such attorney for such representation.

(c) *Past-due benefits defined.* The term "past-due benefits" as used in paragraph (b) of this section means the total accumulated amount of benefits payable under title II of the Act by reason of the court's judgment through the month prior to the month of the judgment favorable to the claimant who was represented by the attorney.

3. Section 404.975 is amended as follows: Paragraph (b) is revised, and paragraphs (c), (d), and (e) are added. As amended § 404.975 reads as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

(a) *General.* A fee for services performed for an individual before the Social Security Administration in any proceeding under titles II or XVIII of the Act may be charged and received only as provided in paragraph (b) of this section.

(b) *Charging and receiving fee.* An individual who desires to charge or receive a fee for services rendered for an individual in any proceeding under titles II or XVIII of the Act before the Administration (see § 404.977a), and who is qualified under § 404.972, must file a written petition therefor in accordance with § 404.976(a). The amount of the fee he may charge or receive, if any, shall be determined on the basis of the factors described in § 404.976(b) by an authorized official of the appropriate component of the Administration, where the services were concluded by an initial, reconsidered, or revised determination, or by the Bureau of Hearings and Appeals where there is a decision or action by a hearing examiner or the Appeals Council of the Social Security Administration, as the case may be. Every such fee which is charged or received must be approved as provided in this section and no fee shall be charged or received which is in excess of the amount so approved. This rule shall be applicable whether the fee is charged to or received from a party to the proceeding or someone else. Pursuant to section 206(a) of the Act, in the case of a representative qualified as an attorney under § 404.972(a), the Administration may certify the amount of such fee, subject to the limitations in § 404.977(b), for payment out of, but not in addition to, the amount of past-due benefits payable.

(c) *Past-due benefits defined.* The term "past-due benefits" as used in paragraph (b) of this section means the total accumulated amount of benefits payable under title II of the Act by reason of the favorable determination through the month prior to the month such determination is effectuated.

(d) *Notice of fee determination.* Written notice of a fee determination made in accordance with paragraph (b) of this section shall be mailed to the representative and the claimant at their last known addresses. Such notice shall inform the parties of the amount of the fee authorized, the basis of the determination, the fact that the Administration assumes no responsibility for payment except that pursuant to section 206(a) of the Act the Administration may certify payment to an attorney, and that each party may request an administrative review of the determination within 30 days of the date of the notice.

(e) *Administrative review of fee determination.* Administrative review of a fee determination will be granted only if a request is filed by either the representative or the claimant within 30 days of the date of the notice of the fee determination. The request for administrative review shall be in writing and filed at an office of the Administration. Upon the filing of such request for review of a fee determination, an authorized official of the Administration who did not participate in the fee determination in question will review the determination.

4. Section 404.977 is revised to read as follows:

§ 404.977 Payment of fees.

(a) *Fees allowed by a Federal court.* Subject to the limitations in § 404.974(b), the Administration shall certify for payment direct to attorneys, out of past-due benefits as defined in § 404.974(c), the amount of fee allowed by a Federal court in a proceeding under title II of the Act.

(b) *Fees authorized by the Administration*—(1) *Attorneys.* In any case where the Administration makes a deter-

mination favorable to a claimant who was represented by an attorney as defined in § 404.972(a) in a proceeding before the Administration and as a result of such determination past-due benefits, as defined in § 404.975(c), are payable, the Administration shall certify for direct payment to the attorney, out of such benefits, whichever of the following is the smaller:

(i) 25 percent of the total of such past-due benefits,

(ii) The amount of attorney's fee set by the Administration, or

(iii) The amount agreed upon between the attorney and the claimant.

(2) *Persons other than attorneys.* The Administration assumes no responsibility for the payment of any fee which a representative as defined in § 404.972(b) (person other than an attorney) has been authorized to charge in accordance with the provisions of § 404.975 and will not deduct such fee from benefits payable under the Act to any beneficiary.

(Secs. 205, 206, 1102, 53 Stat. 1368, as amended, 53 Stat. 1372, 49 Stat. 647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, 1302)

5. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 27, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 3, 1969.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-335; Filed, Jan. 9, 1969; 8:48 a.m.]

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart L—Family Relationships

DURATION OF MARRIAGE AND STEPCHILD RELATIONSHIP REQUIREMENTS AND ADOPTION REQUIREMENTS

Subpart L of Regulations No. 4 is amended as set forth below.

1. Section 404.1101(d) is amended by adding a new sentence following subparagraph (3) to read as follows:

§ 404.1101 Determination of relationship.

* * * * *

(d) * * *

The term "insured individual" used in this paragraph (d) refers to the child's mother or father except where a provision refers only to the "father."

2. Section 404.1104 is amended by revising paragraph (e) to read as follows:

§ 404.1104 Definition of widow.

"Widow" means a claimant who has the legal relationship or the status, as described in § 404.1101, of widow of the man on whose earnings record her application is based, and (except for the purpose of entitlement to a lump-sum death payment) who:

* * * * *

(e) Was married to him (or had the status of his wife as described in § 404.1101, or had been ceremonially married to him under the conditions described in § 404.1101(c)(2)) for a period of not less than 9 months immediately before the day he died (1 year for entitlement for months before February 1968—for waiver of the 9-month requirement, see § 404.1114); or

* * * * *

3. Section 404.1107 is amended by revising paragraph (e) to read as follows:

§ 404.1107 Definition of widower.

"Widower" means a claimant who has the legal relationship or the status, as described in § 404.1101, of widower of the woman on whose earnings record his application is based and (except for the purpose of entitlement to a lump-sum death payment) who:

* * * * *

(e) Was married to her (or had the status of her husband as described in § 404.1101, or had been ceremonially married to her under the conditions described in § 404.1101(c)(2)) for a period of not less than 9 months immediately before the day she died (1 year for entitlement for months before February 1968—for waiver of the 9-month requirement, see § 404.1114); or

* * * * *

4. Section 404.1109 is amended by revising paragraphs (a) and (b) to read as follows:

§ 404.1109 Definition of child.

The term "child" means a claimant who:

(a) Is the legally adopted child of the individual upon whose wages and self-employment income his application is based. For purposes of this paragraph, a child shall be deemed to be the legally adopted child of such individual as of the date of such individual's death if such child was living in such individual's household at the time of such death and was legally adopted by such individual's surviving spouse after such death, but—

(1) Only if (i) proceedings for the adoption of the child had been instituted by such individual before his death, or (ii) such child was adopted by such individual's surviving spouse before the end of 2 years after the date of such individual's death or before August 28, 1960, whichever is later, or

(2) For monthly benefits for months prior to February 1968, only if such child was adopted by such individual's surviving spouse before the end of 2 years after the date of such individual's death or before August 28, 1960, whichever is later.

However, a child thus adopted after such individual's death shall not be deemed to be the legally adopted child of such individual if at the time of such individual's death the child was receiving regular contributions toward his support from someone other than such individual or his spouse, or from any public or private welfare organization which furnishes services or assistance for children; or

(b) Is the stepchild of the individual upon whose wages and self-employment income his application is based by reason of a valid marriage of his parent (see § 404.1110(c)) or adopting parent with such individual and, in the case of such a living individual, has been such stepchild for not less than 1 year (3 years for entitlement to benefits for months before September 1960) immediately preceding the day on which application for child's insurance benefits is filed, or, if such individual is deceased, not less than 9 months immediately preceding the day on which such individual died (1 year for entitlement for months before February 1968—for waiver of the 9-month requirement, see § 404.1114).

A "child" who is not the stepchild of an individual shall, for benefits for months after August 1960, be deemed to be such stepchild if such individual was not the mother or adopting mother or the father or adopting father of such child and such individual and the mother or adopting mother or father or adopting father, as the case may be, of such child, went through a marriage ceremony resulting in a purported marriage between them which but for a legal impediment (see § 404.1101(c)(3)(i)) would have been a valid marriage; or

* * * * *

5. Section 404.1114 is added to read as follows:

§ 404.1114 Waiver of 9-month requirement for widow, stepchild, or widower.

(a) *General.* Except as provided in paragraph (c) of this section, the requirement in § 404.1104(e) or § 404.1107(e) that the surviving spouse of an individual have been married to such individual for a period of not less than 9 months immediately prior to the day on which such individual died in order to qualify as such individual's widow or widower, and the requirement in § 404.1109(b) that the stepchild of a deceased individual have been such stepchild for not less than 9 months immediately preceding the day on which such individual died in order to qualify as such individual's child, shall be deemed to be satisfied, where such indivdiual dies within the applicable 9-month period, if his or her death—

(1) Is accidental (as defined in paragraph (b) of this section), or

(2) Occurs in line of duty while he or she is a member of a uniformed service serving on active duty (as defined in § 404.1013(f)(2) and (3)),

and, in the case of the surviving spouse, he or she was married to such individual for a period of not less than 3 months prior to the day on which such individual died, or, in the case of the stepchild, he or she had been such stepchild for not

less than 3 months immediately preceding the day on which such individual died.

(b) *Accidental death.* For purposes of paragraph (a)(1) of this section the death of an individual is accidental if such individual receives bodily injuries solely through violent, external, and accidental means and, as a direct result of the bodily injuries and independently of all other causes, loses his or her life not later than 3 months after the day on which he or she receives such bodily injuries. The term "accident" means an event that was unpremeditated and unforeseen from the standpoint of the deceased individual. To determine whether the death of an individual did, in fact, result from an accident the Administration will consider all the circumstances surrounding the casualty. An intentional and voluntary suicide will not be considered to be death by accident; however, suicide by an individual who is so insane as to be incapable of acting intentionally and voluntarily will be considered to be death by accident. In no event will the death of an individual resulting from violent and external causes be considered a suicide unless there is direct proof that the fatal injury was self-inflicted.

(c) *Applicability.* The provisions of this section apply with respect to monthly benefits under title II of the Act for months after January 1968, except that such provisions shall not apply if the Secretary determines that at the time of the marriage involved, the individual involved could not have reasonably been expected to live for 9 months.

(Secs. 205, 216, 1102, 53 Stat. 1368, as amended, 64 Stat. 510, as amended, 49 Stat. 647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 416, 1302)

6. *Effective date.* These amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 27, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 3, 1969.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-336; Filed, Jan. 9, 1969; 8:48 a.m.]

[Regs. No. 4]

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

Subpart P—Rights and Benefits Based on Disability

EVALUATION OF EARNINGS FROM WORK

Section 404.1534, Subpart P, Part 404, Title 20, of the Code of Federal Regulations (20 CFR 404.1534) is revised to read as follows:

§ 404.1534 Evaluation of earnings from work.

(a) *General.* Where an individual who claims to be disabled engages in work activities, the amount of his earnings from such activities may establish that the individual has the ability to engage in substantial gainful activity. Generally, activities which result in substantial earnings would establish ability to engage in substantial gainful activity; however, the fact that an individual's activities result in earnings which are not substantial does not establish the individual's inability to engage in substantial gainful activity. Where an individual is forced to discontinue his work activities after a short time because his impairment precludes continuing such activities, his earnings would not demonstrate ability to engage in substantial gainful activity. Also a mentally handicapped individual who performs simple tasks subject to close and continuous supervision would not have demonstrated ability to engage in substantial gainful activity solely on the basis of the rate of his remuneration for such activity. Extraordinary expenses incurred by an individual in connection with his employment and because of his impairment (e.g., the nature of the impairment requires special transportation) shall be deducted, to the extent that such expenses exceed what would be his work-related expenses if he were not impaired, in computing the value of his earnings. Expenses for medication or equipment which the individual requires whether or not he works would not, of course, be work-related. Earnings received by an employee which are not attributable to his work activity are not considered in determining his ability to engage in substantial gainful activity. Thus, where an individual engages in work activity as an employee under special conditions (see § 404.1532(e)), only earnings attributable to the individual's productivity, as distinguished from a subsidy related to other factors (e.g., his financial needs), are considered in determining his ability to perform substantial gainful activity. The fact, however, that a sheltered workshop or comparable facility may operate at a deficit and receive some charitable contributions or governmental aid would not necessarily establish that a particular employee of the workshop is not earning the amounts paid to him.

(b) *Earnings at a monthly rate in excess of $140.* An individual's earnings from work activities averaging in excess of $140 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity unless there is affirmative evidence that such work activities themselves establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 404.1532 and 404.1533 and paragraph (a) of this section.

(c) *Earnings at a rate of $90 to $140 a month.* Where an individual's earnings from work activities average between $90 and $140 a month, consideration of the amount of his earnings together with the other circumstances relating to his work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to his impairment or impairments, and other factors (see § 404.1502) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for the blind) or comparable facility, whose activities are limited by his impairment so that his earnings average $140 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $90.* Earnings from work activities as an employee which average less than $90 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 404.1532) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

(e) *Factors considered where individual is self-employed.* The earnings or losses of a self-employed individual often reflect factors other than the individual's work activities in carrying on his trade or business. For example, a business may have a small income or may even operate at a loss even though the individual performs sufficient work to constitute substantial gainful activity. Thus, less weight is given to such small income or losses in determining a self-employed individual's ability to engage in substantial gainful activity, and greater weight is given to such factors as the extent of his activities and the supervisory, managerial, or advisory services rendered by him (see § 404.1532 (f)).

(Secs. 205, 216(i), 223, 1102, Social Security Act, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 416(i), 423, 1302)

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

Dated: December 27, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 3, 1969.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-338; Filed, Jan. 9, 1969; 8:48 a.m.]

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 —)

Subpart N—Conditions for Coverage of Portable X-ray Services

On July 16, 1968, there was published in the FEDERAL REGISTER (33 F.R. 10149) a notice of proposed rule making relating to the conditions for coverage of portable X-ray services which must be met by a supplier providing portable X-ray services in order for the supplier's services to qualify for reimbursement under the supplementary medical insurance program where such services are not performed by or under the immediate

personal supervision of a physician. Interested persons were given 30 days to submit comments with regard to the proposed regulations contained threin. The proposd regulctions are hereby adopted with changes made as a result of comments received. Chapter III, Title 20, is amended by adding thereto Subpart N of Part 405 to read as set forth below. The addition of Subpart N of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: December 23, 1968.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 3, 1969.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

Subpart N—Conditions for Coverage of Portable X-ray Services

Secs.

AUTHORITY: The provisions of this Subpart N issued under secs. 1102, 1861(s)(3), 1864, 1871; 49 Stat. 647, as amended, 79 Stat. 321, 81 Stat. 852, 79 Stat. 326, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.1401 General.

(a) *Portable X-ray services.* The Conditions for Coverage of Portable X-Ray Services, and related policies set forth in this Subpart N, delineate the specific requirements which must be met by a supplier providing portable X-ray services in order for the supplier's services to qualify for reimbursement under the supplementary medical insurance program (see Subpart B of this part) where such services are not performed by or under the immediate personal supervision of a physician. Section 1861(s)(3) of the Social Security Act, as amended, states a number of specific requirements and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of the health and safety of beneficiaries. The conditions for coverage were developed in regard to services provided to the 65 and over age group, with respect to whom genetic risks are, of course, minimal. These conditions, therefore, would not give assurance of protection for younger groups.

SEC. 1861. For purposes of this title—

* * * * *

(s) The term "medical and other health services" means any of the following items or services:

* * * * *

(3) diagnostic X-ray tests (including tests under the supervision of a physician, furnished in a place of residence used as the patient's home, if the performance of such tests meets such conditions relating to health and safety as the Secretary may find necessary), * * *"

* * * * *

(b) *Intent of the benefit.* (1) The 1967 amendments expand section 1861(s)(3) of the law to include, with respect to services furnished after December 31, 1967, diagnostic X-ray tests provided by a qualified supplier of portable X-ray tests performed in a place of residence used as the patient's home, if the tests are performed under the general supervision of a physician and certain conditions relating to health and safety are met.

(2) The portable X-ray service benefit is intended to facilitate diagnosis for certain persons who, for example, because of physical limitations find it difficult to receive X-rays outside the home. In general, it is to the patient's advantage, if he is able, to receive X-ray services from nonportable equipment because of the greater capability and safety of such equipment.

(c) *Scope of covered services.* In order to avoid providing reimbursement for services which are inadequate or hazardous to the patient, the scope of the covered portable X-ray service benefit is defined as follows:

(1) Skeletal films involving the extremities (i.e., arms and legs), pelvis, vertebral column, and skull;

(2) Chest films which do not involve the use of contrast media;

(3) Abdominal films which do not involve the use of contrast media.

(d) *Exclusions from coverage as portable X-ray services.* Procedures and examinations which are not covered under the portable X-ray provision include the following:

(1) Procedures involving fluoroscopy;

(2) Procedures involving the use of contrast media;

(3) Procedures requiring the administration of a substance to the patient or injection of a substance into the patient and/or special manipulation of the patient;

(4) Procedures which require special medical skill or knowledge possessed by a doctor of medicine or doctor of osteopathy or which require that medical judgment be exercised;

(5) Procedures requiring special technical competency and/or special equipment or materials;

(6) Routine screening procedures;

(7) Procedures which are not of a diagnostic nature.

(e) *Circumstances under which services are covered.* The tests must be ordered in writing by the attending doctor of medicine or doctor of osteopathy who is licensed to practice in the State and who also assumes responsibility for either interpreting the film himself or for obtaining an interpretation by a licensed doctor of medicine or doctor of osteopathy.

(f) *Definition of supplier of portable X-ray tests.* A supplier of portable X-ray tests means any organization, individual, partnership or corporation which takes radiographs by means of equipment which utilizes ionizing radiation, except participating hospitals and extended care facilities (which must meet applicable health and safety standards in the conditions for participation—see Subparts J and K of this part) and physicians who provide immediate personal supervision during the taking of such tests.

§ 405.1402 Conditions for coverage of services—general.

The services of a supplier of portable X-ray tests will be reimbursable under the program only if the Secretary has determined that the supplier is in compliance with the conditions relating to licensure or registration, to physician supervision, and to health and safety. These conditions relating to health and safety are made requirements because they are held to be essential to the maintenance of quality of care and the adequacy of the services and equipment which the supplier provides.

§ 405.1403 Standards; general.

As a basis for a determination as to whether or not there is compliance with the prescribed conditions in the case of any particular supplier of portable X-ray tests, a series of standards is listed under each condition. Reference to these standards will enable the State agency surveying a supplier to document the activities of the supplier and to establish whether it is in compliance with the prescribed conditions. Because of the potential hazards inherent in the use of X-ray equipment, all standards must be met in order for the supplier to be found in compliance with the conditions.

§ 405.1404 State agencies.

(a) Under authority given in the law to the Secretary to perform any of his functions under title XVIII directly or by contract, the Secretary will be assisted by designated State health agencies or other State agencies in determining whether there is compliance with the conditions for coverage of services of suppliers of portable X-ray tests. The designated State agencies will certify to the Secretary those suppliers which they find are in compliance with the conditions. Such certifications will include findings as to whether each of the conditions is met. The Secretary, on the basis of such certification from the State agency, will determine whether or not the equipment and level of services of the supplier represent compliance with

the conditions and will transmit to the supplier a written notice of the determination. If it is determined that the supplier does not comply with the conditions for coverage, the supplier may appeal from such determination and request a hearing. For procedures relating to appeals, see Subpart O of this Part 405.

(b) Certifications and determinations as to whether a supplier of portable X-ray services is in compliance with the conditions will be made upon the filing of an application by the supplier on a form prescribed by the Secretary.

(c) Any payment for diagnostic X-ray tests of the type described in § 405.1401 (c) performed by a supplier of portable X-ray tests, if made prior to a determination that the supplier is in compliance with this subpart, is not to be considered as establishing the compliance of such supplier with such conditions.

§ 405.1405 Principles for the evaluation of suppliers of portable X-ray tests to determine whether they are in compliance with the conditions.

A supplier of portable X-ray tests will be considered in compliance with the conditions for coverage only upon acceptance by the Secretary of findings adequately documented and certified to by the State agency, showing that the supplier is found to be operating in accordance with all standards and conditions with no deficiencies.

§ 405.1406 Time limitations on certification of compliance.

(a) All initial certifications by the State agency to the effect that a supplier of portable X-ray services is in compliance with the conditions will be for a period of 1 year, beginning with January 1, 1968, or, if later, with the date on which the supplier is first found to be in compliance with the conditions. The Secretary's determination will remain in effect until such time as notice of revision or termination is given. State agencies may visit or resurvey suppliers where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State may, at any time, find and certify to the Secretary that a supplier is no longer in compliance.

(b) If a supplier is certified by the State agency and determined by the Secretary to be in compliance under the provisions of the conditions, a notice will be sent to the supplier notifying it of the determination of coverage of its services under the medical insurance program.

§ 405.1407 Certification of noncompliance.

The State agency will certify that a supplier is not in compliance with the conditions or, where a determination of compliance has been made, that a supplier is no longer in compliance where the supplier is not in compliance with all standards.

§ 405.1408 Criteria for determining compliance.

A finding made by the State agency as to whether a supplier of portable X-ray services is in compliance with the conditions requires a thorough evaluation of the facility. The State evaluation will take into consideration whether each standard is fully met.

§ 405.1409 Documentation of findings.

The findings of the State agency with respect to each of the conditions should be adequately documented. Where the State agency certifies to the Secretary that a supplier is not in compliance with the conditions, such documentation should include a report on the nature of the deficiencies and of any discussions concerning such deficiencies, a report of the supplier's response with respect to such discussions, and the State agency's assessment of the prospects for such improvements as to enable the supplier to achieve compliance with the conditions. The State agency should also furnish the supplier with a statement as to the deficiencies found.

§ 405.1411 Conditions for coverage—compliance with Federal, State, and local laws and regulations.

The supplier of portable X-ray services is in conformity with all applicable Federal, State, and local laws and regulations.

(a) *Standard—licensure or registration of supplier.* In any State in which State or applicable local law provides for the licensure or registration of suppliers of X-ray services, the supplier is (1) licensed or registered pursuant to such law, or (2) approved by the agency of the State or locality responsible for licensure or registration as meeting the standards established for such licensure or registration.

(b) *Standard—licensure or registration of personnel.* All personnel engaged in operating portable X-ray equipment are currently licensed or registered in accordance with all applicable State and local laws.

(c) *Standard—licensure or registration of equipment.* All portable X-ray equipment used in providing portable X-ray services is licensed or registered in accordance with all applicable State and local laws.

(d) *Standard—conformity with other Federal, State, and local laws and regulations.* The supplier of portable X-ray services agrees to render such services in conformity with Federal, State, and local laws relating to safety standards.

§ 405.1412 Condition for coverage—supervision by a qualified physician.

Portable X-ray services are provided under the supervision of a qualified physician.

(a) *Standard—physician supervision.* The performance of the roentgenologic procedures is subject to the supervision of a physician who meets the requirements of paragraph (b), of this section and one of the following requirements is met:

(1) The supervising physician owns the equipment and it is operated only by his employees, or

(2) The supervising physician certifies annually that he periodically checks the procedural manuals and observes the operators' performance, that he has verified that equipment and personnel meet applicable Federal, State, and local licensure and registration requirements and that safe operating procedures are used.

(b) *Standard—qualifications of the physician supervisor.* Portable X-ray services are provided under the supervision of a licensed doctor of medicine or licensed doctor of osteopathy who is qualified by advanced training and experience in the use of X-rays for diagnostic purposes, i.e., he (1) is certified in radiology by the American Board of Radiology or by the American Osteopathic Board of Radiology or possesses qualifications which are equivalent to those required for such certification, or (2) is certified or meets the requirements for certification in a medical specialty in which he has become qualified by experience and training in the use of X-rays for diagnostic purposes, or (3) specializes in radiology and is recognized by the medical community as a specialist in radiology.

§ 405.1413 Condition for coverage—qualifications and orientation of technical personnel and employee records.

Portable X-ray services are provided by qualified technologists.

(a) *Standard—qualifications of technologists.* All operators of the portable X-ray equipment meet the requirements of subparagraphs (1), (2), or (3) of this paragraph:

(1) Successful completion of a program of formal training in X-ray technology of not less than 24 months' duration in a school approved by the Council on Education of the American Medical Association or by the American Osteopathic Association, or have earned a bachelor's or associate degree in radiologic technology from an accredited college or university.

(2) For those whose training was completed prior to July 1, 1966, but on or after July 1, 1960: successful completion of 24 full months of training and/or experience under the direct supervision of a physician who is certified in radiology by the American College of Radiology or who possesses qualifications which are equivalent to those required for such certification, and at least 12 full months of pertinent portable X-ray equipment operation experience in the 5 years prior to January 1, 1968.

(3) For those whose training was completed prior to July 1, 1960: successful completion of 24 full months of training and/or experience of which at least 12 full months were under the direct supervision of a physician who is certified in radiology by the American College of Radiology or who possesses qualifications which are equivalent to those re-

quired for such certification, and at least 12 full months of pertinent portable X-ray equipment operation experience in the 5 years prior to January 1, 1968.

(b) *Standard—personnel orientation.* The supplier of portable X-ray services has an orientation program for personnel, based on a procedural manual which is: Available to all members of the staff, incorporates relevant portions of professionally recognized documents, and includes instruction in all of the following:

(1) Precautions to be followed to protect the patient from unnecessary exposure to radiation;

(2) Precautions to be followed to protect an individual supporting the patient during X-ray procedures from unnecessary exposure to radiation;

(3) Precautions to be followed to protect other individuals in the surrounding environment from exposure to radiation;

(4) Precautions to be followed to protect the operator of portable X-ray equipment from unnecessary exposure to radiation;

(5) Considerations in determining the area which will receive the primary beam;

(6) Determination of the time interval at which to check personnel radiation monitors;

(7) Use of the personnel radiation monitor in providing an additional check on safety of equipment;

(8) Proper use and maintenance of equipment;

(9) Proper maintenance of records;

(10) Technical problems which may arise and methods of solution;

(11) Protection against electrical hazards;

(12) Hazards of excessive exposure to radiation.

(c) *Standard—employee records.* Current employee records are maintained and include a resume of each employee's training and experience. Records also contain evidence of adequate health supervision of employees, including records of all illnesses and accidents occurring on duty as well as results of any preemployment and periodic physical examinations.

§ 405.1414 Condition for coverage—referral for service and preservation of records.

All portable X-ray services performed for Medicare beneficiaries are ordered by a doctor of medicine or doctor of osteopathy and records are properly preserved.

(a) *Standard—referral by a physician.* Portable X-ray examinations are performed only on the order of a doctor of medicine or doctor of osteopathy licensed to practice in the State. The supplier's records show that:

(1) The X-ray test was ordered by a licensed doctor of medicine or doctor of osteopathy, and

(2) Such physician's written, signed order specifies the reason an X-ray test is required, the area of the body to be exposed, the number of radiographs to be obtained, and the views needed; it also includes a statement concerning the condition of the patient which indicates why portable X-ray services are necessary.

(b) *Standard—records of examinations performed.* The supplier makes for each patient a record of the date of the X-ray examination, the name of the patient, a description of the procedures ordered and performed, the referring physician, the operator(s) of the portable X-ray equipment who performed the examination, the physician to whom the radiograph was sent, and the date it was sent.

(c) *Standard—preservation of records.* Such reports are maintained for a period of at least 2 years, or for the period of time required by State law for such records (as distinguished from requirements as to the radiograph itself), whichever is longer.

§ 405.1415 Condition for coverage—safety standards.

X-ray examinations are conducted through the use of equipment which is free of unnecessary hazards for patients, personnel, and other persons in the immediate environment, and through operating procedures which provide minimum radiation exposure to patients, personnel, and other persons in the immediate environment.

(a) *Standard—tube housing and devices to restrict the useful beam.* The tube housing is of diagnostic type. Diaphragms, cones, or adjustable collimators capable of restricting the useful beam to the area of clinical interest are used and provide the same degree of protection as is required of the housing.

(b) *Standard—total filtration.* (1) The aluminum equivalent of the total filtration in the primary beam is not less than that shown in the following table except when contraindicated for a particular diagnostic procedure.

Operating kVp	*Total filtration (inherent plus added)*
Below 50 kVp	0.5 millimeters aluminum.
50–70 kVp	1.5 millimeters aluminum.
Above 70 kVp	2.5 millimeters aluminum.

(2) If the filter in the machine is not accessible for examination or the total filtration is unknown, it can be assumed that the requirements are met if the half-value layer is not less than that shown in the following table:

Operating kVp	*Half-value layer*
50 kVp	0.6 millimeters aluminum.
70 kVp	1.6 millimeters aluminum.
90 kVp	2.6 millimeters aluminum.
100 kVp	2.8 millimeters aluminum.
110 kVp	3.0 millimeters aluminum.
120 kVp	3.3 millimeters aluminum.

(c) *Standard—termination of exposure.* A device is provided to terminate the exposure after a preset time or exposure.

(d) *Standard—control panel.* The control panel provides a device (usually a milliammeter or a means for an audible signal to give positive indication of the production of X-rays whenever the X-ray tube is energized. The control panel includes appropriate indicators (labelled control settings and/or meters) which show the physical factors (such as kVp, mA, exposure time or whether timing is automatic) used for the exposure.

(e) *Standard—exposure control switch.* The exposure control switch is of the dead-man type and is so arranged that the operator can stand at least 6 feet from the patient and well away from the useful beam.

(f) *Standard—protection against electrical hazards.* Only shockproof equipment is used. All electrical equipment is grounded.

(g) *Standard—mechanical supporting or restraining devices.* Mechanical supporting or restraining devices are provided so that such devices can be used when a patient must be held in position for radiography.

(h) *Standard—protective gloves and aprons.* Protective gloves and aprons are provided so that when the patient must be held by an individual, that individual is protected with these shielding devices.

(i) *Standard—restriction of the useful beam.* Diaphragms, cones, or adjustable collimators are used to restrict the useful beam to the area of clinical interest.

(j) *Standard—personnel monitoring.* A device which can be worn to monitor radiation exposure (e.g., a film badge) is provided to each individual who operates portable X-ray equipment. The device is evaluated for radiation exposure to the operator at least monthly and appropriate records are maintained by the supplier of portable X-ray services of radiation exposure measured by such a device for each individual.

(k) *Standard—personnel and public protection.* No individual occupationally exposed to radiation is permitted to hold patients during exposures except during emergencies, nor is any other individual regularly used for this service. Care is taken to assure that pregnant women do not assist in portable X-ray examinations.

§ 405.1416 Condition for coverage—inspection of equipment.

Inspections of all X-ray equipment and shielding are made by qualified individuals at intervals not greater than every 24 months.

(a) *Standard—qualified inspectors.* Inspections are made at least every 24 months by a radiation health specialist who is on the staff of or approved by an appropriate State or local government agency.

(b) *Standard—records of inspection and scope of inspection.* The supplier maintains records of current inspections which include the extent to which equipment and shielding are in compliance with the safety standards outlined in § 405.1415.

[F.R. Doc. 69-337; Filed, Jan. 9, 1969; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—AVAILABILITY OF INFORMATION

Personnel Records

Section 518.15 is revised to read as follows:

§ 518.15 Location of and access by individual concerned or designated representative to military personnel records maintained by The Adjutant General and the Administrator of General Services.

(a) *Purpose.* This section sets forth the locations of and the conditions under which members and former members of the Army, in a status shown below, may review their individual official military personnel files maintained by The Adjutant General and the Administrator of General Services.

(1) Personnel on active duty.

(2) Reserve component personnel not on active duty.

(3) Retired personnel.

(4) Separated personnel.

(b) *Location of records.* (1) Records of the following personnel are located in The Adjutant General's Office, Personnel Records Division, Department of the Army, Washington, D.C. 20315. The TAGO Building is located at the corner of South Carlyn Spring Road and Leesburg Pike (Bailey's Crossroads), Falls Church, Va. (Access to the Personnel Records Division is through entrance at 3511 South Carlyn Spring Road; Records Review Unit through entrance at 5522 Leesburg Pike.)

(i) All active duty commissioned and warrant officer personnel (including members of Reserve components on active duty).

(ii) General officers of all components (active, inactive, or retired).

(2) Records of all active duty enlisted personnel (including members of Reserve components on active duty) are located in the U.S. Army Personnel Services Support Center, Fort Benjamin Harrison, Ind. 46249.

(3) Records of the following personnel are located in the U.S. Army Administration Center, TAGO, 9700 Page Boulevard, St. Louis, Mo. 63132.

(i) Army personnel released from active duty or active duty for training after December 31, 1961, who were completely separated prior to July 1, 1968.

(ii) USAR and ARNGUS personnel not on active duty (except ARNGUS who have not completed a tour of active duty or active duty for training).

(iii) All retired officers (except general officers) and all retired enlisted personnel.

(4) Records of the following personnel are in the National Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Mo. 63132.

(i) Officer and warrant officer personnel who were completely separated during the period July 1, 1917, through December 31, 1961, inclusive, and who did not reenter the Army after January 1, 1962.

(ii) Enlisted personnel who were completely separated during the period November 1, 1912, through December 31, 1961, inclusive, and who did not reenter the Army after January 1, 1962.

(iii) Active duty Army personnel completely separated on and after July 1, 1968.

(iv) USAR, ARNGUS, and retired personnel as the Reserve or retired status is terminated on and after July 1, 1968.

(c) *Access and review.* (1) Records of personnel will be made available for access and review by the individual concerned or his authorized representative.

(2) Access to records of personnel in a status shown in paragraph (a) of this section is permitted either in The Adjutant General's Office, Personnel Records Division, 5522 Leesburg Pike, Falls Church, Va. 22041, or the U.S. Army Administration Center, TAGO, 9700 Page Boulevard, St. Louis, Mo. 63132.

(3) Access and review in Fort Benjamin Harrison, Ind., is restricted to the active duty enlisted records maintained and administered by the Commanding Officer, U.S. Army Personnel Services Support Center.

(d) *Appointments*—(1) *For review in Washington, D.C., or St. Louis, Mo.* Except in unusual circumstances, a person (or his designated representative) desiring access to his records will contact The Adjutant General, Personnel Records Division, Records Review Unit (692–1924) to arrange for review in Falls Church, Va., or the Commanding Officer, U.S. Army Administration Center, TAGO (Amherst 8–7377), to arrange for review in St. Louis, Mo., at least 2 normal working days in advance of the time the appointment is desired. If access necessitates transfer of records between Falls Church, Va., and St. Louis, Mo., or vice versa, or requires the obtaining of records from Fort Benjamin Harrison, Ind., request for review should be made 4 working days in advance of the desired appointment. Records will be made available only during normal office hours, Monday through Friday.

(2) *For review in Fort Benjamin Harrison, Ind.* An enlisted person on active duty (or his designated representative) desiring access to his records will contact the Commanding Officer, U.S. Army Personnel Services Support Center, Fort Benjamin Harrison, Ind., at least 2 normal working days prior to the time of the desired appointment. Records will be made available only during normal office hours, Monday through Friday.

(e) *Representative.* (1) An individual may designate in writing a representative, including a legal representative, to review his file if he cannot do so himself. Officers assigned to career management activities or to The Adjutant General's Office may not be designated as representatives for the purpose of reviewing records.

(2) At the time review is to be made, the written authorization (paragraph (f) of this section) will be presented by the representative to an official employee of the agency or activity (paragraph (c) of this section) in which the review is desired to be conducted. The authorization will not be mailed.

(3) Individuals are cautioned as to the possibility of misinterpretations of the facts reflected in their records by representatives who may not be completely familiar with the personnel policies of the Department of the Army.

(f) *Sample letter of authorization.*

[1] To: The Adjutant General, Attention: AGPF, Department of the Army, Washington, D.C. 20315.

or

Commanding Officer, U.S. Army Administration Center, TAGO, 9700 Page Boulevard, St. Louis, Mo. 63132.

or

Commanding Officer, U.S. Army Personnel Services Support Center, Fort Benjamin Harrison, Ind. 46249.

I (name (typed or printed)) request that (full name and address), my authorized representatives, be allowed to review my personnel records in the same manner as would be permitted if I presented myself for this purpose.

I am (state present status, i.e., whether on active duty, retired, separated, or a member of the Reserve components not on active duty).

Signature, Grade, Branch of Service, Service Number/Social Security Account Number.

[AR 640–12, Nov. 12, 1968] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69–299; Filed, Jan. 9, 1969; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1, Rev. 5, Amdt. 13]

OI REG. 1—OIL IMPORT REGULATION

Allocation of Imports, Low Sulphur Residual Fuel Oil—Districts I–IV

Section 26 of Oil Import Regulation 1 (Revision 5) provides for allocations of imports of residual fuel oil and fuel oil into Districts I–IV based on the production of low sulphur residual fuel oil. Section 26 is amended to provide for the issuance of licenses for testing and start up of new facilities, to include specific allocations under paragraph (d) within the scope of general allocations authorized by paragraph (c)(3), and to describe with more particularity the fuel oil

[1] As appropriate.

which may be used for blending and which may be imported under allocations made pursuant to paragraph (d). As the purpose of this amendment is to further the control of air pollution, it would not be in the public interest either to provide notice and public procedure thereon or to delay its effective date. Accordingly, this amendment shall become effective immediately.

Subparagraphs (2) and (3) of paragraph (c), and paragraph (d) of section 26 of Oil Import Regulation 1 (Revision 5) (33 F.R. 18374) are amended to read as follows:

Sec. 26 Allocations of unfinished oils—Districts I–IV based on production of low sulphur residual fuel oil in Districts I–IV.

* * * * *

(c) * * *

(2) Upon a showing satisfactory to the Administrator that the construction of a desulphurization facility has been or is about to be completed, the person owning the facility shall be entitled to an initial specific allocation of imports of residual fuel oil on the basis of the quantity of low sulphur fuel oil which he estimates will be produced by the facility during a period of 90 days following the day the facility goes on stream. No license shall be issued under such an allocation earlier than 45 days prior to the date that the newly constructed desulphurization facility is scheduled to go on stream, except in such amounts as may be required for starting and testing the new desulphurization facility, and in no event shall a license be issued under such an allocation until an on-the-spot inspection of the new facility has been conducted by authorized representatives of the Oil Import Administration and a determination has been made that the newly constructed facility will have the operational potential which the applicant has certified to in his application, and that it appears that construction will be completed. The Administrator may make further specific allocations based on the production estimated for succeeding periods of 90 days each. Residual fuel oil imported under such an allocation must be derived from crude oil produced in the Western Hemisphere and must be processed other than by blending by mechanical means either by the person to whom the allocation is made or by the person receiving the residual fuel oil under an exchange agreement.

(3) In order to encourage the construction of new desulphurization facilities in Districts I–IV the Secretary may make a general allocation to an applicant if the Secretary is satisfied that an applicant's proposal to construct a desulphurization facility in Districts I–IV constitutes a bona fide business venture and that the construction of such facility will be carried to completion within a reasonable time. Such a general allocation may provide that the applicant shall be entitled, for such a period of time as the Secretary may determine, to specific allocations of imports of residual fuel oil as provided in subparagraph (1) of this paragraph and to initial allocations as provided in subparagraph (2) of this paragraph and to specific allocations as provided in paragraph (d) of this section.

(d) A person who produces low sulphur residual fuel oil by mechanically blending residual fuel oil to be used as fuel which has a viscosity not greater than 275 Saybolt Furol seconds at 122° F., which contains over 1.5 percent sulphur by weight, and which is derived from crude oil produced in the Western Hemisphere with distillate fuel oil which has a viscosity in the range of 22–40 Saybolt Universal seconds at 100° F. and which is manufactured in his refinery capacity or desulphurization facility in Districts I–IV shall receive an allocation of imports of fuel oil equal to the amount in barrels of the fuel oil which had a viscosity in the range of 22–40 Saybolt Universal seconds at 100° F. which was manufactured in his refinery capacity or desulphurization unit, and which was mechanically blended to produce low sulphur residual fuel oil. Fuel oil imported under such an allocation must have a viscosity within 2.0 Saybolt Universal seconds at 100° F., plus or minus, of the viscosity of the distillate fuel oil used for blending, must be derived from crude oil produced in the Western Hemisphere, and must be processed other than by blending by mechanical means either by the person to whom the allocation is made or by the person receiving the residual fuel oil or fuel oil under an exchange agreement.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 8, 1969.

[F.R. Doc. 69-373; Filed, Jan. 8, 1969; 12:36 p.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-160]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

HULL BAY AND ALLERTON HARBOR, HULL, MASS.

1. The Board of Selectmen of the town of Hull, Mass., by letter dated January 22, 1968, requested the establishment of three special anchorage areas in Hull Bay and Allerton Harbor at Hull, Mass. A public notice dated March 8, 1968, was issued by the New England Division, Corps of Engineers, describing the proposed anchorage areas. All known interested parties were notified and one objection was received. This objection has been resolved. Therefore, the request is granted and the establishment of the special anchorage areas as described in 33 CFR 110.31 below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to establish and describe the special anchorage areas in Hull Bay and Allerton Harbor at Hull, Mass., as described in 33 CFR 110.31 below, wherein vessels not more than 65 feet in length, when at anchor in such special anchorage areas, are not required to carry or exhibit anchor lights. The area is principally for use by yachts and other recreational craft. Use of a mooring buoy is permitted, but fixed piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, Mass.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR 110 is amended as follows, to become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Part 110 is amended by adding a new § 110.31 after § 110.30 reading as follows:

§ 110.31 Hull Bay and Allerton Harbor at Hull, Mass.

(a) *Area No. 1 in Allerton Harbor.* That area north of Hog Island beginning at latitude 42°18'15", longitude 70°53'46"; thence due east to latitude 42°18'15", longitude 70°53'29.5"; thence due south to latitude 42°18'07.5", longitude 70°53'92.5"; thence due west to latitude 42°18'07.5", longitude 70°53'46"; thence due north to the point of beginning.

(b) *Area No. 2 in Hull Bay.* That area south of Hog Island beginning at latitude 42°17'50.5", longitude 70°54'07"; thence due east to latitude 42°17'50.5", longitude 70°53'29.5"; thence due south to latitude 42°17'30", longuitude 70°53'-29.5"; thence due west to latitude 42°17'30", longitude 70°54'07"; thence due north to the point of beginning.

(c) *Area No. 3 in Hull Bay.* That area north of Bumkin Island beginning at latitude 42°17'22", longitude 70°54'07"; thence due east to latitude 42°17'22", longitude 70°53'17.5"; thence due south to latitude 42°17'01", longitude 70°53'17.5"; thence due west to latitude 42°17'01", longitude 70°54'07"; thence due north to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, Mass.

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: January 3, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-306; Filed, Jan. 9, 1969; 8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean, N.J.; Correction

F.R. Doc. 68-14575, appearing at 33 F.R. 18155, December 6, 1968, is corrected to change the longitude in the fifth line of § 204.20(a) to read: 74°01'54".

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-298; Filed, Jan. 9, 1969; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2254]

PART 1720—PROGRAMS AND OBJECTIVES

Subpart 1727—Designation of Areas and Sites

DESIGNATION OF NATIONAL RESOURCE LANDS

The purpose of this amendment is to provide for the designation of national resource lands. Such designation will provide easy identification of these areas and help in familiarizing the public with lands administered by the Bureau of Land Management under principles of multiple use and sustained yield.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. However, that practice is deemed unnecessary in this case because the amendment is procedural in nature and imposes no new requirements on any individual. Accordingly, this amendment shall become effective on publication in the FEDERAL REGISTER.

A new subparagraph is added to § 1727.1(b) to read as follows:

§ 1727.1 Areas or sites that may be designated.

* * * * *

(b) * * *

(5) *National resource lands.* These are relatively large areas of land, generally more than half of which is managed by the Bureau of Land Management under principles of multiple-use and sustained yield of the several products and services obtainable therefrom, as defined and prescribed in the Classification and Multiple-Use Act of September 19, 1964 (43 U.S.C. 1411-18 (1964)).

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 24, 1968.

[F.R. Doc. 69-312; Filed, Jan. 9, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Emergency Assistance to Needy Families With Children

Interim Policy Statement No. 3 setting forth the regulations for the program administered under Title IV—Part A of the Social Security Act, with respect to emergency assistance to needy families with children, was published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10229). No objections having been received from any person, such regulations are hereby codified by adding a new § 233.120 to Part 233 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 233.120 Emergency assistance to needy families with children.

(a) *Requirements for State plans.* A State plan under Title IV, Part A, of the Social Security Act, providing for emergency assistance to needy families with children must:

(1) Specify the eligibility conditions imposed for the receipt of emergency assistance. These conditions may be more liberal than those applicable to other parts of the plan. (See paragraph (b)(1) of this section for scope of Federal financial participation.)

(2) Specify if migrant workers with families will be included and, if emergency assistance will not be available to them Statewide, the part or parts of the State in which it will be provided.

(3) Specify the emergency needs that will be met, whether mass feeding or clothing distribution are included, and the methods of providing payments, medical care, and other remedial care.

(4) Specify which of the following services will be provided: Information, referral, counseling, securing family shelter, child care, legal services, and any other services that meet needs attributable to the emergency or unusual crisis situations.

(5) Provide that emergency assistance will be given forthwith.

(b) *Federal financial participation.* Beginning with the effective date of approval of the amendment to the State plan for AFDC which provides for emergency assistance to needy families with children pursuant to section 406(e) of the Act:

(1) Federal financial participation is available for emergency assistance to or on behalf of a needy child under the age of 21 and any other member of the household in which he is living if—

(i) Such child is (or, within 6 months prior to the month in which such assistance is requested, has been) living with any of the relatives specified in section 406(a)(1) of the Act in a place of residence maintained by one or more of such relatives as his or their own home,

(ii) Such child is without resources immediately accessible to meet his needs,

(iii) The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him in a home, and

(iv) His destitution or need for living arrangements did not arise because he or such relative refused without good cause to accept employment or training for employment.

(2) The rate of Federal financial participation in expenditures during a quarter as emergency assistance in accordance with the provisions of an approved State plan is:

(i) 50 percent of the total amount of such expenditures which are in the form of money payments, payments in kind, or such other payments as the State agency specifies, including loans and vendor payments, or medical or remedial care recognized under State law, with respect to or on behalf of individuals described in subparagraph (1) of this paragraph; and 50 percent of the total amount expended for administration, including costs incurred in determining eligibility, in the payment process, and for other related administrative activities;

(ii) 75 percent of the total amount of such expenditures which are for the following services provided to individuals described in subparagraph (1) of this paragraph, directly by staff of the agency, or by purchase from other sources: Information, referral, counseling, securing family shelter, child care, legal services, and any other services that meet needs attributable to the emergency or unusual crisis situations.

(3) Federal matching is available only for emergency assistance which the State authorizes during one period of 30 consecutive days in any 12 consecutive months, including payments which are to meet needs which arose before such 30-day period or are for such needs as rent which extend beyond the 30-day period. Another condition for Federal participation is that the State has a reasonable method of determining the value of goods in kind or services provided for emergency assistance.

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Effective date. The regulations in this section shall be effective on the date

of their publication in the FEDERAL REGISTER.

Dated: December 27, 1968.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: January 3, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-334; Filed, Jan. 9, 1969; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 68-156]

PART 171—STANDARDS FOR NUMBERING

PART 173—BOATING ACCIDENTS, REPORTS, AND STATISTICAL INFORMATION

Practices, Procedures, and Required Forms

The Federal Boating Act of 1958, as amended (46 U.S.C. 527-527h), requires the numbering of undocumented vessels (primarily recreational craft), establishment and maintenance of a Federal numbering system for undocumented vessels, notices about changes in status of undocumented vessels by owners including sales of such vessels, enforcement of laws requiring numbering or otherwise relating the use of undocumented vessels, and information and statistics with respect to numbering, boating accident reports, and accident statistics. All the functions, powers, and duties of the Secretary of the Treasury and of other officers and offices in the Department of the Treasury in the Federal Boating Act of 1958 were transferred to the Secretary of Transportation by the Department of Transportation Act (49 U.S.C. 1651-1659). By rules in 49 CFR 1.4 the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties described in such act (49 U.S.C. 1955). Effective April 1, 1967, the Commandant, U.S. Coast Guard, by a notice published in the FEDERAL REGISTER (32 F.R. 5611), continued in effect the orders, rules, regulations, policies, procedures, privileges, waivers, and other actions which had been made, allowed, granted, or issued prior to April 1, 1967, until modified, terminated, repealed, superseded, or set aside by appropriate authority.

A review was made of the requirements, policies, practices, and procedures followed in the administration of the Federal Boating Act of 1958 and its implementing regulations. In Alaska, District of Columbia, New Hampshire, Washington, and Guam, the Coast Guard issues certificates of number to certain undocumented vessels as required by section 3 of the Federal Boating Act of 1958, as amended (46 U.S.C. 527a). Elsewhere the States, territories and possessions issue certificates of number to undocumented vessels under Coast Guard approved numbering systems.

The amendments to 46 CFR Parts 171 and 173 in this document are to have the regulations reflect practices and procedures followed after transfer of the Coast Guard to Department of Transportation, to provide additional information desired by the Federal Bureau of Investigation for use in National Crime Information Center listings, to have the owner of an undocumented vessel to notify the cognizant officials in the State where numbered when he has such vessel documented, and to state the compilation of statistics on numbering and accidents is on an annual basis, as of December 31st. It has been determined that the revised information desired is necessary for efficient administration or law enforcement purposes. In the administration of functions under the Federal Boating Act of 1958, certain internal changes have been made at Coast Guard Headquarters and an Office of Boating Safety has been established.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 633 of title 14, United States Code, and the delegations of the Secretary of Transportation in the rules designated 49 CFR 1.4, the following amendments are prescribed pursuant to the laws cited with the regulations below, to be effective on and after April 1, 1969:

Part 171 is amended as follows:

Subpart 171.10—Application for Number

1. Since the practice of requiring submission of applications to the Coast Guard "through the Post Offices" was discontinued and fees are no longer paid for by boating stamps, § 171.10-1(a)(1) is amended to read as follows:

§ 171.10-1 To whom made.

(a) * * *

(1) Those States in which applications shall be submitted directly to the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, are as follows:

Alaska.
District of Columbia.
New Hampshire.
Washington.

* * * * *

2. To show organization changes and to permit payment of fees by cash, § 171.10-2(b) is amended to read as follows:

§ 171.10-2 Procedures for making application to the Coast Guard.

* * * * *

(b) The owner of any undocumented vessel required to be numbered by the Coast Guard shall complete the Application for Number (Form CG-3876) and the temporary certificate (Form CG-3876A) and submit them to the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, together with the fee prescribed by § 171.17-1 in the form of a personal check or money order made out to the "United States Coast Guard", or cash if presented in person in Washington, D.C.

3. Section 171.10-5 is amended to make the text consistent with the revised application form now in use, to give a better statistical breakdown of information and to provide information desired by the Federal Bureau of Investigation for use in National Crime Information Center listings, by changing certain descriptions of desired information, and by adding requirements for "hull serial number (if any)" and "reason for application." As amended, § 171.10-5 reads as follows:

§ 171.10-5 Application requirements.

The application for a number shall include the following:

(a) Name and address of owner.
(b) Date of birth of owner.
(c) Present citizenship of owner.
(d) State in which the vessel is principally used.
(e) Present bow number (if any).
(f) Hull material (wood, steel, aluminum, fiber-glass/plastic, other).
(g) Type of propulsion (outboard; inboard; outboard-inboard; sail only; auxiliary sail: Outboard, inboard; other).
(h) Type of fuel (gas, diesel, other).
(i) Length of vessel.
(j) Make and year built (if known).
(k) Hull serial number (if any).
(l) Statement as to use (pleasure, livery, dealer, manufacturer, commerical-passenger, commerical-fishing, commercial-other).
(m) Reason for application (original number, renewal of number, change of State of principal use, transfer of ownership (other than a lien holder), lien holder possession).
(n) A certification of ownership by the applicant.
(o) Signature of owner.

4. Section 171.10-20 is amended by changing paragraphs (a) and (c) to show organizational changes, to permit payment of fees by cash, and to correct information about renewal applications. As amended, § 171.10-20 (a) and (c) read as follows:

§ 171.10-20 Renewal of numbers.

(a) Numbers issued to owners of undocumented vessels pursuant to the regulations in this part shall be renewed not later than the expiration dates shown on the Certificates of Number. The number may be renewed at any time within the 90-day period preceding the expiration date on the Certificate of Number. However, the renewal application should be received by the Coast Guard 60 days prior to the expiration date shown on the Certificate of Number. The owner shall submit the renewal application to the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, together with the fee prescribed by § 171.17-1 in the form of a personal check or money order made out to the "United States

Coast Guard," or cash if presented in person in Washington, D.C.

* * * * *

(c) Should an owner of a vessel numbered pursuant to the regulations in this part fail to receive the "Application for Number" Form CG-3876, as described in paragraph (b) of this section, 60 days prior to the expiration date on his Certificate of Number, he shall obtain an "Application for Number" from one of the sources as described in § 171.10-2, and shall complete it in the manner described in the instructions set forth on the back of the form.

* * * * *

§ 171.10-25 [Amended]

5. Section 171.10-25 *Lost or destroyed certificate of number for vessels numbered in States listed in § 171.10-1(a)(1)* is amended by changing the organization designation and address in the first sentence of paragraph (a) from "Commandant (OLE-3), U.S. Coast Guard, Washington, D.C. 20226" to "Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591."

6. To show organization changes and to permit payment of fees by cash, § 171.10-30(b) is amended to read as follows:

§ 171.10-30 Duplicate certificate of number.

* * * * *

(b) The owner shall complete the application for a duplicate certificate of number (Form CG-3919) and the temporary duplicate certificate of number (Form CG-3919A), and submit them to the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, together with the fee prescribed by § 171.17-1 in the form of a personal check or money order made out to the "United States Coast Guard", or cash if presented in person in Washington, D.C.

* * * * *

Subpart 171.15—Certificate of Number

7. Section 171.15-1 is amended to be consistent with the information required in the application and by § 171.10-5. As amended, § 171.15-1 reads as follows:

§ 171.15-1 Information required on certificates issued for vessels numbered in States listed in § 171.10-1 (a) (1) and (2).

The Certificate of Number shall include the following:

(a) Name and address of owner.

(b) Hull material (wood, steel, aluminum, fiber-glass/plastic, other).

(c) Type of propulsion (outboard; inboard; outboard-inboard; sail only; auxiliary sail: Outboard, inboard; other).

(d) Type of fuel (gas, diesel, other).

(e) Length of vessel.

(f) Make and year built (if known).

(g) Hull serial number (if any).

(h) Statement as to use (pleasure, livery, dealer, manufacturer, commercial-passenger, commercial-fishing, commercial-other).

(i) Number awarded to vessel.

(j) Expiration date of certificate.

(k) Notice to the owner that the operator shall:

(1) Always carry this certificate on vessel when in use.

(2) Report every accident involving injury or death to persons, or property damage over $100.

(3) Stop and render aid or assistance if involved in boating accident.

(l) Notice to the owner that he shall report within 15 days changes of ownership or address, and documentation, destruction or abandonment of vessel.

§ 171.15-2 [Deleted]

8. Since the information required on Certificates of Number are the same if issued by the Commandant (BBL) or by a field office of the Coast Guard, § 171.15-2 *Information required on certificate issued for vessels numbered by the Coast Guard in States listed in § 171.10-1(a)(2)* is deleted. (See § 171.15-1 for revised requirements.)

9. Section 171.15-20 is amended by changing paragraphs (b) and (c) to show organizational changes, and to provide for reporting of change in status of vessel when it is documented. As amended, § 171.15-20 (b) and (c) read as follows:

§ 171.15-20 Notification of changes required by owners of vessels numbered in States listed in § 171.10-1(a)(1).

* * * * *

(b) When the owner of a Coast Guard numbered vessel changes his address from that shown on his certificate, but does not change the State in which the vessel is principally used, he shall notify in writing the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, of his new address within a period not to exceed 15 days from such change. This written notification should be on Form CG-3920 (change of address notice), which is available upon request from any Post Office which handles applications for certificates of number (see § 171.10-2), or from any Coast Guard Marine Inspection Office.

(c) When a Coast Guard numbered vessel is lost, destroyed, abandoned, documented, or transferred to another person, the Certificate of Number issued for the vessel shall be surrendered to the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, within a period not to exceed 15 days after such event. When the numbered vessel is lost, destroyed, abandoned, documented, or transferred to another person, the owner shall within 15 days after such event notify in writing the Commandant (BBL), U.S. Coast Guard, Washington, D.C. 20591, of the change in the status of the vessel. This written notification should be on Form CG-3921 (Notification of change in status of vessel), which is available upon request from any Post Office which handles applications for Certificates or Number (see § 171.10-2), or from any Coast Guard Marine Inspection Office. If the Certificate of Number is lost or destroyed, a description of such circumstances shall be reported as required by § 171.10-25.

* * * * *

10. Section 171.15-21(c) is amended to provide for reporting of change in status of vessel when it is documented. As amended, § 171.15-21(c) reads as follows:

§ 171.15-21 Notification of changes required by owners of vessels numbered by the Coast Guard in States listed in § 171.10-1(a)(2).

* * * * *

(c) When a Coast Guard numbered vessel is lost, destroyed, abandoned, documented, or transferred to another person, the certificate of number issued for the vessel shall be surrendered to the appropriate Coast Guard office listed in § 171.10-3(a) within 15 days after such event. When the numbered vessel is lost, destroyed, abandoned, documented, or transferred to another person, the owner shall within 15 days after such event notify that office in writing. This written notification may be on Form CG-3921 (Notification of change in status of vessel), which is available upon request from that office. If the Certificate of Number is lost or destroyed, a description of such circumstances shall be reported as required by § 171.10-26.

* * * * *

11. Section 171.15-30(b)(3) is amended to show an organizational change. As amended, § 171.15-30(b)(3) reads as follows:

§ 171.15-30 Cancellation of certificate and voiding of number.

* * * * *

(b) * * *

(3) Issuance of a marine document by the Coast Guard for the same vessel.

* * * * *

Subpart 171.17—Fees and Charges

12. Section 171.17-5 is amended to permit payment of required fees in cash when presented in person. As amended, § 171.17-5 reads as follows:

§ 171.17-5 Method of payment of fees in States listed in § 171.10-1(a)(1).

(a) The fee for original numbering shall be paid by personal check or money order made out to the "United States Coast Guard," which shall accompany the application for number (Form CG-3876) and the temporary certificate (Form CG-3876A), or cash if presented in person in Washington, D.C. (See §§ 171.10-2 and 171.17-1(b)(1) for procedures for submission of applications for number and fees.)

(b) The fees for reissue of lost or destroyed certificate of number (duplicate certificate of number) shall be paid by personal check or money order made out to the "United States Coast Guard," which shall accompany the application

for duplicate certificate of number (Form CG–3919A), or cash if presented in person in Washington, D.C. (See §§ 171.10–30 and 171.17–1(b)(2) for procedures for submission of applications for duplicate certificates of number and fees.)

(c) The fee for renewal of number shall be paid by personal check or money order made out to the "United States Coast Guard" and shall accompany the renewal application or Form CG–3876 and CG–3876A, or cash if presented in person in Washington, D.C. (See §§ 171.10–20 and 171.17–1(b)(3) for procedures for submission of applications for renewal of number and fees.)

(Sec. 7, 72 Stat. 1757, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 527d, 49 U.S.C. 1655(b), 49 CFR 1.4(a)(2) and (f))

Part 173 is amended as follows:

Subpart 173.05—Statistics Required

§ 173.05–5 [Amended]

13. Section 173.05–5 *Reports with respect to numbered vessels* is amended by changing in the introductory sentence the phrase from "June 30 and December 31" to "December 31." (This changes the rule to agree with present practices.)

§ 173.05–10 [Amended]

14. Section 173.05–10 *Reports with respect to boating accidents* is amended by changing in the introductory sentence the phrase from "June 30 and December 31" to "December 31." (This changes the rule to agree with present practices.)

(Secs. 13, 17, 54 Stat. 166, as amended, secs. 7, 10, 72 Stat. 1757, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 526l, 526p, 527d, 527g, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2) and (f))

Dated: January 6, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69–340; Filed, Jan. 9, 1969; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Logging Requirements for Obstruction Marking and Lighting of Antenna Structures; Correction

The order in the above-captioned matter released December 23, 1968, and published in the FEDERAL REGISTER on December 27, 1968, 33 F.R. 19821, is corrected by deleting "74.481(b)" from Instruction 4 and inserting in lieu thereof "74.481(a)(6)".

Released: January 7, 1969.

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

[F.R. Doc. 69–320; Filed, Jan. 9, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Certain Restricted Stock and Other Property; Change of Date

Notice is hereby given that the date June 30, 1969, should be substituted for October 26, 1968, wherever it appears in the regulations relating to the receipt of certain stock and other property which were published with notice of proposed rule making in tentative form on October 26, 1968, in F.R. Doc. 68-13135, 33 F.R. 15870.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

[F.R. Doc. 69-330; Filed, Jan. 9, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue amendment 1 to the republication of the Processor Wheat Marketing Certificate Regulations (33 F.R. 14676).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed in duplicate with the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 30-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

It is proposed that the following changes be made:

(1) The minimum ash requirement for flour second clears produced from Durum wheat or from a mixture which includes more than 20 percent Durum wheat be raised to 1.35 percent. This change is deemed necessary as an audit completed by the Office of Inspector General disclosed that the maximum ash content of Durum first clears may approximate 1.25 percent and it appears that there is a possibility that first clears could be sold as flour second clears under the present definition.

(2) The registration requirements of § 777.6 be amended so that it shall no longer be necessary to register any plant which is used solely for processing wheat into nonfood products. This section is also clarified to require that notification be given the Director when the ownership of a plant changes. This change and clarification is being made to aid in the administration of the program.

(3) Processors who have entered into an undertaking with CCC, as provided in § 777.11(b) of these regulations, be required to purchase marketing certificates on or before the 30th calendar day after the end of the processing report period during which the wheat was processed. The following considerations were given for changing this provision, (1) the Department should not be competing with commercial banks and other lending firms by providing operating funds for 30 days at 6 percent interest; and (2) such a change is desirable for closer administration of the program.

(4) The method to compute the cost of certificates with respect to processors reporting in the absence of an undertaking be changed. Such change would provide that whenever interest is applicable, it shall be computed from the first day of the reporting period in which the food products were either sold, removed for sale, or removed for consumption (whichever occurred first) irrespective of when such food products were processed. At the present, interest is computed from the first day of the report period in which the food product was processed. In connection with the foregoing, the period in which certificates can be purchased without interest shall also be changed.

(5) Section 777.11(c), *Purchase of certificates in absence of undertaking*, be revised to include in one section, all the requirements for processors reporting on such method. This revision should result in these provisions being more clearly stated. Accordingly §§ 777.13 and 777.14 are also changed by transferring the paragraphs applicable to additional reports required when reporting in the absence of an undertaking to § 777.11.

The proposed amendment of 7 CFR Part 777 would read as follows:

1. Section 777.3(u) is amended by changing the ash requirement of Durum flour second clears from 1.25 percent to 1.35 percent. Accordingly the third sentence of this paragraph (u) is changed to read as follows:

§ 777.3 Definitions.

* * * * *

(u) "Flour second clears," means * * *. Flour second clears produced from Durum wheat or from a mixture which includes more than 20 percent Durum wheat shall have an ash content of 1.35 percent or more. * * *

* * * * *

2. Section 777.6(a) is amended to read as follows:

§ 777.6 Registration of processors.

(a) *Time of registration.* Any person who processes wheat into a food product (except a person who processes wheat in his home solely for family use in his home and a person who processes wheat on a farm solely for use on such farm), shall register with the Director by making the report required by paragraph (b) of this section by May 30, 1964, or such later date as may be approved by the Director in writing. Any such person who begins such processing operations subsequent to May 30, 1964, and who is not registered, shall register not later than the date he commences operations or such later date as may be approved in writing by the Director for good cause shown. Any person who has registered with the Director and who modifies his operations, such as by opening and closing plants subsequent to the date of his registration, or beginning to process food products, shall give notice of such change to the Director not later than the date he modifies his operations. Notification shall also be given the Director if there is a change in ownership of the plant not later than the date of such change is effective.

* * * * *

3. Section 777.11 is amended by changing paragraphs (b)(1) and (c) to read as follows:

§ 777.11 Time and manner of acquiring and surrendering certificates.

* * * * *

(b) *Undertaking to secure purchase and payment.* * * *

(1) He will acquire certificates from CCC and surrender the certificates for the wheat processed into food products, as required under the regulations of this part on or before the 30th calendar day after the close of the processing report period during which the wheat was processed or such later date as may be approved by the Administrator for good cause shown by the food processor.

* * * * *

(c) *Purchase of certificates in absence of undertaking.* (1) Except as provided in paragraph (b) of this section, the food processor must acquire certificates and surrender such certificates to CCC on or before the 15th calendar day after the end of the processing report period, or

such later date as may be approved in writing by the Administrator for good cause shown, for all food products sold, or removed for sale or consumption from the processing plant, during the processing report period. (Where reference is made to all food products sold or removed for sale or consumption in this section, it shall be deemed to refer to all food products sold, removed for sale or removed for consumption from the processing plant (whichever occurred first).)

(2) The cost of certificates acquired from CCC shall be as provided in subdivisions (i) and (ii) of this subparagraph.

(i) The food processor may acquire certificates from CCC at face value to the extent that he acquires and surrenders certificates not later than the last day of each processing report period (as determined under § 777.12) to cover the estimated quantity of wheat used in the processing of food products sold or removed for sale or consumption during the report period. If the certificates acquired and surrendered as provided in this subparagraph are equal to 90 percent or more of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the report period, any additional certificates may be acquired from CCC at face value if acquired and surrendered to CCC not later than the 15th calendar day after the end of the processing report period, or such later date as may be approved in writing by the Administrator for good cause shown. The cost of any certificates purchased from CCC after such date to cover wheat used in processing the food products sold or removed for sale or consumption during the report period shall be the face value thereof plus interest at 6 percent per annum starting on the first day of the processing report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(ii) If the certificates acquired and surrendered to CCC by the food processor as provided in subdivision (i) of this subparagraph are less than 90 percent of the certificates required to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period, or if the food processor does not acquire and surrender certificates as provided in subdivision (i) of this subparagraph, the cost of any certificates purchased from CCC subsequent to the last day of the processing report period to cover the wheat used in processing food products sold or removed for sale or consumption during the processing report period will be the face value of the certificates plus interest at 6 percent per annum from the first day of the report period in which the food products were sold or removed for sale or consumption until the date of surrender of the certificates.

(3) Additional reports in absence of an undertaking.

(i) *Processors reporting on the weight of wheat basis.* Food processors purchasing certificates in accordance with this paragraph (c) and reporting the quantity of wheat processed into food products on the basis of the weight of wheat processed shall supplement each Form CCC–160 with a statement showing: (*a*) The quantity (in cwt.) and name of food products processed in the reporting period covered by the form, (*b*) the quantity (in cwt.) and the name of food products sold and removed for sale or consumption during such period, (*c*) the reporting period in which the food product(s) specified in (*b*) of this subdivision were processed, and (*d*) the wheat equivalent in bushels of such food product(s) calculated by using the actual conversion factor experienced in the reporting period in which processed (bushels of wheat processed into food products divided by cwt. of food products produced). The processor's Form CCC–160 for the first period not covered by an undertaking shall also include a statement showing the quantity of food products remaining in inventory from the previous reporting period(s) and the wheat equivalent of such product(s). For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

(ii) *Processors reporting on the conversion factor basis.* Food processors who purchase certificates in accordance with this paragraph (c) and who report the quantity of wheat processed into food products on a food product conversion factor basis shall supplement each Form CCC–159 with a statement showing (*a*) the quantity (in cwt.) and name of food products sold or removed for sale or consumption during the period covered by the form, (*b*) the quantity of wheat used in the production of such food products, (*c*) the conversion factor(s) used in making such determination, and (*d*) the reporting period in which the food products were processed. The processor's Form CCC–159 for the first period not covered by an undertaking shall include a statement showing the products and the wheat equivalent in bushels of the products in inventory at the beginning of the period. For the purpose of determining the report period in which a food product was processed, sales and removals shall be applied to quantities processed on a first produced, first sold and removed basis. The face value of the certificates and the interest charges shall be shown separately on the report.

* * * * *

4. Section 777.13 is amended by changing paragraph (b) to read as follows:

§ 777.13 Weight of wheat basis of reporting.

* * * * *

(b) *Additional reports in absence of an undertaking.* Food processors purchasing certificates in accordance with § 777.11 (c) shall supplement each Form CCC–160 with a statement containing the information required by such section.

5. Section 777.14 is amended by changing paragraph (f) to read as follows:

§ 777.14 Conversion factor basis of reporting.

* * * * *

(f) *Additional reports in absence of an undertaking.* Food processors who purchase certificates in accordance with § 777.11(c) shall supplement each Form CCC–159 with a statement containing the information required by such section.

Signed at Washington, D.C., on January 6, 1969.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–341; Filed, Jan. 9, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

CARPETS AND RUGS

Notice of Extension of Time for Filing Comments

On December 3, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17921), a notice of finding that a flammability standard or other regulation, including labeling, may be needed for carpets and rugs and institution of proceeding for the development of an appropriate flammability standard or other regulation.

Interested persons were afforded 30 days from the date of publication within which to submit written comments or suggestions to the Assistant Secretary for Science and Technology relative to (1) the finding that a flammability standard or other regulation, including labeling, may be needed; and (2) the terms or substance of a flammability standard or other regulation, including labeling, that might be adopted in the event that a final finding is made by the Secretary of Commerce that such a standard or other regulation is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage.

Following publication of the above notice, a number of requests for an extension of the time for filing comments have been received. As the Department of Commerce is concerned that it receive adequate and deliberative responses representing the considered views and recommendations of interested persons, the period of time for filing comments or suggestions in the instant proceeding is hereby extended until February 3, 1969.

Issued: January 6, 1969.

JOHN F. KINCAID,
Assistant Secretary for Science and Technology.

[F.R. Doc. 69–292; Filed, Jan. 9, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

PICKLE PRODUCTS

Standardization of Quantity of Contents Declaration in Terms of Volume

In section 2 of the Fair Packaging and Labeling Act (Public Law 89–755; 80 Stat. 1296), which sets forth the intent of Congress in enacting that legislation, it is stated that "Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons." Section 4 of that act sets forth specific requirements for declaring quantity of contents.

To implement such requirements, § 1.8b(a) of the regulations for the enforcement of said act prescribes that "Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity."

A situation in the pickle industry that fosters consumer confusion has come to the attention of the Commissioner of Food and Drugs. For sliced pickles and pickle relish, two methods are now being used to declare quantity of contents—by weight and by volume. (In the case of one or two pickles packed in transparent sealed plastic bags, however, a single method of declaration by count is being used.) For many years most packers of pickle products have declared the quantity of contents in terms of volume. The declaration in terms of volume provides the consumer with accurate information and facilitates value comparisons.

Therefore, the Commissioner on his own initiative proposes that the declaration of quantity of contents be made uniform in volumetric terms on such products.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 5(a), 6(a), 80 Stat. 1297–1300; 15 U.S.C. 1453–55) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 1.8b be amended by adding thereto a new paragraph, as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

* * * * *

(r) The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in clear plastic bags, shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Heath, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 2, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–332; Filed, Jan. 9, 1969; 8:48 a.m.]

[21 CFR Part 128]

HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Extension of Time for Filing Comments

The proposal to promulgate Part 128—*Human foods; current good manufacturing practice (sanitation) in manufacture, processing, packing, or holding*, published in the FEDERAL REGISTER of December 20, 1968 (33 F.R. 19023), provided for the filing of comments thereon within 30 days of its publication date.

The Commissioner of Food and Drugs has received a request for an extension of such time and, good reason therefor appearing, the time for filing comments regarding proposed Part 128 is extended to February 18, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 30, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–333; Filed, Jan. 9, 1969; 8:48 a.m.]

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Cincinnati Interstate Air Quality Control Region; Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Cincinnati Interstate Air Quality Control Region as set forth in the following new § 81.20 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Ohio, Kentucky, and Indiana, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Office Building, Room 8016, 550 Main Street, Cincinnati, Ohio 45202, beginning at 10 a.m., January 27, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings. State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by January 20, 1969.

A report prepared for the consultation, entitled "Report for Consultation on the Metropolitan Cincinnati Interstate Air Quality Control Region," is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.20 is proposed to be added to read as follows:

§ 81.20 Metropolitan Cincinnati Interstate Air Quality Control Region.

The Metropolitan Cincinnati Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio:
- Clermont County.
- Hamilton County.

In the Commonwealth of Kentucky:
- Boone County.
- Cambell County.
- Kenton County.

In the State of Indiana:
- Dearborn County.

This action is proposed under the authority of sections 107(a) and 301(a) of of the Clean Air Act, section 2, Public

Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: January 8, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-386; Filed, Jan. 9, 1969; 8:49 a.m.]

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of San Francisco Bay Area Intrastate Air Quality Control Region; Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the San Francisco Bay Area Instrastate Air Quality Control Region as set forth in the following new § 81.21 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may sumbit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of California, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Ceremonial Courtroom, 19th Floor, U.S. Courthouse and Federal Building, 450 Golden Gate Avenue, San Francisco, Calif., beginning at 10 a.m., January 31, 1969.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by January 16, 1969.

A report prepared for the consultation, entitled "Report for Consultation on the San Francisco Bay Area Intrastate Air Quality Control Region," is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.21 is proposed to be added to read as follows:

§ 81.21 The San Francisco Bay Area Intrastate Air Quality Control Region.

The San Francisco Bay Area Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of California:
Sonoma County.
Napa County.
Solano County.
Marin County.
Contra Costa County.
San Francisco County.
San Mateo County.
Alameda County.
Santa Clara County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: January 8, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 69-387; Filed, Jan. 9, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SO-62]

CONTROL AREA

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate controlled airspace within the State of South Carolina and its coastal waters by designating the South Carolina transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

There are four unrelated segments of uncontrolled airspace in South Carolina. Three of these segments are located in the vicinity of Greenwood and the remaining segment north of the Toccoa, Ga., VOR. They are surrounded by Federal airways and 1,200-foot AGL controlled airspace. Because of increasing traffic volume and the demand for air traffic control services, there is a need to include these small areas of uncontrolled airspace within the proposed South Carolina transition area. Inclusion of these areas within the proposed transition area along with the adjustment of the floors of the existing transition areas designated above 1,200 feet AGL would incur no apparent derogation to Visual Flight Rule operations.

To simplify airspace descriptions, to provide continuity of the floors of controlled airspace and improve the aeronautical chart legibility the following airspace actions are proposed.

1. Designate the South Carolina transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S.C., bounded by a line beginning at a point of lat. 33°48'10" N., long. 78°31'45" W.; to lat. 33°45'50" N., long. 78°31'00" W.; to lat. 33°40'10" N., long. 78°40'15" W.; then clockwise along a 15-mile-radius circle centered on the Conway TACAN to lat. 33°27'40" N., long. 78°55'20" W.; to lat. 33°19'40" N., long. 79°02'10" W.; to lat. 33°14'15" N., long. 79°06'15" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S.C., bounded by a line beginning at a point at lat. 33°04'55" N., long. 79°13'10" W.; to lat. 32°58'30" N., long. 79°18'00" W.; to lat. 32°50'40" N., long. 79°23'15" W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to lat. 32°38'40" N., long. 79°27'25" W.; to lat. 32°44'00" N., long. 79°45'10" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S.C., bounded by a line beginning at a point at lat. 32°15'00" N., long. 80°30'00" W.; to lat. 32°00'00" N., long. 80°33'00" W.; to lat. 32°03'25" N., long. 80°46'30" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning. Excluding the airspace within Restricted Area R-6004.

2. Revoke the 1,200-foot AGL portions of the Charleston; Columbia; Florence; Greenville; Greenwood; and Myrtle Beach; transition areas.

3. Revoke the 1,700-foot AGL portion of the Charleston transition area.

4. Revoke the Allendale, S.C., 2,700-foot AGL transition area, and the 2,700-foot AGL portion of the Myrtle Beach transition area.

Those portions of the transition areas considered herein for revocation that extend into North Carolina and Georgia would be replaced by the proposed North Carolina transition area (ASD 68–SO–69) and Georgia transition area (ASD 68–SO–61) published concurrently with this docket.

The actions proposed herein will not alter the extent of designated offshore controlled airspace.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 7, 1969.

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

[F.R. Doc. 69-346; Filed, Jan. 9, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-75]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would redescribe, revoke, and designate the controlled airspace within the State of Virginia and its coastal waters by designating such airspace as the Virginia transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

There are nine small unrelated areas of uncontrolled airspace in Virginia west of Pulaski, that are surrounded by 1,200-foot AGL controlled airspace, and one northeast of Chincoteague. It is proposed to include these areas within the Virginia transition area as such action would not appear to derogate VFR operations.

To simplify airspace descriptions, provide continuity in the floor of controlled airspace and to improve aeronautical chart legibility, the following actions are proposed:

1. Designate the Virginia transition area as follows:

VIRGINIA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL bounded on the north by lat. 37°08'00" N., on the east by long. 75°32'00" W., on the south by lat. 36°49'25" and on the west by a line 3 nautical miles from and parallel to the shoreline, excluding the airspace within R-6602 and R-6606.

2. Revoke the 1,200-foot AGL or above portions of the following transition areas.

a. Charlottesville, Va.
b. Danville, Va.
c. Dublin, Va.
d. Lynchburg, Va.
e. Richmond, Va.
f. Norfolk, Va.

3. Revoke the portion of the West Virginia transition area (33 F.R. 8433) within Virginia.

The actions proposed herein would not alter the extent of designated offshore controlled airspace. Those portions of the transition areas considered herein for revocation that extend into North Carolina would be replaced by the proposed North Carolina transition area (ASD 68–SO–69) published concurrently with this docket.

These actions are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 7, 1969.

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

[F.R. Doc. 69-347; Filed, Jan. 9, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-61]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate the controlled airspace within the State of Georgia and its coastal waters by designating the Georgia transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

There are three unrelated segments of uncontrolled airspace and eight segments of controlled airspace having floors above 1,200 feet. These areas are surrounded by 1,200-foot above ground level transition areas and Federal airways. The uncontrolled areas are located north and west of Toccoa, northwest of Augusta and east of Muscogee. Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include these areas within the proposed Georgia transition area. Inclusion of these areas within the proposed transition area, along with the adjustment of the floors of the existing transition areas designated above 1,200 feet AGL would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace and improve aeronautical chart legibility, the following airspace actions are proposed:

1. Designate the Georgia transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from and parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at lat. 32°03'25" N., long. 80°46'30" W.; to lat. 32°00'00" N., long. 80°33'00" W.; to lat. 31°30'00" N., long. 80°51'05" W.; to lat. 31°30'00" N., long. 80°47'30" W.; to lat. 31°11'30" N., long. 81°01'10" W.; to lat. 30°44'00" N., long. 81°18'10" W.; to lat. 30°43'05" N., long. 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at lat. 31°11'30" N., long. 81°01'10" W.; to lat. 30°45'15" N., long. 80°58'50" W.; to lat 30°44'00" N., long. 81°18'10" W.; thence northeast to point of beginning. Excluding the portion within Restricted Areas R-3001, R-3002A, and R-6004.

2. The portions of the following transition areas with floors 1,200 feet AGL or above would be revoked:

Albany, Ga.	Macon, Ga.
Augusta, Ga.	Rome, Ga.
Blakely, Ga.	Savannah, Ga.
Brunswick, Ga.	Toccoa, Ga.
Cordele, Ga.	Valdosta, Ga.
Hazelhurst, Ga.	

Those portions of the transition areas considered herein for revocation that extend into South Carolina and Florida would be replaced by the proposed South Carolina transition area (ASD 68-SO-62) and the Florida transition area (ASD 68-WA-15) published concurrently with this docket.

The actions proposed herein will not alter the extent of designated offshore controlled airspace.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 7, 1969.

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

[F.R. Doc. 69-348; Filed, Jan. 9, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-69]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would redescribe, and in some cases alter, revoke, and designate controlled airspace in the State of North Carolina and its coastal waters by designating the North Carolina transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

There are nine unrelated small wedges of uncontrolled airspace and three segments of controlled airspace having floors above 1,200 feet scattered throughout the State of North Carolina. These areas are either surrounded by Federal airways or 1,200-foot transition areas. Because of the increasing traffic volume and demand for air traffic control services, there is a need to include these areas within the proposed North Carolina transition area. Inclusion of these areas within the proposed transition area along with the adjustment of the floors of existing transition areas designated above 1,200 feet AGL would incur no apparent derogation to VFR operations.

To simplify airspace descriptions to provide continuity of the floors of controlled airspace and improve aeronautical chart legibility, the following airspace actions are proposed:

1. Designate the North Carolina transition area as that airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at lat. 34°09'45" N., long. 77°45'45" W. to lat. 34°03'05" N., long. 77°42'30" W. to lat. 34°01'05" N., long. 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at lat. 33°50'30" N., long. 78°23'45" W. to lat. 33°45'50" N., long. 78°31'00" W. to lat. 33°48'10" N., long. 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding the portions within R-5301 A and B, R-5306 A, B, and C, R-5311, R-5313, R-5302.

2. The portion of the following transition areas with floors 1,200 feet AGL or above would be revoked.

a. Asheville, N.C.
b. Charlotte, N.C.
c. Cherry Point, N.C.
d. Edenton, N.C.
e. Goldsboro, N.C.
f. Greensboro, N.C.
g. Raleigh, N.C.
h. Wilmington, N.C.

The airspace actions proposed herein will not alter the extent of designated offshore controlled airspace. Those portions of the transition areas considered herein for revocation that extend into South Carolina and Virginia would be replaced by the proposed South Carolina transition area (ASD 68-SO-62) and Virginia transition area (ASD 68-EA-75) published concurrently with this docket.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 7, 1969.

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

[F.R. Doc. 69-349; Filed, Jan. 9, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WA-15]

TRANSITION AREAS AND ADDITIONAL CONTROL AREA

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate the controlled airspace within the State of Florida and its coastal waters by designating the Florida transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The State of Florida is covered by Federal airways and transition areas with floors of varying heights. Because of the increasing traffic volume and the demand for traffic control services, there is a need to include most of this airspace within a transition area with a floor of 1,200 feet above the surface to be known as the Florida transition area.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace and improve aeronautical chart legibility, the following airspace actions are proposed.

1. Designate the Florida transition area as follows:

FLORIDA

That airspace extending upward from 1,200 feet above the surface: within the boundary of the State of Florida including that airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extend from lat. 30°43'05" N., long. 81°21'00" W., thence to lat. 30°44'00" N., long. 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along lat. 30°17'30" N., to long. 81°01'30" W., thence to lat. 30°09'00" N., long. 81°02'15" W., to lat. 29°54'00" N., long. 81°02'15" W., to lat. 29°56'00" N., long. 81°14'50" W.; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (lat. 28°14'05" N., long. 80°36'35" W.); that airspace east

of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shore line and the arc of a 50-mile radius circle centered on the Miami International Airport (lat. 25°47'35" N., long. 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at lat. 25°04'05" N., long. 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to lat. 24°08'50" N., long. 82°04'35" W., to lat. 24°13'00" N., long. 82°02'30" W., to lat. 24°13'00" N., long. 82°21'00" W., to lat. 24°25'00" N., long. 82°32'00" W., to lat. 24°45'00" N., long. 82°32'00" W., to lat. 24°45'00" N., long. 81°56'50" W., to lat. 24°49'00" N., long. 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B–19, on the south and east by V–35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 26°30'00" N., and a point 3 nautical miles from the shoreline, thence west along lat. 26°30'00" N., to the east boundary of W–168, thence north and west along the boundary of W–168, to long. 83°42'00" W., thence to the north boundary of Control 1226 at long. 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (lat. 27°51'05" N., long. 82°31'15" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 29°43'10" N., long. 85°27'00" W., to lat. 30°04'00" N., long. 85°56'00" W., to lat. 30°11'10" N., long. 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from lat. 30°19'45" N., long. 86°23'45" W., to lat. 29°54'00" N., long. 86°16'00" W., to lat. 29°54'00" N., long. 86°45'50" W., to lat. 30°20'50" N., long. 86°38'50" W.; that airspace south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from lat. 30°18'20" N., long. 87°00'00" W., to lat. 30°18'00" N., long. 87°00'00" W., to lat. 30°14'30" N., long. 87°14'30" W., to lat. 29°55'00" N., at the arc of a 38-mile radius circle centered at NAAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.) thence clockwise along this arc to long. 87°49'00" W., to lat. 30°11'20" N., long. 87°44'15" W.; that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V–51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V–225E; that airspace extending upward from 2,000 feet MSL: east of Jacksonville beginning at lat. 30°44'00" N., long. 81°18'10" W., to lat. 30°45'15" N., long. 80°58'50" W., to lat. 30°17'30" N., long. 81°01'30" W., thence west along lat. 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V–35, on the east by long. 80°25'00" W., on the south by lat. 24°20'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V–225, on the northeast by the arc of a 25-mile radius circle centered on the Fort Myers VORTAC, on the north by lat. 26°30'00" N., and on the west by W–168 and a line extending from lat. 26°10'00" N., long. 82°17'00" W., to the north boundary of Control 1230 at lat. 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V–35W, on the southwest and northwest by V–97E; that airspace west of Tampa extending upward from 4,700 feet MSL bounded on the northeast by V–97 and V–97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V–97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding:

a. That portion within W–151 east of the intersection of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial.

b. That portion within W–465.

c. That portion within R–2909.

d. That portion southeast of a line extending from lat. 29°43'35" N., long. 84°39'00" W., to lat. 29°47'00" N., long. 84°40'00" W., to lat. 29°52'30" N., long. 84°34'40" W., thence to the west boundary of V–7W at lat. 29°52'30" N.

2. The portions of the following transition areas with floors 1,200 AGL or above would be revoked:

Daytona Beach, Fla.	Ocala, Fla.
Eglin AFB, Fla.	Orlando, Fla.
Fort Myers, Fla.	Pahokee, Fla.
Gainesville, Fla.	Palm Beach, Fla.
Jacksonville, Fla.	Panama City, Fla.
Key West, Fla.	Stuart, Fla.
Melbourne, Fla.	Tampa, Fla.
Miami, Fla.	Vero Beach, Fla.

The following transition areas would be revoked:

Marathon, Fla.	Taylor, Fla.
Sanibel, Fla.	

The Avon Park, Fla., additional control area would be revoked.

Those portions of the transition areas considered herein for revocation that extend into Georgia would be replaced by the proposed Georgia transition area (ASD 68–SO–61) published concurrently with this docket.

The actions proposed herein will not alter the extent of designated offshore controlled airspace.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 2, 1969.

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

[F.R. Doc. 69–350; Filed, Jan. 9, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-293, Federal Deposit Insurance Corporation, *infra*.

Office of the Secretary

FROZEN HADDOCK FILLETS FROM EASTERN CANADIAN PROVINCES

Notice of Tentative Negative Determination

DECEMBER 26, 1968.

Information was received on October 31, 1967, that frozen haddock fillets from East Canadian provinces, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 2, 1968, on page 2533.

I hereby make a tentative determination that frozen haddock fillets from Eastern Canadian provinces are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales to U.S. purchasers were made to both related and unrelated parties within the meaning of section 207 of the Antidumping Act, as amended (19 U.S.C. 166).

The quantities of this merchandise sold for home consumption were adequate to furnish a basis of comparison.

Accordingly, purchase price or exporter's sales price was compared with the adjusted home market price for such or similar merchandise as applicable.

Purchase price was computed by deducting inland freight, ocean freight and insurance, U.S. duty and brokerage fees, as applicable, from this gross selling price to unrelated purchasers in the U.S.

Exporter's sales price was calculated by deducting from the resale price to United States purchasers by related firms, as appropriate, commissions, ocean freight and insurance, U.S. duty, brokerage fees, inland freight, storage and discounts.

Adjusted home market price was calculated by deducting inland freight, insurance and storage as appropriate, from the gross sales prices to purchasers in Canada.

In all cases, the purchase prices or exporter's sales prices were found to be higher than the adjusted home market prices for such or similar merchandise.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

[SEAL] MATHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-331; Filed, Jan. 9, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 2936]

ARIZONA

Establishment of Black Canyon Trails Area

1. Pursuant to the Classification and Multiple Use Act of September 19, 1964 (74 Stat. 986, 43 U.S.C. 1411), R.S. 2478 (43 U.S.C. 1201), and the provisions of 43 CFR Subpart 1727, I hereby designate the public lands in the following described area as the Black Canyon Trails Area.

GILA AND SALT RIVER MERIDIAN, ARIZONA

MARICOPA AND YAVAPAI COUNTIES, ARIZONA

T. 6 N., R. 2 E.,
- Sec. 4, lots 3 and 4, S½NW¼ and SW¼;
- Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
- Sec. 8;
- Sec. 9, W½;
- Sec. 16, W½;
- Secs. 17 and 20;
- Sec. 21, W½;
- Sec. 28, N½NW¼;
- Sec. 29;
- Sec. 32, lots 1 to 4, inclusive, N½ and N½S½.

T. 7 N., R. 2 E.,
- Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
- Sec. 5, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
- Sec. 8, lots 1 to 4, inclusive, E½ and E½W½;
- Secs. 9, 16, 17, 20, 21, 28, 29, 32, and 33;
- Sec. 34, W½NW¼.

T. 8 N., R. 2 E.,
- Sec. 1, lots 1 to 4, inclusive, and S½;
- Sec. 4, lots 2, 3, and 4, SW¼ and W½SE¼, except patented mining claims;
- Sec. 9, except patented mining claim;
- Sec. 10, E½, E½SW¼, and NW¼, except Yavapai County Recreation and Public Purpose facilities;
- Secs. 11, 12, and 14;
- Sec. 15, E½ and NW¼;
- Sec. 16, N½ and SW¼;
- Sec. 19, lots 1 to 4, inclusive, E½ and E½W½;
- Sec. 20;
- Sec. 21, NE¼NW¼ and W½W½;
- Sec. 22, E½;
- Sec. 23;
- Sec. 26, N½N½;
- Sec. 27, E½;
- Sec. 28, S½N½, NW¼NW¼ and S½;
- Sec. 29, N½ and SE¼;
- Sec. 30, lots 1 and 2, E½ and E½NW¼;
- Sec. 31, NE¼;
- Secs. 32, 33, and 34.

T. 9 N., R. 2 E.,
- Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
- Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
- Sec. 9;
- Sec. 10, W½;
- Secs. 15 and 16;
- Sec. 21, N½, SW¼, NE¼SE¼, W½SE¼, and N½SE¼SE¼;
- Sec. 22, E½W½, W½NW¼, and NW¼SW¼;
- Sec. 27, E½NW¼, SW¼NW¼, NE¼SW¼, and E½;
- Sec. 28, W½E½ and W½;
- Sec. 33, W½.

T. 9½ N., R. 2 E.,
- Sec. 20, lots 1 to 6, inclusive, W½SE¼ and SW¼;
- Sec. 21, lot 2 and SW¼;
- Sec. 23, lots 1, 2, 5, and 6, and E½SW¼;
- Sec. 26, W½;
- Sec. 27, S½;
- Sec. 28, lots 3 and 4, S½NW¼ and S½;
- Sec. 29, lot 1, NW¼NE¼, S½NE¼, and SE¼;
- Sec. 32, E½;
- Secs. 33 and 34.

T. 10 N., R. 2 E.,
- Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
- Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
- Sec. 3, lots 1 to 4, inclusive, S½N½ and S½.
- Sec. 4, lots 1 to 4 inclusive, S½N½ and S½;
- Secs. 9, 10, 11, and 14;
- Sec. 15, N½;
- Sec. 16, N½;
- Sec. 17;
- Sec. 18, E½;
- Sec. 19, E½;
- Secs. 20, 23, 26, and 29;
- Sec. 30, lots 5 and 11, NE¼ and E½SE¼;
- Sec. 31, lots 1 and 6, E½NE¼ and SE¼;
- Sec. 32;
- Sec. 35, W½.

T. 11 N., R. 2 E.,
- Sec. 4, lots 1 to 4, inclusive, and S½N½;
- Sec. 5, lots 1 and 2, S½NE¼, SE¼NW¼, SW¼, and N½SE¼;
- Sec. 8, W½, E½, and W½;
- Sec. 17, W½E½, W½, and E½SE¼;
- Sec. 20, lots 1 and 2, S½NE¼ and SE¼;

Sec. 21, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 22, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 23, lot 4, SW¼NW¼ and W½SW¼;
Sec. 26, W½, W½SE¼, and SE¼SE¼;
Sec. 27;
Sec. 28, lots 1 to 5, inclusive, E½ and NE¼NW¼;
Sec. 29, lots 1 to 4, inclusive, NW¼NE¼ and W¼SE¼;
Secs. 33, 34, and 35;
Sec. 36, lots 3 and 4, SW¼ and W½SE¼.

T. 11 N., R. 3 E.,
Sec. 1, lots 2, 3, and 4, S½NW¼ and NW¼SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 3, lots 1 and 2, S½NE¼ and SE¼;
Sec. 10, E½;
Sec. 11, N½NW¼, SW¼NW¼, NW¼SW¼ and S½S½;
Sec. 14;
Sec. 15, NE¼;
Secs. 23 and 26;
Sec. 27, lots 3 and 4, E½SW¼ and SE¼;
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, SE¼SW¼ and S½SE¼;
Sec. 31, lots 1 to 4, inclusive, E½ and E½W½.

T. 12 N., R. 2 E.,
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Secs. 9 and 10;
Sec. 15, W½;
Sec. 19, S½ except patented mining claim;
Sec. 20, S½;
Sec. 21, lots 1 to 7, inclusive, S½NE¼, S½SW¼ and SE¼;
Sec. 28;
Sec. 29, N½;
Sec. 30, lots 1 and 2, NE¼ and E½NW¼;
Sec. 32, lot 5;
Sec. 33, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼ and NW¼SE¼.

The area described aggregates approximately 65,501 acres of public land. The Black Canyon Trails Area is a Class III natural environment area under the Bureau of Outdoor Recreation system of classification. The lands are withdrawn for stock driveway purposes by Order of the Secretary of the Interior dated February 4, 1919.

2. Subject to valid existing rights, the area will be administered primarily for stock driveway, riding and hiking trail purposes, and other forms of outdoor activities such as hunting, camping, and rockhounding.

3. The Bureau of Land Management may enter into cooperative arrangements with landowners and other interested agencies and groups to develop and keep current a management plan for all lands in the Trail Area which will accomplish the objectives of this designation.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 3, 1969.

[F.R. Doc. 69-300; Filed, Jan. 9, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

STUTZ ARENA ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Stutz Arena, Alton, Ill., Nov. 28, 1966.
Iowa City Sales Company, Iowa City, Iowa, Oct. 17, 1940.
Breeders Livestock Sale, Asheboro, N.C., Dec. 1, 1959.
Raleigh Stockyard, Raleigh, N.C., Jan. 5, 1960.
Union Stock Yards Co., Washington Court House, Ohio, May 21, 1935.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 3d day of January 1969.

G. H. HOPPER,
Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division.

JANUARY 3, 1969.

[F.R. Doc. 69-310; Filed, Jan. 9, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-307]

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES

Notice of Withdrawal of Application for Utilization Facility License

Please take notice that the Department of Water and Power of the city of Los Angeles, 111 North Hope Street, Post Office Box 111, Los Angeles, Calif. 90054, by letter dated December 27, 1968, has submitted an application pursuant to 10 CFR Part 50 to withdraw its application for a license to construct and operate a nuclear reactor at a proposed site on a man-made island that was to be constructed offshore of the Bolsa Chica Beach State Park in Orange County, Calif. A copy of the application for withdrawal is available for inspection in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 7, 1967, 32 F.R. 13996.

Dated at Bethesda, Md., this 2d day of January 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-296; Filed, Jan. 9, 1969; 8:45 a.m.]

[Docket No. 50-308]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Notice of Withdrawal of Application for Utilization Facility License

Please take notice that Southern California Edison Co., 601 West Fifth Street, Post Office Box 351, Los Angeles, Calif. 90053, and San Diego Gas & Electric Co., Sixth and E Street, Post Office Box 1831, San Diego, Calif. 92112, by letter dated November 4, 1968, have submitted an application pursuant to 10 CFR Part 50 to withdraw their joint application for a license to construct and operate a nuclear reactor at a proposed site on a man-made island that was to be constructed offshore of the Bolsa Chica Beach State Park in Orange County, Calif. A copy of the application for withdrawal is available for inspection in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 7, 1967, 32 F.R. 13996.

Dated at Bethesda, Md., this 2d day of January 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-297; Filed, Jan. 9, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 421]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 6, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1027-C2-P-69—Orange County Radiotelephone Service, Inc.; (KMB304); C.P. to establish two-way facilities at a new location to be described as location No. 3: Signal Peak, 2.5 miles west of Newport Beach, Calif., to operate on base frequency 454.325 MHz.

New State Telephone Co; Consent to assignment of license from New State Telephone Co., Assignor to Allied Telephone Co. of Oklahoma, Inc., Assignee. Stations: KLB508—Burns Flat, Okla. KLB684—Cold Springs, Okla.

742-C2-R-69—The Bell Telephone Co. of Pennsylvania; (KC7944); Renewal of Developmental License expiring December 1, 1968. Term: Dec. 1, 1968, to Dec. 1, 1969. Location: (74 units) operating within the territory of the grantee.

3699-C2-MP-69—General Communications Service, Inc.; (KOA611); Modification of C.P. to change antenna system operating on base frequencies 152.03 and 152.21 MHz at location No. 1: Tumamoc Hill, 0.5 mile west of Tucson, Ariz.

3700-C2-P-69—General Telephone Co. of Kentucky; (KIY450); C.P. to install an additional base channel to operate on 152.78 MHz at its station located 151 Walnut Street, Lexington, Ky.

3701-C2-P-69—The Mountain States Telephone & Telegraph Co.; (KKI458); C.P. to install a fifth and sixth base channels to operate on frequencies 152.51 and 152.57 MHz at station located at Sandia Crest, 5.7 miles northwest of Sandia Park, N. Mex., and add test frequencies 157.77 and 157.83 MHz. Location: 120 Fourth Street NW., Albuquerque, N. Mex. (Test).

3702-C2-P-69—General Telephone Co. of Missouri; (New); C.P. for a new one-way signaling station. Frequency: 158.10 MHz. Location: Old U.S. Highway No. 63, 2.5 miles southeast of Columbia, Mo.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

3703-C2-P-69—F. L. Patterson doing business as Anserphone of Durham; (New); C.P. for a new one-way station. Frequencies: 152.24 and 158.70 MHz. Location: 207-209 Corcoran Street, Durham, N.C.

3704-C2-P-69—F. L. Patterson doing business as Anserphone of Durham; (New); C.P. for a new one-way station. Frequencies: 152.24 and 158.70 MHz. Location: 209 South Main Street, High Point, N.C.

3705-C2-P-69—Ans-A-Phone Communications, Inc.; (New); C.P. for a new one-way station. Frequencies: 152.24 and 158.70 MHz. Location: 101 North Elm Street, Greensboro, N.C.

3785-C2-AL-69—Americall, Inc.; (KCB891); Consent to assignment of license from Americall, Inc., Assignor, to Two-Way Radio Engineers, Inc., Assignee. One-way station at Boston, Mass.

3786-C2-P-69—Robert E. Franklin; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: 1010 Milam Street, Houston, Tex.

3787-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new one-way station. Frequencies: 152.24 and 158.70 MHz. Location: Tennessee Building, 1010 Milam Street, Houston, Tex.

3788-C2-P-69—Airsignal International, Inc.; (New); C.P. for a new one-way signaling station. Frequencies: 152.24 and 158.70 MHz. Location: Tower Life Building, 310 South St. Mary's Street, San Antonio, Tex.

3557-C2-P/L-69—New England Telephone & Telegraph Co.; (New); C.P. and license for a new Mobile Developmental Station. Frequencies: 35.66, 43.66, 152.51, 152.54, 152.57, 152.60, 152.63, 152.66, 152.69, 152.72, 152.75, 152.78, 152.81, 157.77, 157.80, 157.83, 157.86, 157.89, 157.92, 157.95, 157.98, 158.01, 158.04, 158.07, 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, 454.650, 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525, 459.550, 459.575, 459.600, 459.625, 459.650 MHz. Location: (Three units), operating in any temporary location within the territory of the grantee.

3821-C2-P-69—The Mountain States Telephone & Telegraph Co.; (KOF905); C.P. to replace transmitter operating on base frequency 152.69 MHz; add a second channel to operate on 152.75 MHz and change antenna system at its station located 6.5 miles southeast of Billings, Mont.

3822-C2-P-69—Southwestern Bell Telephone Co.; (KKD291); C.P. to add a fourth channel to operate on frequency 152.69 MHz at station located Keightly Drive and State Highway No. 10, Little Rock, Ark.

3823-C2-P-69—Radio Paging, Inc.; (New); C.P. for a new two-way station. Frequency: 454.225 MHz. Location: 1010 Travis Street, On Tennessee Building, Houston, Tex.

3824-C2-P-69—Ark-La-Tex Mobile Radio Service; (KLB494); C.P. to add a third channel to operate on frequency 152.09 MHz at a new site to be identified as location No. 2: 726 Cotton Street, Shreveport, La.

3825-C2-P-69—John N. Palmer and Vermae Rowell doing business as AAA Anserphone and Doctors Exchange; (New); C.P. for a new one-way signaling station. Frequency: 152.24 MHz. Location: 4 miles southwest of Hattiesburg, Miss.

3831-C2-P-69—Mashell Telephone Co., Inc.; (New); C.P. for a new two-way station. Frequency: 152.66 MHz. Location: 0.5 mile southwest of Eatonville, Wash.

3832-C2-P-69—Kidd's Communications, Inc.; (KMA257); C.P. to install a base channel to operate on frequency 454.125 MHz at a new site to be identified as location No. 8: Mount McKittrick, 6 miles west-southwest of McKittrick, Calif. and change antenna system for the 459.125 MHz facilities at location No. 2: 215 East 18th Street, Bakersfield, Calif.

MAJOR AMENDMENT

2201-C2-P-69—FWS Radio, Inc.; (New); To designate Southland Life Building, Live Oak, Olive, Bryant, and Pearl Streets, Dallas, Tex., as location No. 1. Add location No. 2, 4905 Bridge Street, Fort Worth, Tex., operating on frequency 152.24 MHz. All other particulars to remain the same as reported on public notice dated Oct. 28, 1968, Report No. 411.

2840-C2-P-69—Robert S. Ditton; (New); Change frequency to 152.24 MHz. All other particulars remain the same as reported on public notice dated Nov. 18, 1968, Report No. 414.

3398-C2-P-69—Central Mobile Radio Phone Service; (New); To add frequency 152.24 MHz at station to be located 505 Jefferson Avenue, Toledo, Ohio.

3399-C2-P-69—Page A Fone Corp.; (New); To designate 4905 Bridge Street, Fort Worth, Tex., as location No. 1. Add location No. 2: 400 North East Street, Arlington, Tex., operating on frequency 158.70 MHz. Location No. 3: Republic Bank Building, Ervay and Pacific Streets, Dallas, Tex., operating on frequency 158.70 MHz. All other particulars remain the same as reported on public notice dated Dec. 16, 1969, Report No. 418.

CORRECTION

3360-C2-P-69—Pocket Phone Broadcast Service, Inc.; (KEA777); Correct file number to read 3360-C2-TC-69. All other terms same as listed in Report No. 417, dated Dec. 9, 1968.

RURAL RADIO

3706-C1-P/ML-69—The Mountain States Telephone & Telegraph Co.; (KPV99); C.P. and modification of license to change point of communication from Cody, Wyo., to Worland, Wyo.; change antenna location from lat. 44°48'58" N.-long. 107°54'06" W. to: lat. 44°49'00" N.-long. 107°54'06" W. and change frequency from 157.89 MHz to 157.77 MHz at station located Federal Aviation Agency, Medicine Mountain, 23.8 miles east of Lovell, Wyo.

INFORMATIVE

It appears that the following set of applications may be mutually exclusive, and subject to the Commission's rules regarding ex parte presentations, by reason of economic competition or potential electrical interference.

MONTANA

Montana Communications (KOF914), Missoula, Mont., File No. 550-C2-P-69.

Jack R. Zeckman, doing business as West Montana Mobile Telephone; (New); Missoula, Mont., File No. 4058-C2-P-67.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

3707-C1-P-69—Pacific Northwest Bell Telephone Co.; (KPZ75); C.P. to add frequency 2113.0 MHz toward Pine Lookout, Oreg., and change antenna system at its station located at 100 Kearney Street, Bend, Oreg.

3708-C1-P-69—Pacific Northwest Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 2163.0 and 2177.0 MHz. Location: Pine Lookout, 6 miles south of Millican, Oreg.

3087-C1-P-69—Illinois Bell Telephone Co.; (KSN59); C.P. to add frequencies 6241.7, 11,115.0 MHz toward Eola, Ill., 6271.4 and 6390.0 MHz toward Elgin, Ill., and replace transmitters operating on 10,915.0 and 11,155.0 MHz and change antenna system at its station located 2.5 miles southwest of Wasco, Ill.

3088-C1-P-69—Illinois Bell Telephone Co.; (KSN60); C.P. to add 5989.7 and 6108.3 MHz toward Wasco, Ill., and change antenna system at station located 255 East Chicago Street, Elgin, Ill.

3089-C1-P-69—Illinois Bell Telephone Co.; (KXR54); C.P. to add frequencies 6019.3 and 11,565.0 MHz toward Wasco, Ill., at station located 1.53 miles north of Eola, Ill.

3711-C1-ML-69—Northwestern Bell Telephone Co.; (KBI43); Modification of license to change frequencies 6189.8 and 6308.4 MHz toward Fort Thompson, S. Dak., to 6271.4 and 6330.7 MHz at station located at Big Dam, 2.8 miles south of Fort Thompson, S. Dak.

3712-C1-MP-69—Northwestern Bell Telephone Co.; (KYN43); Modification of C.P. to change frequencies 6286.2 and 6404.8 MHz toward Watertown, S. Dak., to 6226.9, 6345.5 MHz at station located 5.2 miles south-southwest of Clark, S. Dak.

3713-C1-MP-69—Northwestern Bell Telephone Co.; (KYN37); Modification of C.P. to delete frequencies 6034.2 and 6152.8 MHz and Wessington Springs, S. Dak., as a point of communication at station located at Highmore, 7.5 miles north-northwest of Stephan, S. Dak.

3714-C1-P-69—Northwestern Bell Telephone Co.; (KAZ55); C.P. to add frequencies 5989.7 and 6108.3 MHz toward Harrison, S. Dak. at station located 3 miles east-northeast of Pickstown, S. Dak.

3715-C1-P-69—Northwestern Bell Telephone Co.; (KBD62); C.P. to add frequencies 6241.7 and 6108.3 MHz toward Broadland, S. Dak., at station located at Huron, S. Dak.

3716-C1-MP-69—Northwestern Bell Telephone Co.; (KYN40); Modification of C.P. to change frequencies and point of communication from 6123.1 and 6004.5 MHz toward Wessington Springs, S. Dak., 5974.8 and 6093.5 MHz toward Fort Randall, S. Dak., via a passive reflector to 6241.7 and 6360.3 MHz toward Kimball, S. Dak., and 6271.4 and 6390.0 MHz toward Pickstown, S. Dak., at station located at Harrison, S. Dak.

3717-C1-MP-69—Northwestern Bell Telephone Co.; (KBI44); Modification of C.P. to add frequencies 5974.8 and 6093.5 MHz toward Chamberlain, S. Dak., and change frequencies 5967.4 and 6086.0 MHz toward Big Bend Dam, S. Dak., to 5989.7 and 6049.0 MHz at station located 4 miles north of Fort Thompson, S. Dak.

POINT-TO-POINT MICROWAVE RADIO (TELEPHONE CARRIERS)—continued

3718-C1-MP-69—Northwestern Bell Telephone Co.; (KYN39); Modification of C.P. to change frequencies 6286.2 and 6404.8 MHz toward Broadland, S. Dak., to 6226.9 and 6245.5 MHz; delete Harrison, S. Dak., as a point of communication; change point of communication from Highmore, S. Dak., to Kimball, S. Dak. (frequencies: 6197.2 and 6315.9 MHz) and replace transmitters at station located 3.9 miles southwest of Wessington Springs, S. Dak.

3719-C1-MP-69—Northwestern Bell Telephone Co.; (KYN42); Modification of C.P. to relocate receiving point in Huron, S. Dak., and change frequencies 6256.5 and 6375.2 MHz toward Huron to 6019.3 and 6137.9 MHz; change frequencies 6034.2 and 6152.8 MHz toward Clark, S. Dak., to 5974.8 and 6093.5 MHz and change transmitters authorized for transmission toward Huron and Wessington Springs at station located at Broadland, 9 miles northwest of Huron, S. Dak.

3720-C1-P-69—Northwestern Bell Telephone Co.; (KBD64); C.P. to add frequencies 6197.2 and 6315.9 MHz toward Fort Thompson, S. Dak., and add frequencies 6226.9 and 6345.5 MHz toward Kimball, S. Dak. (new point of communication) at station located 2 miles northeast of Chamberlain, S. Dak.

3721-C1-P-69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 5945.2 and 6063.8 MHz toward Chamberlain, S. Dak.; 5974.8 and 6093.5 MHz toward Wessington, S. Dak.; 6019.3 and 6137.9 MHz toward Harrison, S. Dak. Location: 5 miles southeast of Kimball, S. Dak. (Informative: Applicant is proposing to integrate the microwave system purchased from the Bureau of Reclamation with an existing message microwave network.)

3826-C1-P-69—Pacific Northwest Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 528 Sixth Avenue, Lewiston, Idaho, to operate on frequencies 4050 and 4130 MHz.

3827-C1-P-69—Pacific Northwest Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 3770, 3850, 4070, and 4150 MHz. Location: 2.1 miles east-northeast of Peola, Wash.

3828-C1-P-69—Pacific Northwest Bell Telephone Co.; (KOJ95); C.P. to add frequencies 3710, 3790 MHz toward Peola, Wash., and add 4030 and 4110 MHz toward Sprague, Wash., and change antenna system at station located 2.5 miles east of Benge, Wash.

3829-C1-P-69—Pacific Northwest Bell Telephone Co.; (KOJ96); C.P. to add 3750 and 3830 MHz toward Benge, Wash., and add 2178.4 MHz toward Brown's Mountain, Wash., at station located 1 mile northwest of Sprague, Wash.

3830-C1-P-69—Pacific Northwest Bell Telephone Co.; (KOM52); C.P. to add frequency 2128.4 MHz toward Sprague, Wash., and change antenna system at station located at Brown's Mountain, 7.5 miles southeast of Spokane, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELSPHONE)

3698-C1-TC-(6)-69—Video Service Co.; Consent to transfer of control, pro forma, from Atlanta Newspapers, Inc., Dayton Newspapers, Inc., and Springfield Newspapers, Inc., Transferors to Cox Enterprises, Inc., Transferee. Stations: KSO92—Scircleville, Ind. KSO93—Wellsboro, Ind. KSO94—Delong, Ind. KSP63—Logansport, Ind. KSP64—Monticello, Ind. KVD52—Peru, Ind.

3692-C1-P-69—Minnesota Microwave, Inc.; (New); C.P. for a new station to be located at Aeronautical Engineering Building on University of Minnesota Main Campus; Minneapolis, Minn., at lat. 44°58'32" N., long. 93°13'56" W. Frequencies: 6011.9, 6071.2, and 6130.5 MHz on azimuth 267°42'.

3693-C1-P-69—Minnesota Microwave, Inc.; (New); C.P. for a new station at Foshay Tower Building in Minneapolis, Minn., at lat. 44°58'28" N., long. 93°16'17" W. Frequencies: 6264.0, 6323.3, and 6382.6 MHz on azimuth 150°12'.

3694-C1-P-69—Minnesota Microwave, Inc.; (New); C.P. for a new station to be located at 2.6 miles southeast of Cannon Falls, Minn., at lat. 44°28'45" N., long. 92°52'50" W. Frequencies: 6049.1, 6100.9, and 6160.2 MHz on azimuth 141°42'.

3695-C1-P-69—Minnesota Microwave, Inc.; (New); C.P. for a new station to be located 2 miles east of Rochester, Minn., at lat. 44°03'22" N., long. 92°24'39" W. Frequencies: 6011.9, 6071.2, and 6130.5 MHz on azimuth 272°36' and 176°18'. (Informative: Applicant proposes to provide three channels of educational television from the University of Minneapolis to the IBM Building and to the Rochester Junior College in Rochester, Minn.)

[F.R. Doc. 69-321; Filed, Jan. 9, 1969; 8:47 a.m.]

[Dockets Nos. 18408, 18409; FCC 68-1219]

LESTER H. ALLEN AND SALT-TEE RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lester H. Allen, Ocean City, N.J., requests: 106.3 mcs, No. 292; 3 kw.; 300 feet, Docket No. 18408, File No. BPH-6374; Salt-Tee Radio, Inc., Ocean City, N.J., requests: 106.3 mcs, No. 292; 3 kw.; 300 feet, Docket No. 18409, File No. BPH-6457; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Salt-Tee Radio, Inc., proposes duplicated programing seasonally varying from 21.43 percent to 28.57 percent while Lester Allen proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

4. Neither applicant will be able to provide a 3.16 mv/m signal to the entire city of Ocean City, N.J., as required by § 73.315(a) of the Commission's rules. This situation is traceable to the shape of the community and the need to select a site some distance from it to meet the required spacings. The proposed sites approximate the best possible coverage under these circumstances. Accordingly, we have determined that waiver of this provision is appropriate.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

7. *It is further ordered*, That the provisions of § 73.315(a) of the Commission's rules are waived to permit a signal level of less than 3.16 mv/m over the entire city of Ocean City, N.J.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 18, 1968.

Released: January 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-322; Filed, Jan. 9, 1969; 8:47 a.m.]

[1] Commisisoner Cox absent.

[Dockets Nos. 18412, 18413; FCC 68-1229]

FAULKNER RADIO, INC., AND BAY BROADCASTING CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearings on Stated Issues

In re applications of Faulkner Radio, Inc., Slidell, La., Requests: 1190 kc, 1 kw, Day, Docket No. 18412, File No. BP-17057; Bay Broadcasting Corp., Bay St., Louis, Miss., Requests: 1190 kc, 5 kw, Day, Docket No. 18413, File No. BP-17244; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules. Also before the Commission are: (a) A petition to deny the application of Bay Broadcasting Corp. (hereinafter, Bay), filed by Faulkner Radio, Inc. (hereinafter, Faulkner); (b) a petition to strike the Faulkner objections filed by Bay; (c) Faulkner's opposition to the petition to strike; and (d) Bay's reply to opposition.[1]

2. In its petition to deny Faulkner asserts that certain alleged misrepresentations contained in Bay's application warrant either the dismissal of its proposal or the addition of issues to determine whether Bay has the requisite character qualifications to be a licensee of the Commission. According to Faulkner, its investigations reveal that Mr. Joel Bluestone, secretary-treasurer and principal shareholder (80 percent) of Bay, has twice been involved in bankruptcy proceedings, and that his wife, Mary Nance Bluestone, vice-president of Bay, has once filed for bankruptcy. In completing paragraphs 10(f) and 10(h) of section II of Form 301, however, Bay failed to make any mention of these bankruptcies, indicating instead that none of its principals had ever been declared bankrupt. As its response to section IV-A, paragraph 1-A of the application form, which requests that the applicant state the methods used to ascertain the needs and interests of the public to be served by the proposed station, Bay submitted its Exhibit No. 5. Therein, the applicant stated that its president and general manager, Donald R. Moore, had, inter alia, conducted a personal survey of 23 community leaders in Bay St. Louis and the immediate vicinity.[2] According to Faulkner, however, 14 of these persons have never been contacted by any representative of Bay concerning any radio station or radio program. Affidavits to this effect have been submitted from each of the 14 persons in question. Furthermore, in light of these alleged misrepresentations, Faulkner asserts that the reliability of Bay's entire programing survey is thrown into question. Therefore, it is requested that an issue also be added to determine whether Bay has adequately investigated the programing needs of the Bay St. Louis area.

3. Bay's response to these allegations takes the form of a petition to strike. Attention is drawn to the fact that over 4 months had elapsed beyond the cut-off date of Bay's application before the

[1] On Nov. 19, 1968, Bay filed an additional pleading entitled "Petition to Designate for Hearing on Stated Issues", which raised questions not previously mentioned by either applicant. Faulkner, in turn, filed an opposition on Dec. 10, 1968. These pleadings are, however, both untimely and unauthorized pursuant to §§ 1.45(c) and 1.580(i) of the rules. Simultaneously with its opposition pleading, Faulkner amended its application in an apparent effort to obviate the objections raised by Bay. Prior to the receipt of all these submissions, however, we had on our own motion considered the matters raised therein, and these belated filings do not persuade us to alter our present conclusions. (See par. 14, infra).

[2] The persons that Moore allegedly contacted include such local leaders as mayor, school superintendent, rotary club and chamber of commerce presidents and several members of the clergy. In addition, Bay states that it conducted a random telephone survey of the general public, using a prepared questionnaire to determine their needs and interests.

Faulkner petition was submitted.[3] In addition to this procedural defect, Bay argues throughout that Faulkner has sought, by reckless and unsupported allegations, to malign the character qualifications of its principals. While admitting that he and his wife were involved in bankruptcy proceedings several years ago, Joel Bluestone states by affidavit that he did not deliberately fail to supply this information. Noting that Donald Moore supervised preparation of the application form, Bluestone affirms that any nondisclosure of the bankruptcies was merely an oversight on his own part in examining Form 301 prior to its submission. With regard to Bay's program survey, Donald Moore reaffirms that he personally telephoned the 23 community leaders listed in the application, and that he noted their responses on questionnaire forms which were consulted during the conversations. In appraising the affidavits Faulkner obtained from the 14 persons in question, Bay stresses that, either by design or otherwise, each affidavit is couched in identical terms; that any reference to Moore by name is omitted; and that the affiants state only that they have "not been contacted by any representative or representatives of Bay Broadcasting Co., Inc." [sic]. Moore claims, however, that all of his programing contacts were made prior to the formation of Bay as a corporation, and, therefore, he referred to himself merely as "Don Moore", rather than as the representative of any corporate applicant. Thus it is contended that at most the affidavits establish only what they state, which is in itself inconclusive. Bay has also submitted affidavits from various local residents affirming that a survey of the area was in fact made. These include statements from J. Ruble Griffin, a Bay St. Louis attorney, who states he furnished Bluestone and Moore with a list of local civic and business leaders, and Mrs. Maurice J. Artigues, who affirms, inter alia, that she conducted an extensive telephone survey for the applicant, filling out a questionnaire for each person interviewed.

4. In opposition to Bay's petition to strike, Faulkner admits that its initial pleading was untimely. It states that the matters in question came to its attention during the course of its preparation for the hearing that will be necessitated in this case because of the mutually exclusive nature of the two applications. Rather than withholding its information until the hearing, Faulkner argues that it sought to expedite matters so that the Commission might consider its allegations at the prehearing stage. So far as the merits of Bay's arguments are concerned, Faulkner notes that none of Bay's supporting affidavits actually state the names of the persons contacted. According to Faulkner, if Moore did call the persons in question, he should be able to support his contentions with sufficient records of the conversations. The argument that Moore was not mentioned by name in Faulkner's affidavits, and, therefore, that they are invalid, is dismissed as without merit. Faulkner contends that Moore is now in fact a representative of Bay, and that the affiants involved, being persons of responsibility and stature within the community, would not be taken in by such subtleties as Bay suggests may have taken place. In addition, Faulkner has submitted affidavits from its local agents, who assert that at the time the 14 affiants were questioned, all but one of these persons, was informed that Moore and Bluestone were the principals of Bay. With regard to the bankruptcy omissions, Faulkner reiterates that Bay is responsible for the accuracy of its application. Faulkner argues that Bluestone, as an 80 percent shareholder and officer of the corporation, cannot avoid his responsibility by claiming that someone else prepared the application.

5. In reply, Bay again attacks Faulkner's initial supporting affidavits as misleading and invalid. It is noted that Faulkner's use of the word "contact" in its form affidavit may have persuaded the 14 affiants to believe that a "contact" meant a face-to-face meeting rather than the telephone call they allegedly received from Moore. Citing the decision in Jones T. Sudbury, 67R–164, 9 RR 2d 1329 (1967), Bay raises the possibility that the affiants may have forgotten telephone interviews which it maintains occurred approximately 1 year prior to Faulkner's inquiry.[4] In addition, Bay has submitted a questionnaire said to have been filled out during the telephone conversation with M. Haas, one of the aforementioned 14 affiants. Counsel for Bay also states that it has the remaining questionnaires in its possession, but thus far these have not been submitted for Commission perusal.

6. Despite its belated filing, the Commission will, pursuant to § 1.587 of the rules, treat Faulkner's petition to deny on its merits as an informal objection. As Faulkner has noted, consideration of its objections at this time will serve to expedite matters, since Faulkner, in any event, could petition to enlarge issues after designation of the applications for hearing. Moreover, upon review of the various affidavits and contradictory pleadings now before us, the Commission finds that Faulkner has raised substantial and material questions of fact, both as to the authenticity of Bay's representations on its survey of community programing needs and as to Bay's failure to disclose prior bankruptcy proceedings involving its controlling shareholder.

7. As to Bay's contention that Faulkner's allegations constitute a reckless and unwarranted attempt to malign the character of Bay's shareholders, we find, on the contrary, that Faulkner has adequately supported its contentions with appropriate affidavits both from its own agents and from presumably disinterested members of Bay St. Louis and its environs. As for Bay's attempt to refute the allegations of misrepresentation in its programing survey, while its counsel maintains that copies of questionnaires reflecting Moore's conversations with each of the 14 affiants in question are available, these questionnaires, with the exception of the one allegedly pertaining to Moore's interview with M. Haas, have not been submitted for Commission examination.[5] Thus, it would appear that, while Bay may have the best evidence available to refute Faulkner's allegations, it has itself chosen not to present the questionnaires at this time. Compare Jones T. Sudbury, supra. Instead, Bay has relied upon affidavits from Moore himself and from other Bay St. Louis residents who do not profess to know specifically which persons Moore contacted. Aside from indicating that some survey was taken, the latter affidavits fail to refute Faulkner's basic allegation that 14 of the 23 community leaders supposedly surveyed were never in fact contacted. Likewise, Bay's preoccupation with the semantics of Faulkner's supporting affidavits fails to convince us either that Faulkner has managed to deceive the 14 affiants, or that its allegations of misrepresentation are unfounded. In addition, Bay's supposition that the affiants may simply have forgotten their respective telephone conversations with Moore is not persuasive. Accordingly, we find that an issue is warranted to determine whether Bay's programing survey contains misrepresentations concerning the number and identity of the community leaders actually interviewed. Cf Lebanon Broadcasting Co., FCC 67–1305, 10 FCC 2d 936 (1968).

8. Regarding the Bluestones' unreported bankruptcies, Joel Bluestone's affidavit affirms in substance the allegations made in the petition to deny. As Faulkner has pointed out, an applicant cannot avoid the responsibility for accurate and full disclosure in its application simply by noting that only one of its principals prepared the proposal. This is especially the case where, as here, the nondisclosure involves the applicant's controlling shareholder. Bluestone argues that since no findings of culpability were involved in the bankruptcies, he had no motive for failing to disclose their occurrence. However, since the nondisclosure is admitted, it will be necessary for the Hearing Examiner to take evidence for the purpose of determining what effect, if any, the failure to disclose past bankruptcies has upon Bay's requisite and comparative qualifications to receive a grant.

[3] Bay's application was cut-off on Dec. 20, 1966, and Faulkner's petition to deny was not filed until May 8, 1967. Bay also argues that the dates of Faulkner's supporting affidavits (Jan. 1, 1967 to May 2, 1967) suggest that Faulkner did not even initiate preparation of its petition until after the Bay cut-off date had run.

[4] According to Moore, he made most of the telephone interviews in Jan. 1966. The 14 affidavits initially obtained by Faulkner are dated Jan. 1, 1967, to Mar. 4, 1967, inclusive.

[5] The questionnaire that Bay did submit has the name and title "M. Haas–Pres. Jc's" written across the top. Presumably this refers to Michael D. Haas, past president of the Bay St. Louis Jaycees, who is one of the 14 affiants under debate herein. The sheet contains brief answers to eight questions of a general programing nature. It is not dated, however, nor is it designed in any way to be signed by the interviewee.

9. Based on the questions raised concerning Bay's survey of community leaders, Faulkner has also requested imposition of an issue to determine whether the applicant has sufficiently investigated the programing needs of the Bay St. Louis area. Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961). Even assuming, however, that the questions pertaining to its survey are resolved in Bay's favor, we find that the applicant's ascertainment of community needs fails to meet the criteria recently reaffirmed by the Commission in Minshall Broadcasting Co. Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), and the Commission's Public Notice of August 22, 1968, FCC 68-847. Accepting, arguendo, that Bay's survey took place substantially as professed in Exhibit No. 5 of its application, it would appear that a cross-section of the listening public and a sampling of informed opinion in the community has been contacted. Report and Statement of Policy Re: Commission En Banc Programing Inquiry, FCC 60-910, released July 29, 1960, 20 RR 1902. However, aside from a brief statement that the community is much interested in the national space program, due to the establishment of a testing facility nearby, and that a need exists for local news and announcements, Bay, despite its reference to use of a planned questionnaire, says very little about the actual program suggestions as to community needs it received or how its program format will reflect the area's needs as evaluated. In view of the nature of community leadership allegedly interviewed and the absence of alternative local AM service in Bay St. Louis, this lack of informative response requires further explanation. Therefore, in the event Bay demonstrates to the satisfaction of the Hearing Examiner that its survey took place as alleged, it will be necessary for the applicant to fully demonstrate its efforts to ascertain the community needs and interests of the Bay St. Louis area and the manner in which it proposes to meet those needs and interests.

10. On the basis of its original application and amendments, Bay will require approximately $76,280 to construct and operate the proposed station for 1 year without revenue. The alleged cash requirements are as follows: Down payment on equipment, $6,500; first-year payments on equipment, including interest, $7,280; land, $12,500; building $10,000; miscellaneous, $4,000; and working capital for 1 year, $36,000. To meet these financial requirements, the applicant relies upon paid-in capital of $10,000 and a loan commitment from the Hancock Bank of Bay St. Louis for $30,000. The bank's letter, submitted as evidence of its commitment, fails, however, to state the terms of repayment or if any collateral is involved. See section III, paragraph 4(h) of Form 301. Consequently, we are unable to include the $30,000 loan in the computation of Bay's available funds. Thus, it appears that only $10,000 is currently available to meet anticipated first-year expenses of $76,280. Accordingly, a financial issue will be included to determine the applicant's financial ability to construct and operate the proposed station for 1 year without revenues.

11. Examination of the engineering portion of the Faulkner application, as amended on June 27, 1968, indicates that its proposed 5 mv/m contour will penetrate the city limits of New Orleans. Slidell's population according to the 1960 U.S. Census is 6,356, while New Orleans has a population of 627,525. In view of these circumstances, a presumption is raised that the applicant is realistically proposing an additional - transmission service for the larger city rather than its designated community of Slidell. Policy Statement of section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965). Since Faulkner has made no attempt to rebut the aforementioned presumption, an appropriate issue will be added to explore the matter further. If, in the course of this proceeding, Faulkner fails to rebut the presumption that it is realistically proposing to serve New Orleans rather than Slidell, and fails to show, pursuant to issue (8) below, that its proposal meets all of the technical provisions of the Commission's rules for a station assigned to New Orleans, its application will be denied. If, however, its proposal qualifies as one for New Orleans under such issue, we will then consider whether its application should be allowed to remain in hearing.

12. In response to paragraph 1-A of section IV-A, regarding its ascertainment of local programing needs and interests, Faulkner has made rather vague reference to contacts with an indeterminate number of community leaders and other residents of Slidell. Based on Faulkner's brief summation of its survey efforts, however, we are unable to conclude that a fair cross-section of informed opinion and group interest in the Slidell community has been adequately canvassed. Compare Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968). Although the applicant proposes to devote time on a weekly basis to a community affairs program, Faulkner has not sufficiently indicated what suggestions of community programing needs it has received, nor does the proposed programing reflect an attempt to meet those needs as evaluated. Accordingly, in keeping with the Minshall decision, supra, a Suburban programing issue will be included so that Faulkner may fully demonstrate its effort to ascertain the community needs and interests of the Slidell area and the manner in which it proposes to meet those needs and interests.

13. Analysis of Faulkner's financial requirements indicates that $92,309 will be needed for construction and first-year operation of the proposed station. Anticipated expenses consist of down payment on equipment, $10,297; first-year payments on equipment including interest, $11,532; buildings, $6,000; loan curtailments, $20,000; loan interest, $480; miscellaneous, $4,000; and first-year working capital, $40,000. The applicant proposes to meet these expenses by relying upon existing cash of $3,000 and two bank loan commitments of $40,000 each. Examination of Faulkner's balance sheet, however, reveals current liabilities in excess of current assets, and thus the cash on hand of $3,000 cannot be assumed to be available for the instant proposal. In addition, the Baldwin National Bank of Robertsdale, Ala., has made its loan of $40,000 contingent upon the personal guarantee of James H. Faulkner, Sr., controlling shareholder of the applicant corporation. To date, Mr. Faulkner has not signified his willingness to accept this personal liability, and thus the loan cannot be credited toward the applicant's financial requirements. We note, however, that even if the full amount of $80,000 in loans were adequately shown to be available, Faulkner's financial resources would still be short of the $92,309 total required. Therefore, a financial issue will be specified to determine whether the applicant has sufficient funds available to construct and operate as proposed for 1 year without reliance upon prospective revenues.

14. As originally filed Faulkner's application did not contain section II of Form 301, which refers to the legal qualifications and other ownership interests of the applicant. Instead, the Commission was requested to consult its ownership reports (Form 323) for the required information. These reveal that Faulkner is licensee of several southeastern radio stations.[6] Thereafter, on May 20, 1968, Faulkner notified the Commission that it had assumed control of Station WGAA, Cedartown, Ga., and that on March 18, 1968, it had filed an application for a new FM station in Rockmart, Ga. (BPH-6224). Nowhere, however, has the applicant made mention of its currently pending application (BPH-5493) for a new FM station to be located in Slidell.[7] While no apparent motive for concealment suggests itself, in light of our abiding interest in concentration of control and local diversification, Faulkner's failure to note the pendency of an application for an additional Slidell facility assumes considerable significance. Therefore, an issue will be specified to determine what effect, if any, the applicant's failure to keep the Commission informed, as required by § 1.65 of the rules, of the filing of its proposal for an FM station at Slidell has upon its requisite and comparative qualifications to receive a grant of its instant application. Cf. Vernon

[6] Commission ownership reports indicate that Faulkner Radio, Inc., is licensee of the following stations: WBCA and WWSM-FM, Bay Minette, Ala.; WLBB and WBTR-FM, Carrollton, Ga.; WAOA, Opelika, Ala.; and WFRI-FM, Auburn, Ala.

[7] In its decision in Bill Garrett Broadcasting Corp., FCC 68R-214, released May 23, 1968, 13 RR 2d 163, the Review Board granted Faulkner's application for an FM construction permit to operate on Channel 287 at Slidell. The competing application of Bill Garrett Broadcasting Corp. (BPH-5482) for the same authorization was denied. However, the Commission, on its own motion, has decided, pursuant to § 1.117 of the rules, to review the Board's decision. FCC 68-702, released July 5, 1968. Oral argument was held before the Commission, en banc, on Nov. 14, 1968.

Broadcasting Co., 12 FCC 2d 946, 13 RR 2d 245 (1968); Romac Baton Rouge Corp., 7 FCC 2d 564, 9 RR 2d 1029 (1967).

15. Examination of the Commission's records discloses that the W. D. Alexander Co. of Atlanta, Ga., distributors of General Electric products, has filed a complaint alleging fraudulent billing practices with regard to WBTR–FM, licensed to Faulkner Radio, Inc., at Carrollton, Ga.[*] The distributor furnished to the Commission copies of original affidavits received from WBTR–FM for the first 4 months of 1968 and revised affidavits submitted at a later date covering the same months. The revised affidavits were submitted after the G.E. distributor had checked the station's logs and found that log entries did not correspond to the spot announcements billed. These latter affidavits show a considerably lesser number of announcements broadcast by the station in 3 of the 4 months. Thus, it is apparent that the billing practices of WBTR–FM involve questions of serious misconduct on the part of a Commission licensee. Accordingly, an issue will be added to determine what effect, if any, Faulkner's conduct of its Carrollton FM operation has upon its requisite and comparative qualifications to receive a grant of its Slidell application.

16. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

17. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

(2) To determine whether Bay Broadcasting Corp., or any of its principals, failed to disclose prior bankruptcy proceedings involving Joel Bluestone and Mary Nance Bluestone.

(3) To determine in connection with the community survey allegedly conducted by Bay Broadcasting Corp., whether the applicant or any of its principals misrepresented facts to the Commission or have in any manner attempted to deceive or mislead the Commission.

(4) To determine the effect of the facts adduced pursuant to issues 2 and 3, above, on the requisite and comparative qualifications of Bay Broadcasting Corp. to receive a grant of its application.

(5) To determine with regard to the application of Bay Broadcasting Corp.:

(a) Whether the $30,000 loan commitment from the Hancock Bank of Bay St. Louis is available to the applicant, and, if so, the terms of its repayment and collateral required, if any;

(b) The source of additional funds necessary to meet the costs of construction and operation of the station during the first year; and

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified.

(6) To determine the efforts made by the applicants to ascertain the community needs and interests of their respective service areas and the manner in which the applicants propose to meet such needs and interests.

(7) To determine whether the proposal of Faulkner Radio, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(8) To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, New Orleans, La.

(9) To determine with regard to the application of Faulkner Radio, Inc.:

(a) Whether the $40,000 loan commitment from the Baldwin National Bank of Robertsdale, Ala., is available to the applicant, and, if so, whether Mr. James H. Faulkner, Sr., is willing to guarantee the repayment of such loan in his individual capacity;

(b) The source of additional funds necessary to meet the costs of construction and operation of the station during the first year; and

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified.

(10) To determine whether Faulkner Radio, Inc., has continued to keep the Commission informed of substantial changes of decisional significance as required by § 1.65 of the Commission's rules.

(11) To determine whether Faulkner Radio, Inc., has engaged in fraudulent billing practices in the operation of its station WBTR–FM, Carrollton, Ga.

(12) To determine the effect of the facts adduced pursuant to issues (10) and (11) above, on the requisite and comparative qualifications of Faulkner Radio, Inc., to receive a grant of its application.

(13) To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(14) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307 (b), which of the operations proposed in the above-captioned applications would better serve the public interest.

(15) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

18. *It is further ordered,* That the petition to deny filed by Faulkner Radio, Inc., and the "Petition to Designate for Hearing on Stated Issues" filed by Bay Broadcasting Corp. are denied.

19. *It is further ordered,* That the petition to strike filed by Bay Broadcasting Corp. is granted to the extent indicated and is denied in all other respects.

20. *It is further ordered,* That in the event of a grant of the application of Bay Broadcasting Corp., the construction permit shall contain the following condition: In the event of a grant of the application filed by Michael D. Haas for a new standard broadcast station on 1140 kc, 250 w, DA–Day, at Bay St. Louis, Miss. (File No. BP–18154), permittee herein shall share the responsibility of eliminating any problems of cross-modulation, reradiation, or spurious emissions which may occur.

21. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

22. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

[*] During 3 days in February 1968, tire copy rather than General Electric copy was used on Faulkner's Carrollton AM station, WLBB, although the affidavit indicated the announcements were for General Electric products. However, the distributor has indicated belief that this was an honest mistake on the part of the station's bookkeeper, as contrasted to the FM billing, which was termed "deliberate".

notice as required by § 1.594(g) of the rules.

Adopted: December 18, 1968.

Released: January 7, 1969.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,[5]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-323; Filed, Jan. 9, 1969; 8:47 a.m.]

[Dockets Nos. 18251-18257; FCC 68R-547]

LOUIS VANDER PLATE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Louis Vander Plate, Franklin, N.J., et al., Docket No. 18251, File No. BP-16837 18252, 18253, 18254, 18255, 18256, 18257, for construction permits.

1. This proceeding involves seven mutually-exclusive applications for construction permits to establish new standard broadcast stations. By Memorandum Opinion and Order, FCC 68-731, 13 FCC 2d 952, the applications were designated for consolidated hearing on various issues. Presently before the Review Board is the Broadcast Bureau's petition to enlarge issues, filed October 25, 1968.[1] The requested issue would inquire whether, based on measurements, the proposal of Lake-River Broadcasting Corp. (Lake-River) would provide coverage of the city sought to be served as required by § 73.188(b) (1) and (2) of the Commission's rules.[2]

2. In support, the Bureau contends that the Lake-River measurement data on 334° radial toward Somerville, N.J., reflects a ground conductivity of 0.5 to 1.5 mmhos/m over a distance of 30 miles, whereas the Commission's Figure M-3 ground conductivity map shows a conductivity of 4 mmhos/m for virtually all of New Jersey. The Bureau argues that the great disparity in conductivity between the actual ground conductivity and Figure M-3, and the relative uniformity of terrain in the area, raise a strong presumption that the actual conductivity within a reasonable radius of the site in all directions may also be 0.5 to 1.5 mmhos/m. The Bureau notes that Issue 4 would inquire into Lake-River's selection of a transmitter site and antenna design which would place a signal from the null area of its radiation pattern over the principal city to be served, and that § 73.188(b) (1) and (2) of the rules require an applicant to select a site so that a signal of 25 to 50 mv/m will be obtained over the business or factory area and 5 to 10 mv/m over the most distant residential section of the city. The Bureau thus contends that, if ground conductivity of 4 mmhos/m were used, Lake-River's proposal would apparently comply with the above-stated provisions of the rules, but if the conductivity were 1.5 mmhos/m, the 25 mv/m signal would not be provided over the business district nor would the proposed 5 mv/m contour encompass all of the city of Lakewood. Finally, the Bureau states that it is aware that, in most instances, the conductivity established by measurements is restricted to the areas and directions in which those measurements were taken, e.g., such as in predicting interference where the contours fall a considerable distance from the proposed site. But here, the Bureau asserts, reason compels an opposite conclusion since the maximum distance to the business district of Lakewood is only 4.5 miles.

3. Lake-River, in opposition, contends that the measurements set forth in its exhibits were made from the vicinity of the proposed site in the directions of 314° and 334° true, and the business district is within the arc of 95° to 102° true; that to apply the results of the measurements to determine the service to Lakewood would require interpreting the measurements over an arc of greater than 120 degrees; that the established policy of the Commission is to accept the validity of measurements only within an arc of plus or minus 10 degrees; and that, in the absence of measurements in the direction of the business district, Figure M-3 remains the best source of the value of the conductivity and the proposal provides adequate service based on this conductivity. The Bureau replies that its request is based primarily on the great disparity between the conductivity value of 1.5 mmhos/m obtained on the applicant's tests from the proposed transmitter site and the 4 mmhos/m value listed on the ground conductivity map Figure M-3; that, when the relative uniformity of the terrain surrounding the proposed site and the proximity of Lakewood are taken into consideration, this disparity raises a serious question concerning the accuracy of the 4 mmhos/m value shown on Figure M-3 in the direction of Lakewood; and that the correct values in the direction of Lakewood and the applicant's compliance with § 73.188 can only be determined if Lake-River is directed to prove coverage of Lakewood by measurements from the site.

4. There is some merit to Lake-River's argument that the applicability of conductivity values determined from measurements on one radial is limited to within a small arc subtended about the measured radial. See Verne Miller, FCC 64R-115, 1 RR 2d 1027 (1964), and Patchogue Broadcasting Co., Inc., FCC 59-544, 18 RR 625, 628 (1959). However those cases involved attempts to apply the measured ground conductivity values over dissimilar terrains. The Bureau alleges here that the terrain surrounding the proposed transmitter site is relatively uniform, which Lake-River does not attempt to refute. Section 73.188(1) of the rules, with reference to Figure M-3, states that the values specified are only for general areas and the conductivity values over particular paths may vary widely from those shown. This section of the rules further states that, where the submission of field intensity measurements is deemed necessary, the Commission may require an applicant to submit such data in support of its application. Coastal Broadcasters, Inc., FCC 63R-252, 25 RR 712 (1963). Lake-River proposes to use a directional antenna system which barely places a 25 mv/m signal over the Lakewood business district if the ground conductivity were 4 mmhos/m as indicated in Figure M-3. With lesser ground conductivity, Lake-River may not comply with the provisions of § 73.188(b) of the rules. In instances where there were close questions of compliance with the rules, the Commission has designated issues requiring submission of measurements. See, e.g., Coastal Broadcasters, Inc., supra, and Jeannette Broadcasting Co., 29 FCC 44, 19 RR 480 (1960). In this case the coverage of the business district is obtained on the edge of a sharp rising lobe of applicant's directional array which barely provides the required coverage, and a small reduction in the conductivity would result in a violation of the rules. Consequently, in the circumstances of this case, we believe that the issue should be added.

5. *Accordingly, it is ordered,* That the Broadcast Bureau's petition to enlarge issues, filed October 25, 1968, is accepted; that the petition is granted; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether, based on field intensity measurements, the proposal of Lake-River Broadcasting Corp. would provide coverage of the city to be served as required by § 73.188(b) (1) and (2) of the Commission's rules.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence and burden of proof under the issue added herein will be on Lake-River Broadcasting Corp.

Adopted: December 31, 1968.

Released: January 3, 1969.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,[3]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-324; Filed, Jan. 9, 1969; 8:47 a.m.]

[5] Commissioner Robert E. Lee concurring in the result. Commissioner Cox absent.

[1] Also before the Review Board are an opposition of Lake-River, filed November 7, 1968, and the Broadcast Bureau's reply, filed November 20, 1968.

[2] The Broadcast Bureau's petition to enlarge issues was filed more than 15 days after the publication of the designation order in the FEDERAL REGISTER. See § 1.229(b) of the rules. The Bureau contends that good cause exists for the late filing of the petition since the request is based upon the measurement data submitted by Lake-River during the exchange of preliminary engineering exhibits on October 14, 1968, and the petition was filed within eleven days after receipt of information. The Board finds the Bureau's explanation adequate to establish good cause.

[3] Review Board Member Nelson abstaining. Board Members Berkemeyer and Kessler absent.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business December 31, 1968, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 468,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 190,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Conditon on FDIC Form 64 ----- Call No. 86,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated June 1968, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

[SEAL] K. A. RANDALL,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 69-293; Filed, Jan. 9, 1969; 8:45 a.m.]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income and Dividends for the calendar year 1968 on Form 73 (Savings), revised December 1951,[1] to the Federal Deposit Insurance Corporation within 10 days after notice that such report shall be made. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated December 1962, and any amendments thereto.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-294; Filed, Jan. 9, 1969; 8:45 a.m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income and Dividends for the calendar year 1968 on Form 73 (revised December 1961)[1] to the Federal Deposit Insurance Corporation within ten days after notice that such report shall be made. Said Report of Income and dividends shall be prepared in accordance with "Instructions for the preparation of Report of Income and Dividends on Form 73", dated December 1961, and any amendments thereto.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 69-295; Filed, Jan. 9, 1969; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

GULF UNION CORP.

Notice of Receipt of Application for Permission To Acquire Control of Panhandle Savings and Loan Association

JANUARY 7, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gulf Union Corp., Baton Rouge, La., for permission to acquire control of Panhandle Savings and Loan Association, Amarillo, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition of control is to be effected by the purchase of 80 percent of the outstanding capital stock of Panhandle Savings and Loan Association by Gulf Union Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-325; Filed, Jan. 9, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 69-293, Federal Deposit Insurance Corporation, *supra*.

[1] Filed as part of original document.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry and Withdrawal From Warehouse for Consumption

Correction

In F.R. Doc. 68-15577 appearing at page 26 of the issue for Wednesday, January 1, 1969, in the column headed "*12-month level of restraint*" the first entry, instead of reading "1,313,500 square yards" should read "1,312,500 square yards".

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry and Withdrawal From Warehouse for Consumption

JANUARY 7, 1969.

On December 31, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Socialist Republic of Romania that it was renewing for an additional 12-month period beginning January 9, 1969, and extending through January 8, 1970, the restraint on imports into the United States of cotton textile products in Category 49, produced or manufactured in Romania. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 49 for the preceding 12-month period.

There is published below a letter of January 7, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 49, produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 9, 1969, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

JANUARY 7, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 9, 1969, and for the 12-month period extending through January 8, 1970, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 49, produced or manufactured in Romania, in excess of a level of restraint for the period of 10,500 dozen.

In carrying out this directive, entries of cotton textile products in Category 49, produced or manufactured in Romania, which have been exported to the United States from Romania prior to January 9, 1969, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period January 9, 1968 through January 8, 1969. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 49 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 69-339; Filed, Jan. 9, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1065]

BUSINESS FUNDS, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

JANUARY 6, 1969.

Notice is hereby given that Business Funds, Inc. ("Applicant"), 824 Bettes Building, Houston, Tex. 77002, a Maryland corporation registered as a nondiversified, closed-end investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which, if necessary for the protection of investors, may be made upon appropriate conditions, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Applicant represents that it is not an investment company as defined in the Act.

Section 3(a) of the Act defines an investment company as any issuer which (1) is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities; (2) is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificates outstanding; or (3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The term "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Applicant's board of directors has made a determination of the value of Applicant's assets as of November 30, 1968, adjusted to reflect certain transactions consummated through December 12, 1968. Based on such determination, the value of Applicant's assets (exclusive of Government securities and cash items of $2,439,427) at December 12, 1968, as adjusted for certain transactions through that date, totaled $15,305,732. Included in the latter figure are Applicant's investment securities amounting to $3,580,587 or 23.39 percent of total assets (exclusive of Government securities and cash items). Applicant's investment securities consisted of stocks and promissory notes of the following companies: Kelven, Inc., Westec Corp., Allied Foods, Inc., Graham Magnetics, Inc., Marklen Development Corp., Metric Systems Corp., Stemmons, Inc., and Horizon Corp.

Applicant has five majority-owned subsidiaries, consisting of Corona de Tucson, Inc., Arizona Valley Development Co., Inc., Portal Production Co., and Management Advisory Services, Inc. ("the four majority-owned subsidiaries") and F. H. McGraw and Co. The membership of the board of directors of each of the four majority-owned subsidiaries includes persons who are associated with Applicant. No person associated with the Applicant is now connected with the

fifth majority-owned subsidiary, F. H. McGraw and Co. The value of Applicant's holdings of investment securities and of its investment in F. H. McGraw at December 12, 1968, totaled $4,030,587 or 26.33 percent of total assets (exclusive of Government securities and cash items). At the same date, the value of Applicant's investments in the common stocks, preferred stocks, warrants, and promissory notes of the four majority-owned subsidiaries aggregated $10,983,944, representing 71.76 percent of the value of its total assets (exclusive of Government securities and cash items). Included in the total assets of $15,305,732 shown above are miscellaneous assets of $291,201. The four majority-owned subsidiaries, the percent of their voting securities owned by Applicant, Applicant's valuation of its investment in each such company at November 30, 1968, and as adjusted for certain transactions consummated during the period December 1, through December 12, 1968, are included in the table below:

	Percent of voting securities owned	Value of total investments Nov. 30, 1968	Adjusted value of total investments Dec. 12, 1968
	(*Percent*)		
Florida Water and Utilities Co.	69.4	$4,385,000	
Corona de Tucson, Inc.	80.0	1,500,000	$1,500,000
Arizona Valley Development Co., Inc.	58.8	900,000	900,000
Portal Production Co.	100.0	1,600,000	8,573,944
Management Advisory Services, Inc.	100.0	10,000	10,000
		8,395,000	10,983,944

The values at December 12, 1968, reflect the following transactions:

(i) On December 4, 1968, all of Applicant's holdings of 1,340,000 shares of common stock of Florida Water and Utilities Co. were sold for $3,685,000 cash; and the entire amount of $704,882.19 (including interest of $4,882.19) due on promissory notes was received in cash from Florida;

(ii) On December 5, 1968, Applicant advanced $3,400,000 to Portal Production Co. on a 7 percent demand note;

(iii) On December 12, 1968, it transferred real estate (located in downtown Houston, Tex.) to Portal as a capital contribution.

On December 12, 1968, the Board of Directors determined that the value of Applicant's investment in Portal should be increased to an amount equal to the cost of the investment.

Applicant was formerly a small business investment company licensed under the Small Business Investment Act of 1958 with assets invested in a large number of small business concerns. Applicant's annual report of March 1965 showed investments in 37 business entities. In 1965 Applicant determined that it would slow down its rate of investment activity and devote a greater portion of its management effort and resources to its majority-owned and controlled subsidiaries. Investments were disposed of and in July 1967 Applicant's SBIC license was canceled pursuant to an application and plan authorized by Applicant's Board of Directors and ratified by its shareholders at a special meeting held July 21, 1967.

At a special meeting of Applicant's shareholders held July 9, 1968, the holders of a majority of its outstanding voting securities authorized Applicant to cease to be an investment company under the Act.

Applicant represents that it is now primarily engaged in the business of acquiring and developing real estate, oil and gas production, industrial warehousing, and the manufacture of mineral oil through the four majority-owned subsidiaries listed in the above table. Applicant also represents that it intends to continue to engage primarily in industrial and commercial businesses through said four majority-owned subsidiaries or through other companies, a majority of whose voting securities may be acquired hereafter by Applicant. Applicant further represents that its interests in its said four majority-owned subsidiaries are not held for the purpose of resale and that other securities of any majority-owned subsidiaries which may be acquired hereafter will not be acquired for the purpose of resale. In addition, Applicant represents that Applicant and its officers, directors, personnel, and designees who are connected with the four majority-owned subsidiaries in the capacities noted in the application, participate extensively in the management, administration and performance of the business activities of each of said four majority-owned subsidiaries; and Applicant and its directors, officers, personnel, and designees intend hereafter to participate extensively in the management, administration and performance of the business activities of said four majority-owned subsidiaries or of any majority-owned subsidiaries which may be acquired hereafter.

Applicant states that it may invest in securities issued or guaranteed by the U.S. Government or in securities of other than majority-owned subsidiaries. However, Applicant represents that any holding of, and any trading in, such securities will be minor as compared to Applicant's primary interest in its majority-owned subsidiaries. Applicant also represents that, in any event, it does not intend at any time to own or acquire securities having a value (after deducting the value of securities issued or guaranteed by the U.S. Government and by majority-owned subsidiaries of Applicant which are not investment companies) equal to as much as 30 percent of the value of Applicant's total assets (exclusive of securities issued or guaranteed by the U.S. Government and cash items).

Notice is further given that any interested person may, not later than January 24, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–303; Filed, Jan. 9, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

JANUARY 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 7, 1969, through January 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–304; Filed, Jan. 9, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 686]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Webster, Mass.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid city, and areas adjacent thereto, suffered damage or destruction resulting from fire occurring on January 1, 1969.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1969.

HOWARD GREENBERG,
Acting Administrator.

JANUARY 3, 1969.

[F.R. Doc. 69-305; Filed, Jan. 9, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 25-A]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 25 (The Atchison, Topeka and Santa Fe Railway Co.; Chicago, Burlington & Quincy Railroad Co.; Northern Pacific Railway Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 25 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 2:00 p.m., January 6, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 6, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-313; Filed, Jan. 9, 1969; 8:46 a.m.]

[S.O. 1002; Car Distribution Direction 24-A]

PENN CENTRAL CO. ET AL.

Car Distribution

Upon further consideration of Car Distribution Direction No. 24 (Penn Central Co.; Chicago, Burlington & Quincy Railroad Co.; Northern Pacific Railway Co.) and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 24 be, and it is hereby vacated.

It is further ordered, That this order shall become effective at 2:00 p.m., January 6, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 6, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-314; Filed, Jan. 9, 1969; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 7, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41535—*Carpenters' mouldings from Albuquerque, N. Mex.* Filed by Southwestern Freight Bureau, agent (No. B-5), for interested rail carriers. Rates on mouldings, carpenters', faced with plastic film, synthetic, or vinyl film, as described in the application, in cartons, in carloads, from Albuquerque, N. Mex., to points in southwestern, Illinois Freight Association, western trunk line and southern freight association territories.

Grounds for relief—Rate relationship.

Tariffs—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4819, and 3 other schedules named in the application.

FSA No. 41536—*Gravel from Attica, Ind.* Filed by Illinois Freight Association, agent (No. 339), for and on behalf of the Norfolk and Western Railway Co. Rates on traffic bound gravel, road surfacing, passing through a 1-inch screen (not suitable for concrete construction), in carloads, from Attica, Ind., to specified points in Illinois.

Grounds for relief—Motortruck competition.

Tariff—Supplement 71 to Norfolk and Western Railway Co. tariff ICC 8115.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41537—*Barley from specified points in Montana.* Filed by the North Pacific Coast Freight Bureau, agent (No. 69-1), for interested rail carriers. Rates on barley, feed grade, in carloads, from specified points in Montana, to specified points in central Washington and Oregon.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-315; Filed, Jan. 9, 1969; 8:47 a.m.]

[Notice 753]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 23, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2322TA), filed December 18, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* moving in express service, between Picayune, Miss., and Hattiesburg, Miss., from Picayune over Mississippi Highway 43 to intersection with U.S. Highway 90/Interstate Highway 10, thence over U.S. Highway 90/Interstate Highway 10 to Biloxi, Miss., thence over U.S. Highway 90/Interstate Highway 10 to the intersection of U.S. Highway 49, thence over U.S. Highway 49 to Hattiesburg, and return over the same route, serving the intermediate point of Biloxi, Miss., for 150 days. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Incorporated. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Applicant requests that the authority, if granted, be construed as an extension, to be joined, tacked, and combined with its existing authority in MC 66562 and subs thereunder. Supporting shippers: There are approximately 14 statements from supporting shippers attached to the application, which may be examined here at the Commission's Offices in Washington, D.C., or at the field office named below. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111231 (Sub-No. 162 TA), filed December 18, 1968. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets* and *wood pallet materials*, from Poplar Bluff, Mo., to points in Wisconsin, Kansas, Oklahoma, and Illinois (except points within the St. Louis, Mo.-Ill., commercial zone as defined by the Commission), and Woodstock, Tenn., for 180 days. Supporting shippers: Joseph G. Baldwin Co., Poplar Bluff, Mo. 63901, Post Office Box 457, and Upham & Walsh Lumber, 2720 Des Plaines Avenue, Des Plaines, Ill. 60018. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112989 (Sub-No. 13 TA) (Correction), filed December 4, 1968, published FEDERAL REGISTER, issue of December 13, 1968, and republished as corrected this issue. Applicant: JOHNSON TRUCK SERVICE, INC., Post Office Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash, blood extender, and blue ingredients* in sacks and steel strapping in rolls from Alameda, Contra Costa, Marin, Monterey, Santa Clara, San Mateo, Sonoma, San Francisco, Kern, and San Bernardino Counties, Calif., to Coos, Curry, Linn, Josephine, and Douglas Counties, Oreg., and Mapleton and Springfield, Oreg., for 180 days. NOTE: The purpose of this republication is to correct the spelling of Sportingfield, Oreg., to Springfield, Oreg., as shown above. Supporting shippers: U.S. Plywood-Champion Papers, Inc., Post Office Box 338, Albany, Oreg. 97321. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 113828 (Sub-No. 152 TA), filed December 18, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: William P. Jackson, Jr., 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, from Greensboro, N.C., to points in North Carolina and South Carolina, restricted to shipments having a prior movement by rail, for 180 days. Supporting shipper: Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Room 2210, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 115826 (Sub-No. 186 TA), filed December 18, 1968. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Paul A. Carlson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, vegetables, berries, juices, and potato products*, from the plantsites of North Pacific Canners & Packers in Dayton, Gresham, Portland, Salem, Silverton, Springbrook, Stayon, and Weston, Oreg., to the plantsites of the Pacific Canners & Packers, Inc., at Kennewick, Wash., for 180 days. Supporting shipper: North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Portland, Oreg. 97202. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124032 (Sub-No. 9 TA), filed December 18, 1968. Applicant: REED'S FUEL COMPANY, 138 North Fifth Street, Springfield, Oreg. 97477. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, between points in Lane, Linn, Douglas, Marion, Polk, Benton, Clackamas, Yamhill, and Lincoln Counties, Oreg., on the one hand, and, on the other, Astoria, Oreg., for 180 days. Supporting shippers: Balfour Guthrie Forest Products, Inc., 731 Southwest Oak Street, Portland, Oreg. 97205, and Northwest Maritime Corp., Senator Building, Portland, Oreg. 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 126266 (Sub-No. 5 TA), filed December 18, 1968. Applicant: MAX L. DUDLEY, doing business as DUDLEY BOAT & TRAILER TRANSPORT, 34622 West Valley Highway, Auburn, Wash. 98002. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New house trailers*, designed to be drawn by passenger automobiles, in initial movements in truckaway service, from Battleground, Wash., to points in Oregon, Washington, Idaho, and Montana, for 180 days. Supporting shipper: Shasta Trailers of Washington, Battleground, Wash. 98604. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126421 (Sub-No. 3 TA), filed December 18, 1968. Applicant: GYPSUM TRANSPORT, INC., East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry E. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except lumber), *gypsum and gypsum products, and materials and supplies used in the installation and distribution thereof*, from the plantsite of United States Gypsum Co. at or near Sweetwater, Tex., to Vicksburg, Miss., for 180 days. Supporting shipper: United States Gypsum Co., 825 Exchange Bank Building, Dallas, Tex. 75235. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-316; Filed, Jan. 9, 1969; 8:47 a.m.]

[Notice 758]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 7, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the

service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 100666 (Sub-No. 128 TA) (Correction), filed December 16, 1968, published FEDERAL REGISTER, issue of December 27, 1968, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Max Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and composition board*, from Covington, Tenn., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Mexico, North Carolina, South Carolina, South Dakota, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. NOTE: The purpose of this republication is to reflect correctly the docket number assigned, and to include Alabama, Arkansas, Colorado, and Florida as destination States which were inadvertently omitted in publication. Supporting shipper: E. L. Bruce, Inc., Memphis, Tenn. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 115311 (Sub-No. 96 TA), filed December 30, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell and Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing slabs or decking*, from Woodbine, Ga., to points in Arkansas, Kentucky, Florida, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, and Louisiana, for 180 days. Supporting shipper: Fibertex, Inc., Woodbine, Ga. 31569. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 118039 (Sub-No. 9 TA), filed December 30, 1968. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, fiberboard, other than corrugated and bottle carrying cartons*, from plant-site and warehouses of the Mead Packaging Div. of Mead Corp., in Fulton County, Ga., to points in Mississippi, Arkansas, Oklahoma, Louisiana, and Texas, for 150 days. Supporting shipper: Mead Packaging Co., Post Office Box 4417, Atlanta, Ga. 30302. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 127834 (Sub-No. 23 TA), filed January 2, 1968. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Bryan Stanley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot water heaters and storage tanks*, except those which because of size or weight require special equipment, from Nashville, Tenn., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Economaster Sales, Inc., 705 Merritt Avenue, Nashville, Tenn. 37203. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 128839 (Sub-No. 5 TA), filed January 2, 1968. Applicant: L M TRANSFER, INC., 56-72 49th Street, Maspeth, Long Island 11378. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise*, between Manhattan and Long Island City, N.Y., on the one hand, and, on the other, New Haven, Conn. Restriction: The operations authorized herein are limited to an interstore and warehouse transportation service to be performed under a continuing contract or contracts with Macy's New York Division of R. H. Macy & Co., Inc., N.Y., such service being limited to stores and warehouse owned by and operated by Macy's New York Division of R. H. Macy & Co., at Manhattan and Long Island City, N.Y., and New Haven, Conn., for 180 days. Supporting shipper: Macy's Herald Square, New York, N.Y. 10001. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133250 (Sub-No. 1 TA), filed December 30, 1968. Applicant: UNITED AGRICULTURAL TRANSPORTATION ASSOCIATION OF AMERICAN MARKETING CO-OP, Post Office Box 541, Lynwood, Calif. 90262. Applicant's representative: William Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to traffic moving on government bills of lading, except the following: (1) Household goods as defined by the Interstate Commerce Commission; (2) commodities in bulk; (3) articles of unusual value; (4) commodities requiring special equipment; (5) classes A and B explosives; (a) between points in California, Oregon, Washington, Utah, Arizona, and Nevada, on the one hand, and points in Texas, Iowa, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Virginia, Kentucky, Tennessee, and Georgia on the other; and (b) between points in California on the one hand, and points in Washington, on the other, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles, Calif. 90012.

No. MC 133252 (Sub-No. 1 TA), filed December 30, 1968. Applicant: MIDWEST GROWERS COOPERATIVE CORP., 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: William Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* restricted to traffic moving on Government bills of lading, except the following: (1) Household goods as defined by the Interstate Commerce Commission; (2) commodities in bulk; (3) articles of unusual value; (4) commodities requiring special equipment; (5) classes A and B explosives between points in Arizona, California, Nevada, Oregon, Utah, and Washington, on the one hand, and points in Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia, on the other, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133371 TA, filed January 2, 1968. Applicant: JOHN R. SCOTT, doing business as SCOTT MOVING & STORAGE COMPANY, Post Office Box 303, Milford, Del. 19963. Applicant's representative: John R. Scott, Post Office Box 303, Milford, Del. 19963. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, in containers, between points in Delaware and points in Caroline and Queen Anne Counties, Md., for 180 days. Supporting shippers: Imperial Household Shipping Co., Inc., St. Petersburg, Fla.; Delcher Intercontinental Moving Service, Jacksonville, Fla.; Columbia Export Packers, Inc., Seattle, Wash. 98124,

and verified statement of its Traffic Manager, J. D. Effenberger. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-317; Filed, Jan. 9, 1969; 8:47 a.m.]

[Notice 272]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 6, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71029. By application filed December 30, 1968, CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., 31 Edgecomb Place, Yonkers, N.Y., seeks temporary authority to lease the operating rights of a portion of THE SHORT LINE OF CONNECTICUT, INCORPORATED, 67 Cromwell Avenue, Rocky Hill, Conn., under section 210a(b). The transfer to CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., of a portion of the operating rights of THE SHORT LINE OF CONNECTICUT, INCORPORATED, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-318; Filed, Jan. 9, 1969; 8:47 a.m.]

[Notice 273]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 7, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70829. By order of December 23, 1968, the Transfer Board approved the transfer to Francis L. Olson, Canton, S. Dak. 57013, of the operating rights in certificate No. MC-96298 issued August 5, 1960, to Ernest Torberson, Canton, S. Dak. 57013, authorizing the transportation of grain, from Canton, S. Dak., to points in Iowa and South Dakota within 15 miles of Canton; livestock, from points, except municipalities, in Iowa and South Dakota within 15 miles of Canton, S. Dak., to Sioux City, Iowa, and Sioux Falls, S. Dak., and farm implements, from Sioux City, Iowa, and Sioux Falls, S. Dak., to points, except municipalities in South Dakota and Iowa within 15 miles of Canton, S. Dak.

No. MC-FC-70855. By order of January 2, 1969, the Transfer Board approved the transfer to Dollison Truck Lines, Inc., Charleston, W. Va., of the operating rights in certificate No. MC-47723 issued July 22, 1958, to E. A. Dietchel, Louis Merrill, Evelyn M. Wells, Mary S. Merrill, and Helen G. Merrill, a limited partnership association, doing business as The Huntington Cincinnati Trucking Lines, Ltd., Portsmouth, Ohio, authorizing the transportation, over regular routes, of motion picture films and empty containers therefor, theatrical posters, displays and advertising material, and magazines and newspapers, between specified points in Ohio, West Virginia, and Kentucky. Chester P. Fitch, 402 Masonic Temple, Portsmouth, Ohio 45662, attorney for applicants.

No. MC-FC-70886. By order of December 30, 1968, the Transfer Board approved the transfer to Kennedy Horse Transportation, Inc., Millbrook, N.Y., of that portion of the operating rights in certificate No. MC-3748 issued October 7, 1965, to Arnoff Moving & Storage, Inc., Lakeville, Conn., authorizing the transportation of horses, between points in Connecticut, on the one hand, and, on the other, points in New York and Massachusetts. Lester Rubin, 11 North Pearl Street, Albany, N.Y. 12207, and Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorneys for applicants.

No. MC-FC-70993. By order of December 27, 1968, the Transfer Board approved the transfer to S T X Inc., doing business as Spotswood Trail Express, Redbone Road, Chester Springs, Pa. 19425, of the operating rights in certificate No. MC-36104 issued February 1, 1954, to Ardell Trexel, doing business as Yost Van Co., 304 Oakridge Drive, Johnstown, Pa. 15904, authorizing the transportation of household goods, as defined by the Commission, between Windber, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, West Virginia, Ohio, and Michigan; and new furniture, uncrated, from and to, and between points as specified in Maryland, West Virginia, New York, Pennsylvania, New Jersey, Delaware, Virginia, and the District of Columbia.

No. MC-FC-71005. By order of December 31, 1968, the Transfer Board approved the transfer to Miller Construction, Inc., Windsor, Vt., of the operating rights in certificate No. MC-125177 issued September 23, 1963, to Robert G. Ellicott, Jr., Wilmington, Vt., authorizing the transportation of highway paving materials, in bulk, in dump trucks, between points in New Hampshire and Vermont. David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-319; Filed, Jan. 9, 1969; 8:47 a.m.]

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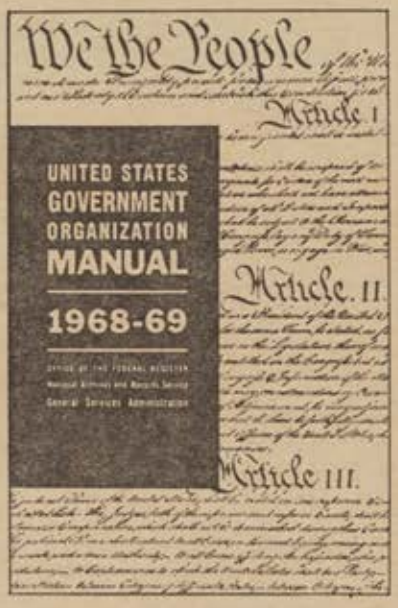

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